

HISTORICAL AND REVISION NOTES

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

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

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

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

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
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 individual to whom issued and the next of kin of the individual.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 545; Pub. L. 108–293, title IV, § 403, Aug. 9, 2004, 118 Stat. 1043; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8505(b)(4), Jan. 1, 2021, 134 Stat. 4751.)

HISTORICAL AND REVISION NOTES

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

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 substituted “individual” for “seaman” in two places.

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.

- Sec.
- 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.
- 7508. Authority to extend the duration of medical certificates.
- 7509. Medical certification by trusted agents.
- 7510. Examinations for merchant mariner credentials.

Editorial Notes

AMENDMENTS

- 2016—Pub. L. 114-120, title III, §§309(c), 315(a)(2), Feb. 8, 2016, 130 Stat. 57, 62, added items 7509 and 7510.
- 2012—Pub. L. 112-213, title III, §306(b), Dec. 20, 2012, 126 Stat. 1565, added item 7508.
- 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 holder 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; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(b)(5), Jan. 1, 2021, 134 Stat. 4751.)

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.

Editorial Notes

AMENDMENTS

- 2021—Subsec. (b). Pub. L. 116-283 substituted “holder” for “seaman”.
- 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’ doc-

uments, 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 regulations 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.

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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.

ELECTRONIC RECORDS ON MARINER AVAILABILITY TO MEET NATIONAL SECURITY NEEDS

Pub. L. 115-232, div. C, title XXXV, §3510, Aug. 13, 2018, 132 Stat. 2310, provided that: “The Secretary of the department in which the Coast Guard is operating shall ensure that electronic records maintained under section 7502 of title 46, United States Code, are able to be used by the Secretary of Transportation—

- “(1) to determine the potential availability of mariners credentialed under part E of subtitle II of title 46, United States Code, to meet national security sea-lift needs; and
- “(2) to receive information on the qualification of such mariners.”

§ 7503. Dangerous drugs as grounds for denial

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 con-

victed 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; Pub. L. 115-232, div. C, title XXXV, §3545(a), Aug. 13, 2018, 132 Stat. 2326.)

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

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 amended section generally. Prior to amendment, section consisted of repealed subsec. (a) and subsec. (b) identical to present provisions.

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 substituted "certificate of registry, or merchant mariner's document" for first reference to "certificate, or document".

Statutory Notes and Related Subsidiaries

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 operations and support of the Coast Guard.

(Added Pub. L. 99-640, §10(b)(2)(A), Nov. 10, 1986, 100 Stat. 3549; amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8513(b), Jan. 1, 2021, 134 Stat. 4761.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted "operations and support" for "operating expenses".

Statutory Notes and Related Subsidiaries

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 30305(b)(7) of title 49 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; amended Pub. L. 115-232, div. C, title XXXV, §3546(e), Aug. 13, 2018, 132 Stat. 2326.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 substituted "section 30305(b)(7) of title 49" for "section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)".

Statutory Notes and Related Subsidiaries

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 Sec-

retary 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 71 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 71 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 merchant mariner documents 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 license or certificate of registry.

(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; amended Pub. L. 112–213, title III, §311, Dec. 20, 2012, 126 Stat. 1569; Pub. L. 115–282, title V, §510(3), (4), Dec. 4, 2018, 132 Stat. 4274.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–282, §510(3), substituted “merchant mariner documents” for “licenses or certificates of registry”.

Subsec. (b)(2). Pub. L. 115–282, §510(4), substituted “license or certificate of registry.” for “merchant mariner's document.”

2012—Subsec. (a). Pub. L. 112–213 substituted “chapter 71” for “chapter 73” in pars. (1) and (2).

§ 7508. Authority to extend the duration of medical certificates

(a) **GRANTING OF EXTENSIONS.**—Notwithstanding any other provision of law, the Secretary may extend for not more than one year a medical certificate issued to an individual holding a license, merchant mariner's document, or certificate of registry issued under chapter 71 or 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications

for medical certificates or is in response to a national emergency or natural disaster.

(b) **MANNER OF EXTENSION.**—An extension under this section may be granted to an individual or a specifically identified group of individuals.

(Added Pub. L. 112–213, title III, §306(a), Dec. 20, 2012, 126 Stat. 1565; amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(b)(6), Jan. 1, 2021, 134 Stat. 4751.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116–283 substituted “an individual or a specifically identified group of individuals” for “individual seamen or a specifically identified group of seamen”.

§ 7509. Medical certification by trusted agents

(a) **IN GENERAL.**—Notwithstanding any other provision of law and pursuant to regulations prescribed by the Secretary, a trusted agent may issue a medical certificate to an individual who—

(1) must hold such certificate to qualify for a license, certificate of registry, or merchant mariner's document, or endorsement thereto under this part; and

(2) is qualified as to sight, hearing, and physical condition to perform the duties of such license, certificate, document, or endorsement, as determined by the trusted agent.

(b) **PROCESS FOR ISSUANCE OF CERTIFICATES BY SECRETARY.**—A final rule implementing this section shall include a process for—

(1) the Secretary of the department in which the Coast Guard is operating to issue medical certificates to mariners who submit applications for such certificates to the Secretary; and

(2) a trusted agent to defer to the Secretary the issuance of a medical certificate.

(c) **TRUSTED AGENT DEFINED.**—In this section the term “trusted agent” means a medical practitioner certified by the Secretary to perform physical examinations of an individual for purposes of a license, certificate of registry, or merchant mariner's document under this part.

(Added Pub. L. 114–120, title III, §309(a), Feb. 8, 2016, 130 Stat. 56.)

Statutory Notes and Related Subsidiaries

IMPLEMENTATION DEADLINE

Pub. L. 114–120, title III, §309(b), Feb. 8, 2016, 130 Stat. 57, provided that: “Not later than 5 years after the date of the enactment of this Act [Feb. 8, 2016], the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing section 7509 of title 46, United States Code, as added by this section.”

§ 7510. Examinations for merchant mariner credentials

(a) **DISCLOSURE NOT REQUIRED.**—Notwithstanding any other provision of law, the Secretary is not required to disclose to the public—

(1) a question from any examination for a merchant mariner credential;

(2) the answer to such a question, including any correct or incorrect answer that may be presented with such question; and

(3) any quality or characteristic of such a question, including—

(A) the manner in which such question has been, is, or may be selected for an examination;

(B) the frequency of such selection; and

(C) the frequency that an examinee correctly or incorrectly answered such question.

(b) EXCEPTION FOR CERTAIN QUESTIONS.—Notwithstanding subsection (a), the Secretary may, for the purpose of preparation by the general public for examinations required for merchant mariner credentials, release an examination question and answer that the Secretary has retired or is not presently on or part of an examination, or that the Secretary determines is appropriate for release.

(c) EXAM REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Coast Guard Authorization Act of 2016, and once every two years thereafter, the Commandant shall commission a working group to review new questions for inclusion in examinations required for merchant mariner credentials, composed of—

(A) 1 subject matter expert from the Coast Guard;

(B) representatives from training facilities and the maritime industry, of whom—

(i) one-half shall be representatives from approved training facilities; and

(ii) one-half shall be representatives from the appropriate maritime industry;

(C) at least 1 representative from the National Merchant Marine Personnel Advisory Committee;

(D) at least 2 representatives from the State maritime academies, of whom one shall be a representative from the deck training track and one shall be a representative of the engineer license track;

(E) representatives from other Coast Guard Federal advisory committees, as appropriate, for the industry segment associated with the subject examinations;

(F) at least 1 subject matter expert from the Maritime Administration; and

(G) at least 1 human performance technology representative.

(2) INCLUSION OF PERSONS KNOWLEDGEABLE ABOUT EXAMINATION TYPE.—The working group shall include representatives knowledgeable about the examination type under review.

(3) LIMITATION.—The requirement to convene a working group under paragraph (1) does not apply unless there are new examination questions to review.

(4) BASELINE REVIEW.—

(A) IN GENERAL.—Within 1 year after the date of the enactment of the Coast Guard Authorization Act of 2016, the Secretary shall convene the working group to complete a baseline review of the Coast Guard's Merchant Mariner Credentialing Examination, including review of—

(i) the accuracy of examination questions;

(ii) the accuracy and availability of examination references;

(iii) the length of merchant mariner examinations; and

(iv) the use of standard technologies in administering, scoring, and analyzing the examinations.

(B) PROGRESS REPORT.—The Coast Guard shall provide a progress report to the appropriate congressional committees on the review under this paragraph.

(5) FULL MEMBERSHIP NOT REQUIRED.—The Coast Guard may convene the working group without all members present if any non-Coast-Guard representative is present.

(6) NONDISCLOSURE AGREEMENT.—The Secretary shall require all members of the working group to sign a nondisclosure agreement with the Secretary.

(7) TREATMENT OF MEMBERS AS FEDERAL EMPLOYEES.—A member of the working group who is not a Federal Government employee shall not be considered a Federal employee in the service or the employment of the Federal Government, except that such a member shall be considered a special government employee, as defined in section 202(a) of title 18 for purposes of sections 203, 205, 207, 208, and 209 of such title and shall be subject to any administrative standards of conduct applicable to an employee of the department in which the Coast Guard is operating.

(8) FORMAL EXAM REVIEW.—The Secretary shall ensure that the Coast Guard Performance Technology Center—

(A) prioritizes the review of examinations required for merchant mariner credentials; and

(B) not later than 3 years after the date of enactment of the Coast Guard Authorization Act of 2016, completes a formal review, including an appropriate analysis, of the topics and testing methodology employed by the National Maritime Center for merchant mariner licensing.

(9) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any working group created under this section to review the Coast Guard's merchant mariner credentialing examinations.

(d) MERCHANT MARINER CREDENTIAL DEFINED.—In this section, the term “merchant mariner credential” means a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to this title.

(Added Pub. L. 114-120, title III, §315(a)(1), Feb. 8, 2016, 130 Stat. 60; amended Pub. L. 114-328, div. C, title XXXV, §3503(a), (b)(1), Dec. 23, 2016, 130 Stat. 2775; Pub. L. 115-232, div. C, title XXXV, §3541(b)(12), Aug. 13, 2018, 132 Stat. 2323; Pub. L. 115-282, title VI, §601(c)(3)(B), Dec. 4, 2018, 132 Stat. 4289; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(b)(7), Jan. 1, 2021, 134 Stat. 4751.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2016, referred to in subsec. (c)(1),

(4)(A), (8)(B), is the date of enactment of Pub. L. 114-120, which was approved Feb. 8, 2016.

The Federal Advisory Committee Act, referred to in subsec. (c)(9), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2021—Subsec. (c)(8)(B). Pub. L. 116-283, §8505(b)(7)(A), substituted “merchant mariner” for “merchant seamen”.

Subsec. (d). Pub. L. 116-283, §8505(b)(7)(B), substituted “merchant mariner license” for “merchant seaman license”.

2018—Subsec. (c)(1). Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard” in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 115-282 inserted “National” before “Merchant Marine”.

2016—Subsec. (c)(1). Pub. L. 114-328, §3503(a), in introductory provisions, substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Subsec. (c)(1)(D). Pub. L. 114-328, §3503(b)(1)(A), substituted “engineer” for “engine”.

Subsec. (c)(4)(A), (8)(B). Pub. L. 114-328, §3503(a), substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Subsec. (c)(9). Pub. L. 114-328, §3503(b)(1)(B), inserted a period after “App”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective as if included in the enactment of Pub. L. 114-120, see section 3503(e) of Pub. L. 114-328, set out as a note under section 315 of Title 14, Coast Guard.

DISCLOSURE TO CONGRESS

Pub. L. 114-120, title III, §315(c), Feb. 8, 2016, 130 Stat. 62, provided that: “Nothing in this section [enacting this section and section 7116 of this title] may be construed to authorize the withholding of information from an appropriate inspector general, the Committee on Commerce, Science, and Transportation of the Senate, or the Committee on Transportation and Infrastructure of the House of Representatives.”

CHAPTER 77—SUSPENSION AND REVOCATION

Table with 2 columns: Sec. and description. Rows include 7701. General, 7702. Administrative procedure, 7703. Bases for suspension or revocation, 7704. Dangerous drugs as grounds for revocation, 7705. Subpenas and oaths, 7706. Drug testing reporting.

Editorial Notes

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 and Source section (U.S. Code). Row 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.

Editorial Notes

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.”

Statutory Notes and Related Subsidiaries

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 30305(b)(7) of title 49, all information contained in the National Driver Register related to an offense described in section 205(a)(3)(A) or (B) of that Act¹ 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

¹ See References in Text note below.