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[CHAPTER 316]

AN ACT

To make effective the provisions of the Officers' Competency Certificates Convention, 1936.

July 17, 1939
[H. R. 3576]
[Public, No. 188]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 52 of the Revised Statutes is amended by inserting after section 4438 thereof a new section designated section 4438a, to read as follows:

Officers' Competency Certificates Convention, 1936.
R. S. § 4438.
46 U. S. C. § 224.

"SEC. 4438a. (1) That the Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53, 'concerning the minimum requirement of professional capacity for masters and officers on board merchant ships'), as ratified by the President on September 1, 1938, with understandings appended, and this section shall apply to all vessels, however propelled, navigating on the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States, whether permanently, temporarily, or provisionally, including yachts enrolled and licensed, or licensed, with the exception of—

Vessels to which Convention and Act shall apply.
Ante, p. 554.

Exceptions.

"(a) ships of war;

"(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

"(c) wooden ships of primitive build, such as dhows and junks;

"(d) unrigged vessels;

"(e) all vessels of less than two hundred gross tons.

Licenses, laws and regulations applicable.

"(2) All laws in effect on the effective date of this section covering the issuance, duration, renewal, suspension, and revocation of licenses of masters, mates, chief engineers, and assistant engineers be, and they are hereby, made applicable to the issuance, duration, renewal, suspension, or revocation of licenses of masters, mates, chief engineers, and assistant engineers of all vessels to which the Officers' Competency Certificates Convention, 1936, and this section apply, to such extent and upon such conditions as may be required by the regulations of the Board of Supervising Inspectors with the approval of the Secretary of Commerce: *Provided*, That examinations for licenses of masters, mates, chief engineers, and assistant engineers of fishing vessels, not subject to the inspection laws of the United States, shall be oral: *Provided further*, That applicants for licenses as masters, mates, chief engineers, and assistant engineers of fishing vessels not subject to the inspection laws of the United States shall not be required to obtain a certificate from the United States Public Health Service based upon the subject of ship sanitation, and first aid.

Provisos.
Examinations for licenses of masters, etc., of fishing vessels.

Public Health Service certificate requirements; applicants exempt.

Licenses issued to masters, etc., of certain vessels deemed certificates of competency.

"(3) Any license issued (whether before, or on, or after, the effective date of this section) to a master, mate, chief engineer, or assistant engineer of a vessel to which this section applies shall be deemed to be a certificate of competency for a master or skipper, navigating officer in charge of a watch, chief engineer, or engineer in charge of a watch, respectively.

License required for performance of duties.

"(4) No person shall be engaged to perform, or shall perform on board any vessel to which this section applies, the duties of master, mate, chief engineer, or assistant engineer unless he holds a license to perform such duties, issued in accordance with the provisions of subsection 2 of this section: *Provided*, That a license as master, mate, chief engineer, or assistant engineer of vessels subject to this section may be issued without examination at any time prior to October 29, 1941, to any applicant who has had sufficient practical experience in the position for which he applies to be licensed and has no record of any serious technical error against him: *Provided further*, That no person to whom a license as master, mate, chief engineer, or assistant engineer is issued without examination may

Provisos.
Issue without examination prior to October 29, 1941; conditions.

Vessels subject to inspection laws.

serve under authority of that license as master, mate, chief engineer, or assistant engineer on any vessel subject to the inspection laws of the United States.

Penalty for violation.

"(5) It shall be unlawful to engage or employ any person or for any person to serve as a master, mate, or engineer on any such vessel who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense.

Enforcement provisions.

"(6) If any collector of customs has reason to believe, on complaint or otherwise, that a vessel subject to this section and to the regulations established thereunder is about to proceed to the high seas from a port in the United States or any Territory over which the United States exercises jurisdiction, except the Philippine Islands and the Panama Canal Zone, in violation of any provision of this section or of any provision of the Officers' Competency Certificates Convention, 1936, he may, by written order served on the master or officer in charge of such vessel, detain her until such time as this section shall have been complied with. Clearance shall be refused to any vessel which shall have been ordered detained. If the vessel be ordered detained the master may, within five days, appeal to the Secretary of Commerce, who may, after investigation, affirm, set aside, or modify the order of the collector.

Detention of vessel.

Appeal, effect of.

Inspection of foreign vessels to which Convention applies.

"(7) Foreign vessels to which the Officers' Competency Certificates Convention, 1936, applies shall be subject to such inspection, within the jurisdiction of the United States, except the Philippine Islands and the Panama Canal Zone, as may be necessary to determine that there has been a compliance with the terms of the convention, and in case of any breach of the provisions of the convention by such vessel the collector of customs may, by written order served on the master or officer in charge of such vessel, detain her and refuse clearance to her until such time as the convention shall have been complied with; the collector shall also immediately notify the consul of the country in which the vessel is registered. If the vessel be ordered detained the master may, within five days, appeal to the Secretary of Commerce, who may, after investigation, affirm, set aside, or modify the order of the collector.

Detention, if breach of provisions found.

Notice to consul of country in which vessel is registered.

Appeal, effect of.

Provisions not applicable to U. S. vessels of less than 200 gross tons, etc.

Ante, p. 554.

"(8) No provision of the Officers' Competency Certificates Convention, 1936, or of this section, shall apply to any vessel of the United States of less than two hundred gross tons, nor shall any provision of that convention or this section be deemed to alter, amend, or repeal any statute of the United States in effect on the effective date of this section with regard to any such vessel.

Regulations to be established.

"(9) The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this section by any officer of the United States authorized to enforce the navigation or inspection laws of the United States.

Remission or mitigation of fine.

"(10) The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine or penalty incurred under this section or any regulation thereunder.

Vessels on Great Lakes exempted.

"(11) No provision of the Officers' Competency Certificates Convention, 1936, nor of this section, shall apply to any vessel, however propelled, navigating on the Great Lakes.

Terms defined.

"(12) Where used in this section—

"High seas."
28 Stat. 672.
33 U. S. C. § 151.

"(a) the term 'high seas' means all waters outside the line dividing the inland waters from the high seas, as defined in section 2 of the Act of February 19, 1895;

"Unrigged vessel."

"(b) the term 'unrigged vessel' means any vessel that is not self-propelled.

"(13) Nothing contained in the Officers' Competency Certificates Convention, 1936, nor in this section, shall be deemed to extend any provision of section 2 of the Act of March 4, 1915, as amended (U. S. C., 1934 edition, Supp. IV, title 46, sec. 673), or to alter, modify, or repeal any statute of the United States in effect on the effective date of this section, except as hereinbefore provided.

Labor, etc., provisions.

38 Stat. 1164.
46 U. S. C. § 673; Supp. IV, § 673.

"(14) This section shall become effective on October 29, 1939: *Provided*, That licenses may be issued by boards of local inspectors in accordance with the provisions of this section at any time prior to such date.

Effective date.

Proviso.
Issue of licenses prior thereto.

"(15) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

Appropriations authorized.

Approved, July 17, 1939.

[CHAPTER 318]

AN ACT

July 18, 1939
[S. 955]
[Public, No. 189]

Creating the City of Dubuque Bridge Commission and authorizing said Commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the City of Dubuque Bridge Commission (hereinafter created, and hereinafter referred to as the "Commission"), and its successors and assigns be, and are hereby, authorized to construct, maintain, and operate a bridge or bridges and approaches thereto, across the Mississippi River at or near the cities of Dubuque, Iowa, and East Dubuque, Illinois, at a point suitable to the interest of navigation, subject to the conditions and limitations contained in this Act. For like purposes said Commission, or its successors and assigns, are hereby authorized to purchase, reconstruct, maintain, and operate all or any existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Dubuque, Iowa, and may acquire control of any or all such existing bridges by purchase of stock in any corporation owning any such bridges, or by a conveyance from such corporation and in any case, said Commission shall be authorized to maintain and operate said bridge or bridges subject to the conditions and limitations contained in this Act.

Mississippi River.
Bridge authorized across, Dubuque, Iowa, to East Dubuque, Ill.

Existing bridges for vehicular traffic, purchase, maintenance, etc.

SEC. 2. There is hereby conferred upon the Commission and its successors and assigns the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, operation, and maintenance of any such bridge and its approaches, upon making just compensation therefor, to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purpose in said State, respectively. The Commission, its successors, and assigns, is further authorized to enter into agreements with the States of Illinois and Iowa, and any political subdivision thereof, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision.

Acquisition of real estate, etc.

Agreements authorized.

SEC. 3. The Commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge or

Tolls authorized.