Public Law 95-455
95th Congress

An Act

Oct. 13, 1978
[H.R. 12603]

To amend the Great Lakes Pilotage Act of 1960 in order to relieve the restrictive qualification standards for United States registered pilots on the Great Lakes.

Great Lakes Pilotage Act of 1960, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Great Lakes Pilotage Act of 1960 (74 Stat. 259; 46 U.S.C. 216) is hereby amended as follows:

Definitions.

(1) by deleting section 2(b) and inserting in lieu thereof the following:

"(b) 'Secretary' means the Secretary of Transportation.";

(2) by deleting section 2(c) and inserting in lieu thereof the following:

"(c) 'United States registered pilot' means a person, other than a member of the regular complement of a vessel, who holds a license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued under the authority of the provisions of title 52 of the Revised Statutes, and who is registered by the Secretary under the provisions of section 4 of this Act.";

(3) by deleting in section 2(d) the words "a master's certificate or equivalent" and inserting in lieu thereof "an appropriate";

(4) by deleting in section 2(e) the words "head of the Department in which the Coast Guard is operating under regulations issued by him", and inserting in lieu thereof the word "Secretary";

Registration of United States pilots.
46 USC 216b.

(5) by deleting section 4(a) and inserting in lieu thereof the following:

"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 a license, as a master, mate, or pilot, issued under the authority of the provisions of title 52 of the Revised Statutes, and have acquired at least twenty-four months licensed service or comparable experience on vessels or integrated tugs and tows, of four thousand gross tons or over, operating on the Great Lakes or oceans. Those applicants qualifying with ocean service must have obtained at least six months of licensed service or comparable experience on the Great Lakes. The Secretary may require such experience and training, in addition to the minimum required by this subsection, as he considers necessary. In addition, each applicant shall agree that, if appointed as a United States registered pilot, he will be available for service when required and shall comply with this Act and all applicable regulations issued by the Secretary pursuant to this Act.".

46 USC 216e.

(6) by deleting in section 7(a) the words "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

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United States having jurisdiction thereof." in the first sentence, and inserting in lieu thereof "for each violation.";

(7) by deleting in section 7(a) the last sentence which reads "This subsection shall be enforced by the head of the Department in which the Coast Guard is operating."; 46 USC 216e.

(8) by deleting in section 7(b) the last sentence which reads "This subsection shall be enforced by the head of the Department in which the Coast Guard is operating.";

(9) by deleting in section 7(c) the last sentence which reads "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.";

(10) by adding a new section 7(d) which reads:

"(d) Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated any part of the Act or a regulation issued hereunder shall be liable to the United States for the penalties as enumerated in this Act. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States."; Violations. Penalties.

(11) by adding a new section 7(e) which reads:

"(e) Any vessel subject to the provisions of this Act, which is used in violation of this Act or any regulation issued hereunder, shall be liable in rem for any civil penalty assessed pursuant to this Act and may be proceeded against in the United States district court for any district in which such vessel may be found.";

(12) by deleting in section 8(a) the words "with the concurrence of the head of the Department in which the Coast Guard is operating, or his designee,". 46 USC 216f.

Approved October 13, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1526 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 124 (1978):
Sept. 25, considered and passed House.
Sept. 28, considered and passed Senate.