

subsistence as authorized by section 5703 of title 5 for individuals employed intermittently in the Government service.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 559.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9307	46:216h

Section 9307 permits the Secretary to establish a Great Lakes Pilotage Advisory Committee. This Committee is to be established consistent with the Federal Advisory Committee Act (P.L. 92-463; 5 App. U.S.C.) and with the requirements imposed by section 19 [118(e)] of P.L. 97-322 (14 U.S.C. 631 note).

Subsection (a) authorizes the Committee to review and make recommendations on Great Lakes pilotage regulation and policies and to make the recommendations available to Congress and requires the Committee to meet at the call of the Secretary.

Subsection (b) establishes the membership of the Committee as 3 members with 5 years of practical maritime experience appointed by the Secretary for a term of not more than 5 years. A Federal Register notice of solicitation for membership nominations for filling a position is required.

Subsection (c) provides for pay and travel expenses, including per diem, for the members.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 9308. Penalties

(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel knowingly allowing the vessel to be operated in violation of section 9302 of this title is liable to the United States Government for a civil penalty of no more than \$10,000 for each day during which the vessel is in violation. The vessel also is liable in rem for the penalty.

(b) An individual who directs the navigation of a vessel in violation of section 9302 of this title is liable to the Government for a civil penalty of no more than \$10,000 for each day during which the violation occurs.

(c) A person violating a regulation prescribed under section 9303 of this title is liable to the Government for a civil penalty of no more than \$10,000.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 101-380, title IV, § 4108(b), Aug. 18, 1990, 104 Stat. 515.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9308	46:216e(a)-(c)

Section 9308 prescribes the penalties for violations of sections 9302 and 9303.

AMENDMENTS

1990—Subsecs. (a) to (c). Pub. L. 101-380 substituted “no more than \$10,000” for “\$500”.

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.

PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

HISTORICAL AND REVISION NOTES

Part G provides for a number of measures for the protection and relief of merchant seamen by requiring certain contractual obligations between the master who represents the vessel owner's interest and the seamen who are engaged or employed on board a vessel, by requiring certain proceedings when a seaman dies or a vessel is suspected of being unseaworthy, by requiring certain standards for accommodations, medicine, clothing, miscellaneous merchandise, and for the handling of special and unique problems of seamen. It also provides for a method of imposing disciplinary controls through the logging of offenses and provides penalties for specified offenses, and certain related disciplinary procedures. The provisions of this part generally do not apply to fishing vessels, whaling vessels, or yachts.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2113, 14305 of this title.

CHAPTER 101—GENERAL

<i>Sec.</i>	
10101.	Definitions.
[10102.]	Repealed.]
10103.	Reports.
10104.	Requirement to report sexual offenses.

AMENDMENTS

1993—Pub. L. 103-206, title IV, § 422(c)(2), Dec. 20, 1993, 107 Stat. 2439, struck out item 10102 “Designations and duties of shipping commissioners”.

1989—Pub. L. 101-225, title II, § 214(b), Dec. 12, 1989, 103 Stat. 1914, substituted “Requirement to report sexual offenses” for “Regulations” in item 10104.

§ 10101. Definitions

In this part—

(1) “master” means the individual having command of a vessel.

(2) “owner” means the person to whom the vessel belongs.

(3) “seaman” means an individual (except scientific personnel, a sailing school instructor, or a sailing school student) engaged or employed in any capacity on board a vessel.

(4) “fishing vessel” includes—

(A) a fish tender vessel; or

(B) a fish processing vessel entered into service before January 1, 1988, and not more 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 entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 98-364, title IV, § 402(13), July 17, 1984, 98 Stat. 449; Pub. L. 98-557, § 33(d), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 99-640, § 10(b)(3), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 104-324, title VII, § 736, Oct. 19, 1996, 110 Stat. 3941.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10101	46:713

Section 10101 defines the terms master, seaman, and owner as they apply to merchant seamen's protection and relief.

AMENDMENTS

1996—Par. (4)(B). 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”.

1986—Pars. (1), (3). Pub. L. 99-640 struck out “owned by a citizen of the United States” after “vessel”.

1984—Par. (4). Pub. L. 98-364, as amended Pub. L. 98-557, added par. (4).

[§ 10102. Repealed. Pub. L. 103-206, title IV, § 422(c)(1), Dec. 20, 1993, 107 Stat. 2439]

Section, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 560, related to designations and duties of shipping commissioners.

§ 10103. Reports

(a) A master of a vessel to which section 8701(a) of this title applies, who engages or discharges a seaman, shall submit reports to the vessel owner in the form, content, and manner of filing as prescribed by regulation, to ensure compliance with laws related to manning and the engagement and discharge of seamen.

(b) This section does not apply to a ferry or towing vessel operated in connection with a ferry operation, employed only in trades other than with foreign ports, lakes, bays, sounds, bayous, canals, or harbors.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 103-206, title IV, § 417, Dec. 20, 1993, 107 Stat. 2438.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10103	46:643(l)

Section 10103 requires that masters who engage or discharge seamen submit to the Coast Guard reports of the manning of the vessel, and reports of shipping agreements which are not supervised by a shipping commissioner. It also contains a number of exceptions for specified vessels.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-206 struck out “without a shipping commissioner being present” after “discharges a seaman” and inserted “to the vessel owner” after “shall submit reports”.

§ 10104. Requirement to report sexual offenses

(a) A master or other individual in charge of a documented vessel shall report to the Secretary a complaint of a sexual offense prohibited under chapter 109A of title 18, United States Code.

(b) A master or other individual in charge of a documented vessel who knowingly fails to report in compliance with this section is liable to the United States Government for a civil penalty of not more than \$5,000.

(Added Pub. L. 101-225, title II, § 214(a)(2), Dec. 12, 1989, 103 Stat. 1914.)

PRIOR PROVISIONS

A prior section 10104, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 561, related to regulations, prior to repeal by Pub. L. 101-225, § 214(a)(1).

CHAPTER 103—FOREIGN AND INTERCOASTAL VOYAGES

<i>Sec.</i>	
10301.	Application.
10302.	Shipping articles agreements.
10303.	Provisions.
10304.	Form of agreement.
10305.	Manner of signing agreement.
10306.	Exhibiting merchant mariners' documents.
10307.	Posting agreements.
10308.	Foreign engagements.
10309.	Engaging seamen to replace those lost by desertion or casualty.
10310.	Discharge.
10311.	Certificates of discharge.
10312.	Settlements on discharge.
10313.	Wages.
10314.	Advances.
10315.	Allotments.
10316.	Trusts.
10317.	Loss of lien and right to wages.
10318.	Wages on discharge in foreign ports.
10319.	Costs of a criminal conviction.
10320.	Records of seamen.
10321.	General penalty.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 10501 of this title.

§ 10301. Application

(a) Except as otherwise specifically provided, this chapter applies to a vessel of the United States—

(1) on a voyage between a port in the United States and a port in a foreign country (except a port in Canada, Mexico, or the West Indies); or

(2) of at least 75 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 on a voyage between a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Ocean.

(b) This chapter does not apply to a vessel on which the seamen are entitled by custom or agreement to share in the profit or result of a voyage.

(c) Unless otherwise provided, this chapter does not apply to a foreign vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 561; Pub. L. 104-324, title VII, § 737, Oct. 19, 1996, 110 Stat. 3941.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10301	46:564 46:566 46:574

Section 10301 specifies that vessels on foreign and intercoastal voyages (except for fishing vessels and foreign vessels) are subject to the seamen protection and relief provisions contained in chapter 103.

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-324 inserted “as measured under section 14502 of this title, or an alternate