Public Law 86-555

AN ACT

June 30, 1960
[S. 3019]

To provide for certain pilotage requirements in the navigation of United States waters of the Great Lakes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Great Lakes Pilotage Act of 1960."

Great Lakes Pilotage Act of 1960.

Definitions.

SEC. 2. As used in this Act:

(a) "Great Lakes" means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far east as Saint Regis, and adjacent port areas.

(b) "Secretary" means the Secretary of Commerce.

(c) "United States registered pilot" means a person, other than a member of the regular complement of a vessel, who holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued by the head of the Department in which the Coast Guard is operating under regulations issued by him, and is registered by the Secretary as provided in section 4 of this Act.

(d) "Canadian registered pilot" means a person, other than a member of the regular complement of a vessel, who holds a master's certificate or equivalent license authorizing navigation on the Great Lakes and pilotage on routes specified therein, issued by the appropriate agency of Canada, and is registered by a designated agency of Canada on substantially the same basis as registration by the Secretary under the provisions of section 4 of this Act.

(e) "Other officer" means the master or any other member of the regular complement of the vessel concerned who is qualified for the navigation of the Great Lakes waters described in section 3(b) of this Act and who is either licensed by the head of the Department in which the Coast Guard is operating under regulations issued by him or certificated by an appropriate agency of Canada.

(f) "Foreign vessels" means all foreign merchant vessels except Canadian vessels whose operations are exclusively upon the Great Lakes or between ports in the Great Lakes and the St. Lawrence River, or whose operations while predominately as aforesaid fail of being exclusively so only because of an occasional voyage to a port or ports in the maritime provinces of Canada in the Canadian coastal trade.

Registered pilot, designation.

SEC. 3. (a) The President shall designate and by proclamation announce those United States waters of the Great Lakes in which registered vessels of the United States and foreign vessels shall be required to have in their service a United States registered pilot or a Canadian registered pilot for the waters concerned, who shall, subject to the customary authority of the master, direct the navigation of the vessel in those waters. These designations shall be made with due regard to the public interest, the effective utilization of navigable waters, marine safety, and the foreign relations of the United States.

Foreign vessels, operation.

(b) In those United States waters of the Great Lakes which are not designated by the President in accordance with paragraph (a) of this section, there shall be on board registered vessels of the United States and foreign vessels, a United States registered pilot or Canadian registered pilot or other officer qualified for the waters concerned who shall be available to direct the navigation of the vessel in such undesignated waters at the discretion of and subject to the customary authority of the master.

Canadian vessels, operation.

(c) The authority extended in paragraphs (a) and (b) of this section to Canadian registered pilots or to other officers certificated

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by Canada to serve on registered vessels of the United States and foreign vesels in United States waters of the Great Lakes shall be in effect only so long as Canada extends reciprocity to United States registered pilots or to other officers licensed by the United States, in regard to requirements established for the pilotage of Canadian waters of the Great Lakes.

Registration of U. S. pilots.

SEC. 4. (a) The registration of United States pilots shall be carried out by the Secretary under such regulations as to qualifications, terms, and conditions which will assure adequate and efficient pilotage service, provide for equitable participation of United States registered pilots with Canadian registered pilots in the pilotage of vessels to which this Act applies, and provide fair and reasonable opportunity for registration. Each applicant must, as a prerequisite, be the holder of an appropriate master's license as described in section 2(c). In addition, the qualifications, terms, and conditions to be met by each applicant shall include, but not be limited to, availability for service when required and agreement to comply with all applicable regulations issued by the Secretary pursuant to this Act. Such qualifications, terms, and conditions shall not include matters relating to a pilot's professional competency nor be inconsistent with his duties under the license issued to him by the Coast Guard, which matters shall remain the responsibility of the Coast Guard.

Documentary evidence.

(b) The Secretary shall issue documentary evidence of registration to United States registered pilots and such evidence shall be in their possession at all times when in the service of a vessel. Further, this evidence of registration shall describe the part or parts of the Great Lakes within which the holder is authorized to perform pilotage under this Act and such description shall not be inconsistent with the terms of the pilotage authorization in his license.

Validity of registration.

(c) The Secretary shall establish by regulation the period of validity of registration of United States registered pilots. When the Secretary determines on the record, after notice and opportunity for a hearing, that a United States registered pilot has violated any regulation pursuant to this Act, he may revoke or suspend the registration of such pilot. The basis for such revocation or suspension of a pilot's registration shall not extend to or include matters which may be the basis for revocation or suspension of his license by the Coast Guard under section 4450, Revised Statutes, as amended (46 U.S.C. 239), or under any other law or regulation administered or prescribed by the Coast Guard, except that upon revocation or suspension by the Coast Guard the Secretary shall revoke or suspend the pilot's registration. The Secretary shall advise the Coast Guard of the name and Coast Guard license number of each pilot who has been registered or whose registration has been revoked or suspended. The Coast Guard shall advise the Secretary of the name of any registered pilot whose licence has been revoked or suspended.

Equitable participation, U. S.-Canada.

(d) The Secretary is authorized to enter into arrangements with an appropriate agency of Canada for equitable participation by United States registered pilots with Canadian registered pilots in the pilotage services required by both countries for vessels navigating the Great Lakes. To that end, the Secretary is further authorized to arrange with an appropriate agency of Canada for the number of pilots who shall be registered in each country.

Pools, regulations.

(e) Notwithstanding the provisions of any other law, the Secretary may authorize the formation of a pool or pools by a voluntary association or associations of United States registered pilots to provide such arrangements and facilities as may be necessary or desirable for

the efficient dispatching of vessels and rendering of pilotage services required under the provisions of this Act. The Secretary may—

(i) establish such rules and regulations for the operation of a pool or pools as he may deem necessary;

(ii) require that pooling be coordinated on a reciprocal basis with similar arrangements established by the appropriate agency of Canada;

(iii) limit the number of pools;

(iv) audit and inspect the administration and operation of a pool or pools;

(v) prescribe uniform systems of accounts for a pool or pools.

Services, rates, charges, etc.

SEC. 5. (a) The Secretary is authorized and directed to establish by regulations the rates, charges, and any other conditions or terms for services performed by registered pilots to meet the provisions of this Act.

(b) The Secretary is authorized to arrange with the appropriate agency of Canada for the establishment of joint or identical rates, charges, and any other conditions or terms for services by registered pilots in the waters of the Great Lakes.

(c) The rates, charges, and any other conditions or terms for pilotage services by registered pilots established by the Secretary in accordance with subdivisions (a) and (b) of this section shall be fair and equitable, giving due consideration to the public interest and the reasonable cost and expense of providing and maintaining such facilities and arrangements as are required for the efficient performance of pilotage services in accordance with the provisions of this Act.

SEC. 6. Any written arrangements between the Secretary and the appropriate agency of Canada under the provisions of this Act shall be subject to the concurrence of the Secretary of State.

Violations, penalties.

SEC. 7. (a) Any owner, master, or person in charge of a vessel subject to this Act who permits the navigation of the vessel by a person not a registered pilot in the waters designated by the President pursuant to section 3(a) of this Act or who permits the navigation of the vessel without having on board a registered pilot or other officer in the waters described in section 3(b) of this Act shall be liable to the United States in a civil penalty not exceeding $500 for each violation, for which sum the vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction thereof. Each day the vessel shall be so navigated shall constitute a separate violation. This subsection shall be enforced by the head of the Department in which the Coast Guard is operating.

(b) Any person, not a registered pilot, who directs the navigation of a vessel subject to this Act in the waters designated by the President pursuant to section 3(a) of this Act, shall be subject to a civil penalty in an amount not exceeding $500 for each violation. Each day such person so directs the navigation of such vessel shall constitute a separate violation. This subsection shall be enforced by the head of the Department in which the Coast Guard is operating.

(c) A person who violates any regulation issued pursuant to sections 4 and 5 of this Act shall be liable to the United States in a civil penalty not exceeding $500 for each violation. The provisions of this subsection shall be enforced by the Secretary, who may, upon application therefor, remit or mitigate the penalty provided for herein, upon such terms as he, in his discretion, shall think proper.

Operation without registered pilots.

SEC. 8. Notwithstanding any other provision of this Act, a vessel may be navigated in the United States waters of the Great Lakes without a United States or Canadian registered pilot when—

(a) the Secretary, or his designee, with the concurrence of the head of the Department in which the Coast Guard is operating, or his designee, notifies the master that a United States or Canadian registered pilot is not available, or

(b) the vessel or its cargo is in distress or jeopardy.

Local authority.

SEC. 9. (a) No State, municipal, or other local authority shall have any power to require the use of pilots or to regulate any aspect of pilotage in any of the waters specified in this Act.

"Laker" vessels.

(b) Nothing in this Act shall apply to any vessel of the United States which, in its navigation of waters to which this Act is applicable, is required by any other Act to have in its service and on board pilots or other navigating officers licensed by the United States for such waters.

(c) The exceptions in section 2(f) applying to Canadian vessels shall be effective only so long as Canada permits enrolled vessels of the United States to be navigated on Canadian waters of the Great Lakes solely by qualified officers licensed by the head of the Department in which the Coast Guard is operating.

Advisory Committee.

SEC. 10. (a) The Secretary is authorized to appoint an Advisory Committee of three public members, each of whom shall have had at least five years of practical experience in maritime operations. The term for which a member may be appointed or reappointed shall not exceed five years.

(b) The Advisory Committee shall meet at the call of the Secretary. The Advisory Committee may review proposed pilotage regulations and policies and make such recommendations as are deemed appropriate.

(c) Members of the Advisory Committee shall be compensated at a rate not exceeding $75 per day when actually engaged in the performance of their duties, together with their necessary travel expenses while going to and from meetings and when engaged on business at the call of the Secretary.

Use of services, equipment, etc.

SEC. 11. The Secretary may use, with their consent, the available services, equipment, personnel, and facilities of agencies and instrumentalities of the Federal Government, on a reimbursable basis when appropriate.

SEC. 12. If a provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Effective date.

SEC. 13. This Act shall become effective upon the date of its enactment, except that the pilotage provisions of this Act shall not become effective until the first day of the fourth month following the issuance of regulations pursuant hereto by the Secretary.

Approved June 30, 1960.

Public Law 86-556

June 30, 1960
[S. 3072]

AN ACT

To authorize the Secretary of the Treasury to effect the payment of certain claims against the United States.

Treasury Department.

Payment of certain claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to effect full and final settlement of the following claims against the United States: