

law, no part of a report of a marine casualty investigation conducted under section 6301 of this title, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States. Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation. The Secretary shall not withhold permission for such employee or member to testify, either orally or upon written questions, on solely factual matters at a time and place and in a manner acceptable to the Secretary if the information is not available elsewhere or is not obtainable by other means."

Subsec. (b). Pub. L. 109-241, § 902(e)(2)(B), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 109-241, § 902(e)(2)(A), (C), formerly § 902(e)(2)(A), (3), renumbered § 902(e)(2)(A), (C) and amended Pub. L. 111-281, § 903(a)(5)(B), (C), (6), redesignated subsec. (b) as (c) and substituted "subsections (a) and (b)" for "subsection (a)". Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 109-241, § 902(e)(2)(A), (D), formerly § 902(e)(2)(A), (4), renumbered § 902(e)(2)(A), (D) and amended Pub. L. 111-281, § 903(a)(5)-(7), redesignated subsec. (c) as (d) and substituted "subsections (a), (b), and (c)" for "subsections (a) and (b)".

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-281, title IX, § 903(a), Oct. 15, 2010, 124 Stat. 3010, provided that the amendment by section 903(a)(5)(B)-(7), is effective with enactment of Pub. L. 109-241.

PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

HISTORICAL AND REVISION NOTES

Part E establishes the authority for the Coast Guard to issue, suspend, and revoke licenses, certificates of registry, and merchant mariner's documents for individuals who are to be engaged on vessels of the United States.

AMENDMENTS

1985—Pub. L. 99-36, § 1(a)(9)(B), May 15, 1985, 99 Stat. 67, substituted "Merchant Seamen Licenses, Certificates, and" for "Licenses, Certificates, and Merchant Mariners'" in part E heading.

CHAPTER 71—LICENSES AND CERTIFICATES OF REGISTRY

Sec.	
7101.	Issuing and classifying licenses and certificates of registry.
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7114.	Fees.
7115.	Merchant Mariner Medical Advisory Committee.

AMENDMENTS

2010—Pub. L. 111-281, title II, § 210(c), Oct. 15, 2010, 124 Stat. 2914, added item 7115.

1990—Pub. L. 101-380, title IV, § 4102(e)(2), Aug. 18, 1990, 104 Stat. 510, substituted "Review of criminal records" for "Renewal of licenses" in item 7109.

1984—Pub. L. 98-364, title IV, § 402(8)(A), July 17, 1984, 98 Stat. 447, substituted "Oral examinations for licenses" for "Licenses for fishing vessels not subject to inspection" in item 7111.

§ 7101. Issuing and classifying licenses and certificates of registry

(a) Licenses and certificates of registry are established for individuals who are required to hold licenses or certificates under this subtitle.

(b) Under regulations prescribed by the Secretary, the Secretary—

(1) issues the licenses and certificates of registry; and

(2) may classify the licenses and certificates of registry as provided in subsections (c) and (f) of this section, based on—

(A) the tonnage, means of propulsion, and horsepower of machine-propelled vessels;

(B) the waters on which vessels are to be operated; or

(C) other reasonable standards.

(c) The Secretary may issue licenses in the following classes to applicants found qualified as to age, character, habits of life, experience, professional qualifications, and physical fitness:

(1) masters, mates, and engineers.

(2) pilots.

(3) operators.

(4) radio officers.

(d) In classifying individuals under subsection (c)(1) of this section, the Secretary shall establish, when possible, suitable career patterns and service and other qualifying requirements appropriate to the particular service or industry in which the individuals are engaged.

(e) An individual may be issued a license under subsection (c)(2) of this section only if the applicant—

(1) is at least 21 years of age;

(2) is of sound health and has no physical limitations that would hinder or prevent the performance of a pilot's duties;

(3) has a thorough physical examination each year while holding the license, except that this requirement does not apply to an individual who will serve as a pilot only on a vessel of less than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title;

(4) demonstrates, to the satisfaction of the Secretary, that the applicant has the requisite general knowledge and skill to hold the license;

(5) demonstrates proficiency in the use of electronic aids to navigation;

(6) maintains adequate knowledge of the waters to be navigated and knowledge of regulations for the prevention of collisions in those waters;

(7) has sufficient experience, as decided by the Secretary, to evidence ability to handle any vessel of the type and size which the applicant may be authorized to pilot; and

(8) meets any other requirement the Secretary considers reasonable and necessary.

(f) The Secretary may issue certificates of registry in the following classes to applicants found qualified as to character, knowledge, skill, and experience:

- (1) pursers.
- (2) medical doctors.
- (3) professional nurses.

(g) The Secretary may not issue a license or certificate of registry under this section unless an individual applying for the license or certificate makes available to the Secretary, under section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note), any information contained in the National Driver Register related to an offense described in section 205(a)(3)(A) or (B) of that Act committed by the individual.

(h) The Secretary may review the criminal record of an individual who applies for a license or certificate of registry under this section.

(i) The Secretary shall require the testing of an individual who applies for issuance or renewal of a license or certificate of registry under this chapter for use of a dangerous drug in violation of law or Federal regulation.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 539; Pub. L. 98-557, §29(a), Oct. 30, 1984, 98 Stat. 2873; Pub. L. 101-380, title IV, §4101(a), Aug. 18, 1990, 104 Stat. 509; Pub. L. 104-324, title VII, §720, Oct. 19, 1996, 110 Stat. 3938.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7101	46:214 46:224 46:226 46:228 46:229 46:229a 46:229b 46:242 46:243 46:244 46:247

Section 7101(a) provides the authority for the establishment of licenses and certificates of registry for officers and individuals operating vessels who are required to hold them under Subtitle II.

Subsection (b) authorizes the Secretary to issue licenses and certificates of registry based on tonnage, means of propulsion, horsepower, vessel operating area, and other reasonable standards.

Subsection (c) authorizes the Secretary to issue licenses to masters, mates, engineers, pilots, operators, and radio officers when found qualified as to age, character, habits of life, experience, professional qualifications, and physical fitness. These qualifying standards must by necessity be reasonable and related to the rigors of the profession.

Subsection (d) requires the Secretary to establish, when possible, suitable career patterns and service for and other qualifying requirements appropriate to the particular service or industry for the individuals so engaged.

Subsection (e) sets forth the requirements that pilots must meet before being issued a license.

Subsection (f) authorizes the Secretary to issue certificates of registry to qualified individuals as pursers, medical doctors, and professional nurses.

REFERENCES IN TEXT

Sections 205(a)(3)(A) or (B) and 206(b)(7) of the National Driver Register Act of 1982, referred to in subsec. (g), are sections 205(a)(3)(A), (B) and 206(b)(7) of Pub. L. 97-364, which are set out as a note under section 401 of Title 23, Highways.

AMENDMENTS

1996—Subsec. (e)(3). Pub. L. 104-324 inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “1,600 gross tons”.

1990—Subsecs. (g) to (i). Pub. L. 101-380 added subsecs. (g) to (i).

1984—Subsec. (e)(3). Pub. L. 98-557 inserted exemption for pilots on a vessel of less than 1,600 gross tons.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

PLAN FOR LICENSING OPERATORS OF FISHING INDUSTRY VESSELS

Pub. L. 100-424, §3, Sept. 9, 1988, 102 Stat. 1590, provided that: “The Secretary of the department in which the Coast Guard is operating shall, within two years after the date of enactment of this Act [Sept. 9, 1988], and in close consultation with the Commercial Fishing Industry Vessel Advisory Committee established under section 4508 of title 46, United States Code (as amended by this Act), prepare and submit to the Congress a plan for the licensing of operators of documented fishing, fish processing, and fish tender vessels. The plan shall take into consideration the nature and variety of the different United States fisheries and of the vessels engaged in those fisheries, the need to license all operators or only those working in certain types of fisheries or vessels, and other relevant factors.”

§ 7102. Citizenship

Licenses and certificates of registry for individuals on documented vessels may be issued only to citizens of the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7102	46:242 46:1132(a)

Section 7102 requires that any individual issued a license or certificate of registry allowing the individual to be engaged on a documented vessel must be a U.S. citizen.

§ 7103. Licenses for radio officers

(a) A license as radio officer may be issued only to an applicant who has a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(b) Except as provided in section 7318 of this title, this part does not affect the status of radiotelegraph operators serving on board vessels operating only on the Great Lakes.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7103	46:229a 46:229b 46:229g

Section 7103 requires an applicant for a license as a radio officer to have, as a prerequisite, a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission (FCC). It also exempts radiotelegraph operators that are engaged on Great Lakes vessels from the requirement of having to obtain a radio officer’s license.

§ 7104. Certificates for medical doctors and nurses

A certificate of registry as a medical doctor or professional nurse may be issued only to an applicant who has a license as a medical doctor or registered nurse, respectively, issued by a State.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 7104 points to 46:243.

Section 7104 requires an applicant for a certificate of registry as a medical doctor or professional nurse to have, as a prerequisite, a license as a medical doctor or registered nurse issued by a State.

§ 7105. Oaths

An applicant for a license or certificate of registry shall take, before the issuance of the license or certificate, an oath, without concealment or reservation, that the applicant will perform faithfully and honestly, according to the best skill and judgment of the applicant, all the duties required by law.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540; Pub. L. 111-281, title VI, §613, Oct. 15, 2010, 124 Stat. 2970.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 7105 points to 46:229e, 46:231, 46:244.

Section 7105 requires all individuals who wish to be issued a license or certificate of registry to take an oath before a government official that they will perform all the duties required by law according to their best skill and judgment.

AMENDMENTS

2010—Pub. L. 111-281 struck out “before a designated official” after “an oath”.

§ 7106. Duration of licenses

(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540; Pub. L. 101-380, title IV, §4102(a), Aug. 18, 1990, 104 Stat. 509; Pub. L. 111-281, title VI, §614(b), Oct. 15, 2010, 124 Stat. 2970.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 7106 points to 46:214(c), 46:225, 46:226, 46:228, 46:229, 46:229c.

Section 7106 sets a 5 year time limit on the validity of a license. It also requires a licensed radio officer to be in continuous possession of an FCC license.

AMENDMENTS

2010—Pub. L. 111-281 amended section generally. Prior to amendment, text read as follows: “A license issued under this part is valid for 5 years and may be renewed for additional 5-year periods. However, the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.”

1990—Pub. L. 101-380 inserted “and may be renewed for additional 5-year periods” after “for 5 years”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

TERMINATION OF EXISTING LICENSES, CERTIFICATES, AND DOCUMENTS; APPLICABILITY OF 1990 AMENDMENT

Pub. L. 101-380, title IV, §4102(d), Aug. 18, 1990, 104 Stat. 510, provided that: “A license, certificate of registry, or merchant mariner’s document issued before the date of the enactment of this section [Aug. 18, 1990] terminates on the day it would have expired if—

“(1) subsections (a), (b), and (c) [amending this section and sections 7107 and 7302 of this title] were in effect on the date it was issued; and

“(2) it was renewed at the end of each 5-year period under section 7106, 7107, or 7302 of title 46, United States Code.”

§ 7107. Duration of certificates of registry

(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540; Pub. L. 101-380, title IV, §4102(b), Aug. 18, 1990, 104 Stat. 509; Pub. L. 111-281, title VI, §614(c), Oct. 15, 2010, 124 Stat. 2971.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 7107 points to 46:243.

Section 7107 specifies that there is no time limit on the validity of a certificate of registry issued to a medical doctor or a professional nurse but is conditioned on

the continuous possession of the appropriate license issued by a State.

AMENDMENTS

2010—Pub. L. 111-281 amended section generally. Prior to amendment, text read as follows: "A certificate of registry issued under this part is valid for 5 years and may be renewed for additional 5-year periods. However, the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State."

1990—Pub. L. 101-380 substituted "is valid for 5 years and may be renewed for additional 5-year periods" for "is not limited in duration".

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

TERMINATION OF EXISTING LICENSES, CERTIFICATES, AND DOCUMENTS; APPLICABILITY OF 1990 AMENDMENT

For provisions that a certificate of registry issued before Aug. 18, 1990, terminates on the day it would have expired if the amendment to this section by Pub. L. 101-380 were in effect on date it was issued and was renewed at the end of each 5-year period under this section, see section 4102(d) of Pub. L. 101-380, set out as a note under section 7106 of this title.

§ 7108. Termination of licenses and certificates of registry

When the holder of a license or certificate of registry, the duration of which is conditioned under section 7106 or 7107 of this title, fails to hold the license required as a condition, the license or certificate of registry issued under this part is terminated.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 7108: 46:229c, 46:243

Section 7108 specifies if any individual issued a license or certificate of registry fails to have the required FCC or appropriate State medical license, the license or certificate is automatically terminated. The suspension and revocation procedures provided in chapter 77 are not applicable in these cases.

§ 7109. Review of criminal records

The Secretary may review the criminal record of each holder of a license or certificate of registry issued under this part who applies for renewal of that license or certificate of registry.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 540; Pub. L. 101-380, title IV, §4102(e)(1), Aug. 18, 1990, 104 Stat. 510.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 7109: 46:225, 46:233

Section 7109 authorizes the Secretary to renew licenses and certificates of registry for additional 5 year periods.

AMENDMENTS

1990—Pub. L. 101-380 substituted "Review of criminal records" for "Renewal of licenses" in section catchline and amended text generally. Prior to amendment, text read as follows: "A license issued under this part may be renewed for additional 5-year periods."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7110. Exhibiting licenses

Each holder of a license issued under this part shall display, within 48 hours after employment on a vessel for which that license is required, the license in a conspicuous place on the vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 7109: 46:229f, 46:232

Section 7110 requires licensed individuals to display the license in a conspicuous place on the vessel within 48 hours after they are employed.

§ 7111. Oral examinations for licenses

An individual may take an oral examination for a license to serve on a fishing, fish processing, or fish tender vessel not required to be inspected under part B of this subtitle.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541; Pub. L. 98-364, title IV, §402(8)(B), July 17, 1984, 98 Stat. 447; Pub. L. 99-307, §1(10), May 19, 1986, 100 Stat. 445.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 7109: 46:224a(2)

Section 7111 provides for oral tests for licenses for individuals on fishing vessels that are not required to be inspected under part B.

AMENDMENTS

1986—Pub. L. 99-307 substituted "part" for "Part".

1984—Pub. L. 98-364 substituted in section catchline "Oral examinations for licenses" for "Licenses for fishing vessels not subject to inspection" and in text "An individual may take an oral examination for a license to serve on a fishing, fish processing, or fish tender vessel not required to be inspected under Part B of this subtitle" for "Examinations for licensing individuals on fishing vessels not required to be inspected under part B of this subtitle shall be oral".

§ 7112. Licenses of masters or mates as pilots

A master or mate licensed under this part who also qualifies as a pilot is not required to hold 2 licenses. Instead, the qualification of the master or mate as pilot shall be endorsed on the master's or mate's license.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 7112: 46:230

Section 7112 provides for the endorsement of a master's or mate's license as a pilot if they meet those specifications. These individuals do not have to hold two separate licenses.

§ 7113. Exemption from draft

A licensed master, mate, pilot, or engineer of a vessel inspected under part B of this subtitle, propelled by machinery or carrying hazardous liquid cargoes in bulk, is not liable to draft in time of war, except for performing duties authorized by the license. When performing those duties in the service of the United States Government, the master, mate, pilot, or engineer is entitled to the highest rate of wages paid in the merchant marine of the United States for similar services. If killed or wounded when performing those duties, the master, mate, pilot, or engineer, or the heirs or legal representatives of the master, mate, pilot, or engineer, are entitled to all the privileges under the pension laws of the United States provided to members of the Armed Forces.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7113	46:225

Section 7113 exempts licensed masters, mates, pilots, and engineers of inspected vessels that are propelled by machinery or carrying hazardous liquid cargo from the Selective Service draft in time of war.

This section also provides that, while serving in that capacity during war, they shall be entitled to the highest rate of pay paid in the U.S. merchant marine for similar services.

If a master, mate, pilot, or engineer is killed or wounded when performing those duties during a war, these individuals, their heirs or legal representatives, are entitled to all the privileges provided to members of the Armed Forces under the pension laws of the United States.

§ 7114. Fees

The Secretary may prescribe by regulation reasonable fees for the inspection of and the issuance of a certificate, license, or permit related to small passenger vessels and sailing school vessels.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7114	46:390a(b)

Section 7114 allows the Secretary to prescribe reasonable fees for the issuance of a certificate of inspection, license, or registry, or permits related to small passenger vessels and sailing school vessels.

§ 7115. Merchant Mariner Medical Advisory Committee

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee (in this section referred to as the "Committee").

(2) FUNCTIONS.—The Committee shall advise the Secretary on matters relating to—

(A) medical certification determinations for issuance of licences, certificates of registry, and merchant mariners' documents;

(B) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

(C) medical examiner education; and

(D) medical research.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of 14 members, none of whom is a Federal employee, and shall include—

(A) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

(B) four who are professional mariners with knowledge and experience in mariner occupational requirements.

(2) STATUS OF MEMBERS.—Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18, United States Code, and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

(c) APPOINTMENTS; TERMS; VACANCIES.—

(1) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

(2) TERMS.—Each member shall be appointed for a term of five years, except that, of the members first appointed, three members shall be appointed for a term of two years.

(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of that term.

(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

(e) COMPENSATION; REIMBURSEMENT.—Members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

(f) STAFF; SERVICES.—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.

(Added Pub. L. 111-281, title II, §210(a), Oct. 15, 2010, 124 Stat. 2913.)

FIRST MEETING

Pub. L. 111-281, title II, §210(b), Oct. 15, 2010, 124 Stat. 2914, provided that: "No later than six months after the

date of enactment of this Act [Oct. 15, 2010], the Merchant Mariner Medical Advisory Committee established by the amendment made by this section [enacting this section] shall hold its first meeting."

CHAPTER 73—MERCHANT MARINERS' DOCUMENTS

- Sec. 7301. General. 7302. Issuing merchant mariners' documents and continuous discharge books. 7303. Possession and description of merchant mariners' documents. 7304. Citizenship notation on merchant mariners' documents. 7305. Oaths for holders of merchant mariners' documents. 7306. General requirements and classifications for able seamen. 7307. Able seamen—unlimited. 7308. Able seamen—limited. 7309. Able seamen—special. 7310. Able seamen—offshore supply vessels. 7311. Able seamen—sail. 7311a. Able seamen—fishing industry. 7312. Scale of employment. 7313. General requirements for members of engine departments. 7314. Service requirements for qualified members of engine departments. 7315. Training. 7316. Lifeboatmen. 7317. Tankermen. 7318. Radiotelegraph operators on Great Lakes. 7319. Records of merchant mariners' documents.

HISTORICAL AND REVISION NOTES

Chapter 73 establishes the general requirements for the issuance of a merchant mariners' document to those individuals who are required to have a document prior to engagement or employment on certain vessels of the United States.

AMENDMENTS

1984—Pub. L. 98-364, title IV, § 402(9)(A), July 17, 1984, 98 Stat. 448, added item 7311a.

§ 7301. General

- (a) In this chapter— (1) "service on deck" means service in the deck department in work related to the work usually performed on board vessels by able seamen and may include service on fishing, fish processing, fish tender vessels and on public vessels of the United States; (2) 360 days is equal to one year's service; and (3) a day is equal to 8 hours of labor or duty.

(b) The Secretary may prescribe regulations to carry out this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541; Pub. L. 98-364, title IV, § 402(9)(B), July 17, 1984, 98 Stat. 448.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7301, 46:672(c)

Section 7301 defines "service on deck", "one year's service" and "day" with respect to the qualifying time for the issuance of various types of endorsements as able seamen. This section also provides the Secretary with the authority to prescribe regulations to carry out this chapter.

AMENDMENTS

1984—Subsec. (a)(1). Pub. L. 98-364 substituted "fishing, fish processing, fish tender vessels" for "decked fishing vessels".

§ 7302. Issuing merchant mariners' documents and continuous discharge books

(a) The Secretary shall issue a merchant mariner's document to an individual required to have that document under part F of this subtitle if the individual satisfies the requirements of this part. The document serves as a certificate of identification and as a certificate of service, specifying each rating in which the holder is qualified to serve on board vessels on which that document is required under part F.

(b) The Secretary also may issue a continuous discharge book to an individual issued a merchant mariner's document if the individual requests.

(c) The Secretary may not issue a merchant mariner's document under this chapter unless the individual applying for the document makes available to the Secretary, under section 30305(b)(5) of title 49, any information contained in the National Driver Register related to an offense described in section 30304(a)(3)(A) or (B) of title 49 committed by the individual.

(d) The Secretary may review the criminal record of an individual who applies for a merchant mariner's document under this section.

(e) The Secretary shall require the testing of an individual applying for issuance or renewal of a merchant mariner's document under this chapter for the use of a dangerous drug in violation of law or Federal regulation.

(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires or until the completion of any active suspension or revocation of that previously issued merchant mariner's document, whichever is later.

(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542; Pub. L. 101-380, title IV, §§ 4101(b), 4102(c), Aug. 18, 1990, 104 Stat. 509; Pub. L. 107-295, title III, § 324(a), Nov. 25, 2002, 116 Stat. 2104; Pub. L. 108-293, title VI, § 609(1), Aug. 9, 2004, 118 Stat. 1058; Pub. L. 109-241, title IX, § 901(h)(1), (2), July 11, 2006, 120 Stat. 564; Pub. L. 111-281, title VI, § 614(a), Oct. 15, 2010, 124 Stat. 2970.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7302	46:239a(c) 46:643(a) 46:643(c) 46:672(i)

Section 7302(a) requires the Secretary to issue a merchant mariner's document to qualified individuals required to have that document as a prerequisite to employment on certain vessels of the United States. The purpose of the document is to serve as positive identification and to specify each rating in which the individual is qualified to serve on vessels.

Subsection (b) allows the Secretary to issue a continuous discharge book to an individual who requests a book.

AMENDMENTS

2010—Subsec. (f). Pub. L. 111-281 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for 5 years and may be renewed for additional 5-year periods."

2006—Subsec. (c). Pub. L. 109-241, § 901(h)(1), amended directory language of Pub. L. 108-293, § 609(1). See 2004 Amendment note below.

Pub. L. 109-241, § 901(h)(2), inserted "section" before "30305(b)(5)" and before "30304(a)(3)(A)".

2004—Subsec. (c). Pub. L. 108-293, § 609(1), as amended by Pub. L. 109-241, § 901(h)(1), substituted "30305(b)(5) of title 49" for "section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)" and "30304(a)(3)(A) or (B) of title 49" for "section 205(a)(3)(A) or (B) of that Act".

2002—Subsec. (f). Pub. L. 107-295, § 324(a)(1), substituted "Except as provided in subsection (g), a" for "A".

Subsec. (g). Pub. L. 107-295, § 324(a)(2), added subsec. (g).

1990—Subsecs. (c) to (e). Pub. L. 101-380, § 4101(b), added subsecs. (c) to (e).

Subsec. (f). Pub. L. 101-380, § 4102(c), added subsec. (f).

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-241, title IX, § 901(h)(1), July 11, 2006, 120 Stat. 564, provided that the amendment made by section 901(h)(1) is effective Aug. 9, 2004.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

MERCHANT MARINERS' DOCUMENTS PILOT PROGRAM

Pub. L. 108-293, title VI, § 611, Aug. 9, 2004, 118 Stat. 1058, provided that: "The Secretary of the department in which the Coast Guard is operating may conduct a pilot program to demonstrate methods to improve processes and procedures for issuing merchant mariners' documents."

TERMINATION OF EXISTING LICENSES, CERTIFICATES, AND DOCUMENTS; APPLICABILITY OF 1990 AMENDMENT

For provisions that a merchant mariner's document issued before Aug. 18, 1990, terminates on the day it would have expired if the amendment to this section by section 4102(c) of Pub. L. 101-380 were in effect on date it was issued and was renewed at the end of each 5-year period under this section, see section 4102(d) of Pub. L. 101-380, set out as a note under section 7106 of this title.

§ 7303. Possession and description of merchant mariners' documents

A merchant mariner's document shall be retained by the seaman to whom issued. The document shall contain the signature, notations of nationality, age, and physical description, the photograph, and the home address of the seaman. In addition, the document shall specify the rate or ratings in which the seaman is qualified to serve.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542; Pub. L. 107-295, title IV, § 421, Nov. 25, 2002, 116 Stat. 2125.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7303	46:643(a)

Section 7303 requires seamen to retain their merchant mariner's documents. It also specifies the information that is to be contained in the document.

AMENDMENTS

2002—Pub. L. 107-295 struck out "the thumbprint," after "photograph,".

§ 7304. Citizenship notation on merchant mariners' documents

An individual applying for a merchant mariner's document shall provide satisfactory proof that the individual is a citizen of the United States before that notation is made on the document.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7304	46:643(b)

Section 7304 specifies, that before a merchant mariner's document is noted to specify that the individual is a U.S. citizen, the individual must provide satisfactory proof that he is a citizen. This does not impose a requirement of United States citizenship as a condition for issuance of a document.

§ 7305. Oaths for holders of merchant mariners' documents

An applicant for a merchant mariner's document shall take, before issuance of the document, an oath that the applicant will perform faithfully and honestly all the duties required by law, and will carry out the lawful orders of superior officers.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7305	

The requirement for an oath, drawn from a clause which had appeared in 46 U.S.C. 672(g), and administered by the Coast Guard to all applicants, was repealed in a 1980 amendment by section 4 of Public Law 96-378 (94 Stat. 1516). Since no specific comment was made regarding the elimination in 1980 and the agency has continued to administer an oath to all applicants, this provision is being reinstated. The Committee believes the oath will contribute to the discipline and order necessary in the merchant marine.

service on a vessel on any waters, is at least 3 years' service on deck on board vessels operating at sea or on the Great Lakes.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 543.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7307	46:672(b)(1)

Section 7307 requires individuals to have at least 3 years service on deck on vessels operating at sea or on the Great Lakes before their merchant mariner's documents can be endorsed as able seamen—unlimited.

§ 7306. General requirements and classifications for able seamen

(a) To qualify for an endorsement as able seaman authorized by this section, an applicant must provide satisfactory proof that the applicant—

- (1) is at least 18 years of age;
- (2) has the service required by the applicable section of this part;
- (3) is qualified professionally as demonstrated by an applicable examination or educational requirements; and
- (4) is qualified as to sight, hearing, and physical condition to perform the seaman's duties.

(b) The classifications authorized for endorsement as able seaman are the following:

- (1) able seaman—unlimited.
- (2) able seaman—limited.
- (3) able seaman—special.
- (4) able seaman—offshore supply vessels.
- (5) able seaman—sail.
- (6) able seaman—fishing industry.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542; Pub. L. 98-364, title IV, § 402(9)(C), July 17, 1984, 98 Stat. 448.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7306	46:672(b)

Section 7306(a) establishes the minimum requirements an individual must meet before being issued a merchant mariner's document endorsed for able seamen.

Subsection (b) establishes the classifications of able seamen—unlimited, able seamen—limited, able seamen—special, able seamen—offshore supply vessels, and able seamen—sail.

AMENDMENTS

1984—Subsec. (b)(6). Pub. L. 98-364 added par. (6).

EFFECTIVE DATE

Provisions of this section (related to able seaman—sail) effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

ACCEPTANCE OF CERTAIN SERVICES TOWARD ENDORSEMENT AS ABLE SEAMAN

Pub. L. 101-595, title VI, § 602(e)(3), Nov. 16, 1990, 104 Stat. 2992, provided that: "For the purposes of chapter 73 of title 46, United States Code, the Secretary of Transportation shall accept the service used by an individual to qualify for an endorsement as able seaman—fishing industry as qualifying service toward an endorsement as an able seaman—

- “(A) under sections 7307 and 7309 of that title; or
- “(B) if the service is on board a vessel of at least 100 gross tons, under section 7308 of that title.”

§ 7307. Able seamen—unlimited

The required service for the endorsement of able seaman—unlimited, qualified for unlimited

ACCEPTANCE OF CERTAIN SERVICES TOWARD ENDORSEMENT AS ABLE SEAMAN

Service used to qualify for endorsement as able seaman—fishing industry to be accepted as qualifying service toward an endorsement under this section, see section 602(e)(3) of Pub. L. 101-595, set out as a note under section 7306 of this title.

§ 7308. Able seamen—limited

The required service for the endorsement of able seaman—limited, qualified for limited service on a vessel on any waters, is at least 18 months' service on deck on board vessels of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title operating on the oceans or navigable waters of the United States (including the Great Lakes).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 543; Pub. L. 104-324, title VII, § 721, Oct. 19, 1996, 110 Stat. 3938.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7308	46:672(b)(2)

Section 7308 establishes the minimum service requirements for an individual to qualify for an endorsement as able seamen—limited.

AMENDMENTS

1996—Pub. L. 104-324 inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "100 gross tons".

ACCEPTANCE OF CERTAIN SERVICES TOWARD ENDORSEMENT AS ABLE SEAMAN

Service used to qualify for endorsement as able seaman—fishing industry to be accepted as qualifying service toward an endorsement under this section, see section 602(e)(3) of Pub. L. 101-595, set out as a note under section 7306 of this title.

§ 7309. Able seamen—special

The required service for the endorsement of able seaman—special, qualified for special service on a vessel on any waters, is at least 12 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 543.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7309	46:672(b)(3)

Section 7309 establishes the minimum service requirements for an individual to qualify as able seamen—special.

ACCEPTANCE OF CERTAIN SERVICES TOWARD
ENDORSEMENT AS ABLE SEAMAN

Service used to qualify for endorsement as able seaman—fishing industry to be accepted as qualifying service toward an endorsement under this section, see section 602(e)(3) of Pub. L. 101-595, set out as a note under section 7306 of this title.

§ 7310. Able seamen—offshore supply vessels

For service on a vessel of less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources, an individual may be rated as able seaman—offshore supply vessels if the individual has at least 6 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 543; Pub. L. 104-324, title VII, §722, Oct. 19, 1996, 110 Stat. 3938.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7310	46:672(b)(3)

Section 7310 establishes the minimum service requirements for an individual to serve as able seamen—offshore supply vessels on vessels of less than 500 gross tons engaged in the exploration, exploitation, or production of offshore mineral or energy resources.

AMENDMENTS

1996—Pub. L. 104-324 inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “500 gross tons”.

§ 7311. Able seamen—sail

For service on a sailing school vessel on any waters, an individual may be rated as able seaman—sail if the individual has at least 6 months' service on deck on sailing school vessels, oceanographic research vessels powered primarily by sail, or equivalent sailing vessels operating on the oceans or navigable waters of the United States (including the Great Lakes).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 543.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7311	46:672(b)(4)

Section 7311 establishes the minimum service requirements for an individual to qualify as able seamen—sail on board sailing vessels.

EFFECTIVE DATE

Section effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 7311a. Able seamen—fishing industry

For service on a fish processing vessel, an individual may be rated as able seaman—fishing industry if the individual has at least 6 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

(Added Pub. L. 98-364, title IV, §402(9)(D), July 17, 1984, 98 Stat. 448.)

§ 7312. Scale of employment

(a) Individuals qualified as able seamen—unlimited under section 7307 of this title may constitute all of the able seamen required on a vessel.

(b) Individuals qualified as able seamen—limited under section 7308 of this title may constitute all of the able seamen required on a vessel of less than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title or on a vessel operating on the Great Lakes and the Saint Lawrence River as far east as Sept Iles. Individuals qualified as able seamen—limited may constitute not more than 50 percent of the number of able seamen required on board other vessels.

(c) Individuals qualified as able seamen—special under section 7309 of this title may constitute—

- (1) all of the able seamen required on a vessel of not more than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title or on a sea-going barge or towing vessel; and
- (2) not more than 50 percent of the number of able seamen required on board other vessels.

(d) Individuals qualified as able seamen—offshore. supply vessel under section 7310 of this title may constitute all of the able seamen required on board a vessel of less than 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section 14302 of this title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources. Individuals qualified as able seamen—limited under section 7308 of this title may constitute all of the able seamen required on board a vessel of at least 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.

(e) When the service of able seamen—limited or able seamen—special is authorized for only a part of the required number of able seamen on board a vessel, the combined percentage of those

individuals so qualified may not be greater than 50 percent of the required number.

(f) Individuals qualified as able seamen—fishing industry under section 7311a of this title may constitute—

(1) all of the able seamen required on a fish processing vessel entered into service before January 1, 1988, and of more than 1,600 gross tons but not more than 5,000 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title; and

(2) all of the able seamen required on a fish processing vessel entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products but of not more than 5,000 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 543; Pub. L. 98–364, title IV, §402(9)(E), July 17, 1984, 98 Stat. 448; Pub. L. 99–307, §1(11), May 19, 1986, 100 Stat. 445; Pub. L. 104–324, title VII, §723, Oct. 19, 1996, 110 Stat. 3938; Pub. L. 111–281, title VI, §617(b), Oct. 15, 2010, 124 Stat. 2973.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7312	46:672(f)

Section 7312(a) provides that able seamen—unlimited may constitute all of the able seamen required on a vessel.

Subsection (b) provides that able seamen—limited may constitute 100 percent of the able seamen required on board vessels of less than 600 gross tons operating on the Great Lakes and 50 percent of the number of able seamen required on the larger vessels.

Subsection (c) provides that able seamen—special may constitute 100 percent of the able seamen required on vessels not more than 500 gross tons, or a seagoing barge or towing vessel. Able seamen—special may only constitute up to 50 percent of the number of able seamen required on other vessels.

Subsection (d) provides that able seamen—offshore supply vessels may constitute 100 percent of the number of able seamen required on vessels of less than 500 gross tons engaged in support of exploration, exploitation, or production of offshore mineral or energy facilities. They may not serve on board other vessels as an able seaman until they have the appropriate required document.

Subsection (e) provides that the total number of able seamen—limited or able seamen—special may not be greater than 50 percent of the required number of able seamen on a vessel.

AMENDMENTS

2010—Subsec. (d). Pub. L. 111–281 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “Individuals qualified as able seamen—offshore supply vessels under section 7310 of this title may constitute all of the able seamen required on board a vessel of less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.”

1996—Subsec. (b). Pub. L. 104–324, §723(1), inserted “as measured under section 14502 of this title, or an alter-

nate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “1,600 gross tons”.

Subsec. (c)(1). Pub. L. 104–324, §723(2), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “500 gross tons”.

Subsec. (d). Pub. L. 104–324, §723(3), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “500 gross tons”.

Subsec. (f)(1). Pub. L. 104–324, §723(4), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “5,000 gross tons”.

Subsec. (f)(2). Pub. L. 104–324, §723(5), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “5,000 gross tons”.

1986—Subsec. (e). Pub. L. 99–307 substituted “able seamen—limited” for “able seaman—limited”.

1984—Subsec. (f). Pub. L. 98–364 added subsec. (f).

§ 7313. General requirements for members of engine departments

(a) Classes of endorsement as qualified members of the engine department on vessels of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title (except vessels operating on rivers or lakes (except the Great Lakes)) may be prescribed by regulation.

(b) The ratings of wiper and coal passer are entry ratings and are not ratings as qualified members of the engine department.

(c) An applicant for an endorsement as qualified member of the engine department must provide satisfactory proof that the applicant—

- (1) has the service required by section 7314 of this title;
- (2) is qualified professionally as demonstrated by an applicable examination; and
- (3) is qualified as to sight, hearing, and physical condition to perform the member’s duties.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 544; Pub. L. 104–324, title VII, §724, Oct. 19, 1996, 110 Stat. 3939.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7313	46:672(g)

Section 7313(a) authorizes the Secretary to establish classes of endorsement for qualified members of the engine department on vessels of 100 gross tons or more (except on vessels operating on rivers and lakes (except the Great Lakes)).

Subsection (b) establishes the entry ratings of wiper and coal passer, but specifically excludes them as qualified members of the engine department.

Subsection (c) establishes the minimum qualifications individuals must meet in order to have their documents endorsed as a qualified member of engine department.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–324 inserted “as measured under section 14502 of this title, or an alternate

tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “100 gross tons”.

§ 7314. Service requirements for qualified members of engine departments

To qualify for an endorsement as qualified member of the engine department, an applicant must provide proof that the applicant has 6 months’ service in the related entry rating as described in section 7313(b) of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 544.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7314, 46:672(g)

Section 7314 requires individuals who wish to have their documents endorsed as a qualified member of the engine department must have at least 6 months service as a wiper or coal passer.

§ 7315. Training

(a) Graduation from a nautical school vessel approved under law and regulation may be substituted for the service requirements under section 7307 or 7314 of this title.

(b) The satisfactory completion of other courses of instruction approved by the Secretary may be substituted for not more than one-third of the required service on deck at sea under sections 7307-7311 of this title.

(c) The satisfactory completion of other courses of instruction approved by the Secretary may be substituted for not more than one-half of the required service at sea under section 7314 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 544.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7315, 46:672(c)

Section 7315 specifies the training or course work that may be substituted for service requirements for an endorsement as an able seaman or a qualified member of the engine department.

§ 7316. Lifeboatmen

To qualify for an endorsement as lifeboatman, an applicant must provide satisfactory proof that the applicant—

- (1) has the service or training required by regulation;
(2) is qualified professionally as demonstrated by examination; and
(3) is qualified professionally by actual demonstration.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 544.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7316, 46:643(l)

Section 7316 establishes the minimum standards an individual must meet in order to qualify for an endorsement as lifeboatman.

§ 7317. Tankermen

(a) The Secretary shall prescribe procedures, standards, and qualifications for the issuance of

certificates or endorsements as tankerman, stating the types of oil or hazardous material that can be handled with safety to the vessel and the marine environment.

(b) An endorsement as tankerman shall indicate the grades or types of cargo the holder is qualified and authorized to handle with safety on board vessels.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7317(a), 46:391a(10)(C)

Section 7317(a) establishes the minimum standards an individual must meet in order to qualify for an endorsement as tankerman for various types of oil or hazardous substances.

Subsection (b) specifies that the tankerman’s endorsement must specify the grades or types of cargo the holder is qualified and allowed to handle.

§ 7318. Radiotelegraph operators on Great Lakes

(a) A radiotelegraph operator on the Great Lakes only shall have a first-class or second-class radiotelegraph operator’s license issued by the Federal Communications Commission.

(b) An endorsement as radiotelegraph operator on the Great Lakes only ends if the holder ceases to hold the license issued by the Commission.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7318, 46:229c, 46:229g, 46:643(a)

Section 7318 specifies that radiotelegraph operators on the Great Lakes shall have a first-class or second-class radiotelegraph operator’s license issued by the FCC and need not be licensed as a radio operator by the Coast Guard. However, an endorsement as radio telegraph operator has to be noted on his merchant mariners’ document. If the holder ceases to have a valid FCC license, then the endorsement is terminated automatically without recourse to suspension and revocation proceedings.

§ 7319. Records of merchant mariners’ documents

The Secretary shall maintain records on each merchant mariner’s document issued, including the name and address of the seaman to whom issued and the next of kin of the seaman.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 108-293, title IV, §403, Aug. 9, 2004, 118 Stat. 1043.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7319, 46:643(f)

Section 7319 requires the Secretary to maintain records on each merchant mariner’s document issued and the seaman’s next of kin. However, these records are not open for general or public inspection.

AMENDMENTS

2004—Pub. L. 108-293 struck out at end “The records are not open to general or public inspection.”

CHAPTER 75—GENERAL PROCEDURES FOR LICENSING, CERTIFICATION, AND DOCUMENTATION

- Sec.
- 7501. Duplicates.
- 7502. Records.
- 7503. Dangerous drugs as grounds for denial.
- 7504. Travel and expense reimbursement.
- 7505. Review of information in National Driver Register.
- 7506. Convention tonnage for licenses, certificates, and documents.
- 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.

AMENDMENTS

2010—Pub. L. 111-281, title VI, §615(b), Oct. 15, 2010, 124 Stat. 2972, added item 7507.

1996—Pub. L. 104-324, title VII, §745(b), Oct. 19, 1996, 110 Stat. 3943, added item 7506.

1990—Pub. L. 101-380, title IV, §4105(c), Aug. 18, 1990, 104 Stat. 513, added item 7505.

1986—Pub. L. 99-640, §10(b)(2)(B), Nov. 10, 1986, 100 Stat. 3550, added item 7504.

§ 7501. Duplicates

(a) If a license, certificate of registry, or merchant mariner's document issued under this part is lost as a result of a marine casualty, the holder shall be supplied with a duplicate without cost.

(b) For any other loss, the seaman may obtain a duplicate on payment of reasonable costs prescribed by regulation by the Secretary.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 99-36, §1(a)(9)(C), May 15, 1985, 99 Stat. 68.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7501	46:643(h)

Section 7501(a) provides that if a license, certificate or document issued to an individual is lost due to a marine casualty, the individual will be supplied with a duplicate without cost.

Subsection (b) provides that if a license, certificate or document is lost for any reason other than a marine casualty, the seaman must pay a reasonable cost for the replacement.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-36 substituted "certificate of registry, or merchant mariner's document" for "certificate, or document".

§ 7502. Records

(a) The Secretary shall maintain records, including electronic records, on the issuances, denials, suspensions, and revocations of licenses, certificates of registry, merchant mariners' documents, and endorsements on those licenses, certificates, and documents.

(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel subject to inspection under chapter 33 on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The reg-

ulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than \$5,000.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 101-380, title IV, §4114(e), Aug. 18, 1990, 104 Stat. 517; Pub. L. 111-281, title VI, §605, Oct. 15, 2010, 124 Stat. 2967.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7502	46:414 46:643(f)

Section 7502 requires the Secretary to maintain records on the issuances, denials, suspensions, and revocations of licenses, certificates of registry, merchant mariner's documents, and endorsements.

AMENDMENTS

Pub. L. 111-281 designated existing provisions as subsec. (a), substituted "records, including electronic records," for "computerized records", and added subsecs. (b) and (c).

1990—Pub. L. 101-380 substituted "maintain computerized records" for "maintain records".

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7503. Dangerous drugs as grounds for denial

[(a) Repealed. Pub. L. 101-380, title IV, §4103(a)(2)(B), Aug. 18, 1990, 104 Stat. 511.]

(b) A license, certificate of registry, or merchant mariner's document authorized to be issued under this part may be denied to an individual who—

(1) within 10 years before applying for the license, certificate, or document, has been convicted of violating a dangerous drug law of the United States or of a State; or

(2) when applying, has ever been a user of, or addicted to, a dangerous drug unless the individual provides satisfactory proof that the individual is cured.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 99-36, §1(a)(9)(D), May 15, 1985, 99 Stat. 68; Pub. L. 101-380, title IV, §4103(a)(2)(B), Aug. 18, 1990, 104 Stat. 511.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7503(a)	46:239a(a) 46:239b(a)

Section 7503 provides that the issuance of a license, certificate, or document may be denied by the Secretary to any individual who has been convicted, within 10 years, of violating a dangerous drug law of the United States or to any individual who has been a user of a dangerous drug, unless the individual provides satisfactory proof of being cured. This includes PCP and LSD. See also the note to section 7704. However, the Secretary may deny issuing a license, certificate or document to the individual who has used or been con-

victed of a “controlled substance” such as LSD if that use or conviction occurred before the date of enactment of this Act.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-380 repealed subsec. (a) which defined “dangerous drug” for purpose of this section as narcotic drug, controlled substance, and marijuana.

1985—Subsec. (b). Pub. L. 99-36 substituted “certificate of registry, or merchant mariner’s document” for first reference to “certificate, or document”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7504. Travel and expense reimbursement

When a requirement to qualify for the issuance of, or endorsement on, a certificate, license, or document under this part is administered at a place at the request of an applicant or an applicant’s representative, the applicant or representative may reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the administration of the requirement. Amounts received as reimbursement under this section shall be credited to the appropriation for operating expenses of the Coast Guard.

(Added Pub. L. 99-640, §10(b)(2)(A), Nov. 10, 1986, 100 Stat. 3549.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 7505. Review of information in National Driver Register

The Secretary shall make information received from the National Driver Register under section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note) available to an individual for review and written comment before denying, suspending, revoking, or taking any other action relating to a license, certificate of registry, or merchant mariner’s document authorized to be issued for that individual under this part, based on that information.

(Added Pub. L. 101-380, title IV, §4105(b)(1), Aug. 18, 1990, 104 Stat. 512.)

EFFECTIVE DATE

Section applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as a note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7506. Convention tonnage for licenses, certificates, and documents

Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner’s document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

(2) issue the license, certificate, or document based on that service.

(Added Pub. L. 104-324, title VII, §745(a), Oct. 19, 1996, 110 Stat. 3942.)

§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may—

(1) extend for not more than one year an expiring license or certificate of registry issued for an individual under chapter 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

(2) issue for not more than five years an expiring license or certificate of registry issued for an individual under chapter 73 for the exclusive purpose of aligning the expiration date of such license or certificate of registry with the expiration date of a merchant mariner’s document.

(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may—

(1) extend for not more than one year an expiring merchant mariner’s document issued for an individual under chapter 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

(2) issue for not more than five years an expiring merchant mariner’s document issued for an individual under chapter 73 for the exclusive purpose of aligning the expiration date of such merchant mariner’s document with the expiration date of a merchant mariner’s document.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(Added Pub. L. 111-281, title VI, §615(a), Oct. 15, 2010, 124 Stat. 2971.)

CHAPTER 77—SUSPENSION AND REVOCATION

Sec. 7701.	General.
7702.	Administrative procedure.
7703.	Bases for suspension or revocation.
7704.	Dangerous drugs as grounds for revocation.
7705.	Subpenas and oaths.

Sec. 7706. Drug testing reporting.

AMENDMENTS

2004—Pub. L. 108-293, title IV, §414(b), Aug. 9, 2004, 118 Stat. 1047, added item 7706.

§ 7701. General

(a) The purpose of suspension and revocation proceedings is to promote safety at sea.

(b) Licenses, certificates of registry, and merchant mariners' documents may be suspended or revoked for acts described in section 7703 of this title.

(c) When a license, certificate of registry, or merchant mariner's document has been revoked under this chapter, the former holder may be issued a new license, certificate of registry, or merchant mariner's document only after—

(1) the Secretary decides, under regulations prescribed by the Secretary, that the issuance is compatible with the requirement of good discipline and safety at sea; and

(2) the former holder provides satisfactory proof that the bases for revocation are no longer valid.

(d) The Secretary may prescribe regulations to carry out this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546; Pub. L. 101-380, title IV, §4103(c), Aug. 18, 1990, 104 Stat. 511.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7701, 46:239(g)

Section 7701 establishes the general purpose of suspension and revocation proceedings, which is to promote safety at sea. This section also provides the Secretary with the authority to suspend or revoke licenses, certificates, and documents, as well as the authority to issue a new license, certificate or document to an individual when the issuance is compatible with the requirements of good discipline and safety at sea. It also provides for necessary regulatory authority to carry out its purposes.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-380 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "When a license, certificate of registry, or merchant mariner's document has been revoked under this chapter, the former holder may be issued a new license, certificate, or document only after it has been decided, under regulations prescribed by the Secretary, that the issuance is compatible with the requirements of good discipline and safety at sea."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7702. Administrative procedure

(a) Sections 551-559 of title 5 apply to each hearing under this chapter about suspending or revoking a license, certificate of registry, or merchant mariner's document.

(b) The individual whose license, certificate of registry, or merchant mariner's document has been suspended or revoked under this chapter

may appeal, within 30 days, the suspension or revocation to the Secretary.

(c)(1) The Secretary shall request a holder of a license, certificate of registry, or merchant mariner's document to make available to the Secretary, under section 206(b)(4) of the National Driver Register Act of 1982 (23 U.S.C. 401 note),¹ all information contained in the National Driver Register related to an offense described in section 205(a)(3)(A) or (B) of that Act committed by the individual.

(2) The Secretary shall require the testing of the holder of a license, certificate of registry, or merchant mariner's document for use of alcohol and dangerous drugs in violation of law or Federal regulation. The testing may include pre-employment (with respect to dangerous drugs only), periodic, random, and reasonable cause testing, and shall include post-accident testing.

(d)(1) The Secretary may temporarily, for not more than 45 days, suspend and take possession of the license, certificate of registry, or merchant mariner's document held by an individual if—

(A) that individual performs a safety sensitive function on a vessel, as determined by the Secretary; and

(B) there is probable cause to believe that the individual—

(i) has, while acting under the authority of that license, certificate, or document, performed the safety sensitive function in violation of law or Federal regulation regarding use of alcohol or a dangerous drug;

(ii) has been convicted of an offense that would prevent the issuance or renewal of the license, certificate, or document;

(iii) within the 3-year period preceding the initiation of a suspension proceeding, has been convicted of an offense described in section 30304(a)(3)(A) or (B) of title 49; or

(iv) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.

(2) If a license, certificate, or document is temporarily suspended under this section, an expedited hearing under subsection (a) of this section shall be held within 30 days after the temporary suspension.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546; Pub. L. 99-36, §1(a)(3), May 15, 1985, 99 Stat. 67; Pub. L. 101-380, title IV, §4103(a)(1), Aug. 18, 1990, 104 Stat. 510; Pub. L. 105-383, title III, §304(a), Nov. 13, 1998, 112 Stat. 3419; Pub. L. 108-293, title IV, §407, title VI, §609(2), Aug. 9, 2004, 118 Stat. 1044, 1058.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7702

Section 7702(a) provides that Sections 551-559 of title 5 of the United States Code shall apply to each involving the suspension or revocation of a license, certificate, or document.

Subsection (b) allows an individual whose license, certificate, or document has been suspended or revoked to appeal it to the Secretary within 30 days.

¹ See References in Text note below.

REFERENCES IN TEXT

Sections 205(a)(3)(A) or (B) and 206(b)(4) of the National Driver Register Act of 1982, referred to in subsec. (c)(1), are sections 205(a)(3)(A), (B) and 206(b)(4) of Pub. L. 97-364, which were set out in a note under section 401 of Title 23, Highways, and were repealed and restated in sections 30304 and 30305 of Title 49, Transportation, by Pub. L. 103-272, §§1(e), 7(b), July 5, 1994, 108 Stat. 862, 1379.

AMENDMENTS

2004—Subsec. (d)(1). Pub. L. 108-293, §407(1), substituted “if—” for “if, when acting under the authority of that license, certificate, or document—” in introductory provisions.

Subsec.(d)(1)(B)(i). Pub. L. 108-293, §407(2), inserted “, while acting under the authority of that license, certificate, or document,” after “has”.

Subsec. (d)(1)(B)(iii). Pub. L. 108-293, §609(2), substituted “section 30304(a)(3)(A) or (B) of title 49” for “section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982”.

Subsec. (d)(1)(B)(iv). Pub. L. 108-293, §407(3)-(5), added cl. (iv).

1998—Subsec. (c)(2). Pub. L. 105-383 inserted second sentence and struck out former second sentence which read as follows: “The testing may include preemployment (with respect to dangerous drugs only), periodic, random, reasonable cause, and post accident testing.”

1990—Subsecs. (c), (d). Pub. L. 101-380 added subsecs. (c) and (d).

1985—Subsec. (a). Pub. L. 99-36 substituted “mariner’s” for “mariners”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7703. Bases for suspension or revocation

A license, certificate of registry, or merchant mariner’s document issued by the Secretary may be suspended or revoked if the holder—

(1) when acting under the authority of that license, certificate, or document—

(A) has violated or fails to comply with this subtitle, a regulation prescribed under this subtitle, or any other law or regulation intended to promote marine safety or to protect navigable waters; or

(B) has committed an act of misconduct or negligence;

(2) is convicted of an offense that would prevent the issuance or renewal of a license, certificate of registry, or merchant mariner’s document;

(3) within the 3-year period preceding the initiation of the suspension or revocation proceeding is convicted of an offense described in section 30304(a)(3)(A) or (B) of title 49;

(4) has committed an act of incompetence relating to the operation of a vessel; or

(5) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546; Pub. L. 99-36, §1(a)(9)(E), May 15, 1985, 99 Stat. 68; Pub. L. 101-380, title IV, §4103(b), Aug. 18, 1990, 104 Stat. 511; Pub. L. 108-293, title IV, §408, title VI, §609(3), Aug. 9, 2004, 118 Stat. 1044, 1058; Pub. L. 109-241, title IX, §901(h)(3), July 11, 2006, 120 Stat. 564.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
7703	46:226 46:239 46:240 46:246(c)

This section provides the bases for suspension and revocation of a license, certificate or document. The individual must have been operating under the authority of the required license, certificate, or document and has violated a law or regulation intended to promote marine safety or to protect the navigable waters or has committed an act of incompetence, misconduct, or negligence.

AMENDMENTS

2006—Par. (3). Pub. L. 109-241 struck out “(23 U.S.C. 401 note)” after “of title 49”.

2004—Par. (1)(B). Pub. L. 108-293, §408(1), substituted “misconduct or” for “incompetence, misconduct, or”.

Par. (3). Pub. L. 108-293, §609(3), substituted “section 30304(a)(3)(A) or (B) of title 49” for “section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982”.

Pars. (4), (5). Pub. L. 108-293, §408(2)-(4), added pars. (4) and (5).

1990—Pub. L. 101-380 amended section generally. Prior to amendment, section read as follows: “A license, certificate of registry, or merchant mariner’s document issued by the Secretary may be suspended or revoked if, when acting under the authority of that license, certificate, or document, the holder—

“(1) has violated or failed to comply with this subtitle, a regulation prescribed under this subtitle, or any other law or regulation intended to promote marine safety or to protect navigable waters.

“(2) has committed an act of incompetence, misconduct, or negligence.”

1985—Pub. L. 99-36 substituted “certificate of registry,” for first reference to “certificate.”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7704. Dangerous drugs as grounds for revocation

[(a) Repealed. Pub. L. 101-380, title IV, §4103(a)(2)(B), Aug. 18, 1990, 104 Stat. 511.]

(b) If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 10 years before the beginning of the proceedings, has been convicted of violating a dangerous drug law of the United States or of a State, the license, certificate, or document shall be suspended or revoked.

(c) If it is shown that a holder has been a user of, or addicted to, a dangerous drug, the license, certificate of registry, or merchant mariner’s document shall be revoked unless the holder provides satisfactory proof that the holder is cured.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 546; Pub. L. 99-36, §1(a)(9)(F), (G), May 15, 1985, 99 Stat. 68; Pub. L. 101-380, title IV, §4103(a)(2)(B), Aug. 18, 1990, 104 Stat. 511; Pub. L. 108-293, title IV, §402, Aug. 9, 2004, 118 Stat. 1043.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
7704(a)	46:239a(a)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7704(b)	46:239b(b)(1)
7704(c)	46:239b(b)(2)

Section 7704 requires the Secretary to revoke the license, certificate, or document of any individual who has been convicted of a dangerous drug law within 10 years before the beginning of the suspension or revocation procedures. This section has expanded current law to incorporate violations involving “controlled substances” which are not narcotic. This includes PCP and LSD. Unless it can be done under existing law, the suspension or revocation of an individual’s license based on the use of a “controlled substance” only applies to the use or conviction after the date of enactment of this Act.

This section also provides that anyone who has been a user of or addicted to a dangerous drug since July 14, 1954, may be subjected to revocation procedures unless the individual provides satisfactory proof of being cured.

In sections 7503(b)(2) and 7704(c), the term “use”, when applying to “narcotic drugs” or “controlled substances”, is not intended to include the use of “off the shelf” drugs or drugs acquired with a prescription lawfully issued by a medical doctor, as long as the drugs are used by the individual in the recommended amounts and the drugs will not impair the individual’s ability to perform duties.

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-293 inserted “suspended or” after “shall be”.

1990—Subsec. (a). Pub. L. 101-380 struck out subsec. (a) which defined “dangerous drug” for purpose of this section as narcotic drug, controlled substance, and marihuana.

1985—Subsec. (b). Pub. L. 99-36, §1(a)(9)(F), substituted “merchant mariner’s document” for first reference to “document”.

Subsec. (c). Pub. L. 99-36, §1(a)(9)(G), substituted “certificate of registry, or merchant mariner’s document” for “certificate, or document”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7705. Subpenas and oaths

(a) An official designated to investigate or preside at a hearing on matters that are grounds for suspension or revocation of licenses, certificates of registry, and merchant mariners’ documents may administer oaths and issue subpoenas to compel the attendance and testimony of witnesses and the production of records or other evidence during investigations and at hearings.

(b) The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 547; Pub. L. 99-36, §1(a)(9)(H), May 15, 1985, 99 Stat. 68.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7705	46:239(e)

Section 7705 allows officials designated to investigate or preside at hearings on matters that are grounds for suspension and revocation proceedings to administer oaths and issue subpoenas.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-36 substituted “certificates of registry, and merchant mariners’ documents” for “certificates, and documents”.

§ 7706. Drug testing reporting

(a) RELEASE OF DRUG TEST RESULTS TO COAST GUARD.—Not later than 2 weeks after receiving from a Medical Review Officer a report of a verified positive drug test or verified test violation by a civilian employee of a Federal agency, an officer in the Public Health Services, or an officer in the National Oceanic and Atmospheric Administration Commissioned Officer Corps, who is employed in any capacity on board a vessel operated by the agency, the head of the agency shall release to the Commandant of the Coast Guard the report.

(b) STANDARDS, PROCEDURES, AND REGULATIONS.—The head of a Federal agency shall carry out a release under subsection (a) in accordance with the standards, procedures, and regulations applicable to the disclosure and reporting to the Coast Guard of drug tests results and drug test records of individuals employed on vessels documented under the laws of the United States.

(c) WAIVER.—Notwithstanding section 503(e) of the Supplemental Appropriations Act, 1987 (5 U.S.C. 7301 note), the report of a drug test of an employee may be released under this section without the prior written consent of the employee.

(Added Pub. L. 108-293, title IV, §414(a), Aug. 9, 2004, 118 Stat. 1046.)

REFERENCES IN TEXT

Section 503(e) of the Supplemental Appropriations Act, 1987, referred to in subsec. (c), is section 503(e) of Pub. L. 100-71, which is set out as a note under section 7301 of Title 5, Government Organization and Employees.

PART F—MANNING OF VESSELS

HISTORICAL AND REVISION NOTES

Part F provides for the manning of vessels including requirements generally for the number of individuals required, qualifications and conditions of employment, and duties; for masters and other licenses and registered individuals; for pilots; for unlicensed personnel; for small vessels; for tank vessels; and for pilotage on the Great Lakes. The Committee intends that all manning provisions throughout this subtitle will be interpreted to be consistent with one another.

CHAPTER 81—GENERAL

Sec.	
8101.	Complement of inspected vessels.
8102.	Watchmen.
8103.	Citizenship and Navy Reserve requirements.
8104.	Watches.
8105.	Fishing vessel exemption.
8106.	Riding gangs.
8107.	Use of force against piracy.

HISTORICAL AND REVISION NOTES

Chapter 81 provides for the composition, citizenship, working hours, and other limitations affecting the complement of licensed individuals and crew on certain vessels, a safety watch onboard passenger vessels, membership in the Naval Reserve for certain deck and engineer officers, and penalties for violating, and regulatory authority for implementing its provisions.