

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
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.

Editorial Notes

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) MANDATORY REPORTING BY RESPONSIBLE ENTITY OF A VESSEL.—

(1) IN GENERAL.—The responsible entity of a vessel shall report to the Commandant any complaint or incident of harassment, sexual harassment, or sexual assault in violation of employer policy or law, of which such entity is made aware.

(2) PENALTY.—A responsible entity of a vessel who knowingly fails to report in compliance with paragraph (1) is liable to the United States Government for a civil penalty of not more than \$50,000.

(b) REPORTING PROCEDURES.—

(1) RESPONSIBLE ENTITY OF A VESSEL REPORTING.—A report required under subsection (a) shall be made immediately after the responsible entity of a vessel gains knowledge of a sexual assault or sexual harassment incident by the fastest telecommunication channel available to—

(A) a single entity in the Coast Guard designated by the Commandant to receive such reports; and

(B) the appropriate officer or agency of the government of the country in whose waters the incident occurs.

(2) CONTENTS.—Such shall include, to the best of the knowledge of the individual making the report—

(A) the name, official position or role in relation to the vessel, and contact information of such individual;

(B) the name and official number of the documented vessel;

(C) the time and date of the incident;

(D) the geographic position or location of the vessel when the incident occurred; and

(E) a brief description of the alleged sexual harassment or sexual assault being reported.

(3) RECEIVING REPORTS; COLLECTION OF INFORMATION.—

(A) RECEIVING REPORTS.—With respect to reports submitted under subsection (a), the Commandant—

(i) may establish additional reporting procedures, including procedures for receiving reports through—

(I) a single telephone number that is continuously manned at all times; and

(II) a single email address that is continuously monitored; and

(ii) shall use procedures that include preserving evidence in such reports and providing emergency service referrals.

(B) COLLECTION OF INFORMATION.—After receipt of the report made under subsection (a), the Coast Guard shall collect information related to the identity of each alleged victim, alleged perpetrator, and any witnesses identified in the report through means designed to protect, to the extent practicable, the personal identifiable information of such individuals.

(c) SUBPOENA AUTHORITY.—

(1) IN GENERAL.—The Commandant may compel the testimony of witnesses and the production of any evidence by subpoena to determine compliance with this section.

(2) JURISDICTIONAL LIMITS.—The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

(d) COMPANY AFTER-ACTION SUMMARY.—

(1) A responsible entity of a vessel that makes a report under subsection (a) shall—

(A) submit to the Commandant a document with detailed information to describe the actions taken by such entity after becoming aware of the sexual assault or sexual harassment incident, including the results of any investigation into the complaint or incident and any action taken against the offending individual; and

(B) make such submission not later than 10 days after such entity made the report under subsection (a).

(2) CIVIL PENALTY.—A responsible entity of a vessel that fails to comply with paragraph (1) is liable to the United States Government for a civil penalty of \$25,000 and \$500 shall be added for each day of noncompliance, except that the total amount of a penalty with respect to a complaint or incident shall not exceed \$50,000 per violation.

(e) INVESTIGATORY AUDIT.—The Commandant shall periodically perform an audit or other systematic review of the submissions made under this section to determine if there were any failures to comply with the requirements of this section.

(f) APPLICABILITY; REGULATIONS.—

(1) REGULATIONS.— The Secretary may issue regulations to implement the requirements of this section.

(2) INTERIM REPORTS.—Any report required to be made to the Commandant under this section shall be made to the Coast Guard National Command Center, until regulations implementing the procedures required by this section are issued.

(g) DEFINITION OF RESPONSIBLE ENTITY OF A VESSEL.—In this section, the term “responsible entity of a vessel” means—

(1) the owner, master, or managing operator of a documented vessel engaged in commercial service; or

(2) the employer of a seafarer on such a vessel.

(Added Pub. L. 101-225, title II, §214(a)(2), Dec. 12, 1989, 103 Stat. 1914; amended Pub. L. 117-263, div. K, title CXVI, §11609, Dec. 23, 2022, 136 Stat. 4152.)

Editorial Notes

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).

AMENDMENTS

2022—Pub. L. 117-263 added subsecs. (a) to (g) and struck out former subsecs. (a) and (b) which read as follows:

“(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.”

§ 10105. Reports to Congress

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Don Young Coast Guard Authorization Act of 2022, and on an annual basis thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

- (1) the number of reports received under section 10104;
- (2) the number of penalties issued under such section;
- (3) the number of open investigations under such section, completed investigations under such section, and the outcomes of such open or completed investigations;
- (4) the number of assessments or audits conducted under section 3203 and the outcome of those assessments or audits;
- (5) a statistical analysis of compliance with the safety management system criteria under section 3203;
- (6) the number of credentials denied or revoked due to sexual harassment, sexual assault, or related offenses; and
- (7) recommendations to support efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector, including funding requirements and legislative change proposals necessary to ensure compliance with title CXVI of the Don Young Coast Guard Authorization Act of 2022 and the amendments made by such title.

(b) PRIVACY.—In collecting the information required under subsection (a), the Commandant shall collect such information in a manner that protects the privacy rights of individuals who are subjects of such information.

(Added Pub. L. 117-263, div. K, title CXVI, §11611(a), Dec. 23, 2022, 136 Stat. 4155.)

REFERENCES IN TEXT

The date of the enactment of the Don Young Coast Guard Authorization Act of 2022, referred to in subsec. (a), is the date of enactment of division K of Pub. L. 117-263, which was approved Dec. 23, 2022.

Title CXVI of the Don Young Coast Guard Authorization Act of 2022, referred to subsec. (a)(7), is title CXVI of division K of Pub. L. 117-263, Dec. 23, 2022, 136 Stat. 4145. For complete classification of title CXVI to the Code, see Tables.

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§ 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 or to riding gang members.

(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; Pub. L. 109-241, title III, §312(c)(2), July 11, 2006, 120 Stat. 533.)

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.