

(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.

CHAPTER 103—FOREIGN AND INTERCOASTAL VOYAGES

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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.

Editorial Notes

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-241 inserted “or to riding gang members” after “voyage”.

1996—Subsec. (a)(2). 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 “75 gross tons”.

§ 10302. Shipping articles agreements

(a) The owner, charterer, managing operator, master, or individual in charge shall make a shipping agreement in writing with each seaman before the seaman commences employment.

(b) The agreement shall contain the following:

(1) the nature, and, as far as practicable, the duration of the intended voyage, and the port or country in which the voyage is to end.

(2) the number and description of the crew and the capacity in which each seaman is to be engaged.

(3) the time at which each seaman is to be on board to begin work.

(4) the amount of wages each seaman is to receive.

(5) regulations about conduct on board, and information on fines, short allowance of provisions, and other punishment for misconduct provided by law.

(6) a scale of the provisions that are to be provided each seaman.

(7) any stipulation in reference to advances and allotments of wages.

(8) other matters not contrary to law.

(c) Each shipping agreement must be signed by the master or individual in charge or a representative of the owner, charterer, or managing operator, and by each seaman employed.

(d) The owner, charterer, managing operator, master, or individual in charge shall maintain the shipping agreement and make the shipping agreement available to the seaman.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 561; Pub. L. 103-206, title IV, §401, Dec. 20, 1993, 107 Stat. 2435.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 10302, 46:564

Section 10302 requires the master to make a shipping agreement with each crew member and lists the information that must be included in the agreement.

Editorial Notes

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-206, §401(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Before proceeding on a voyage, the master of a vessel to which this chapter applies shall make a shipping articles agreement in writing with each seaman in the crew.”

Subsecs. (c), (d). Pub. L. 103-206, §401(2), added subsecs. (c) and (d).

§ 10303. Provisions

(a) A seaman shall be served at least 3 meals a day that total at least 3,100 calories, including

adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances.

(b) The text of subsection (a) of this section shall be included in the agreement required by section 10302 of this title. A copy of the text also shall be posted in a conspicuous place in the galley and forecabin of each vessel.

(c) This section does not apply to a fishing or whaling vessel or a yacht.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 562.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 10303, 46:713

Section 10303 requires that seamen be served adequate food and water and that the text of this requirement be posted in the galley. The provisions do not apply to fishing vessels, whaling vessels, or yachts.

§ 10304. Form of agreement

The form of the agreement required by section 10302 of this title shall be in substance as follows:

UNITED STATES OF AMERICA

(Date and place of first signature of agreement):

It is agreed between the master and seamen of the _____, of which _____ is at present master, or whoever shall go for master, now bound from the port of _____ to _____ (here the voyage is to be described, and the places named at which the vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated).

The seamen agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the master, or of an individual who lawfully succeeds the master, and of their superior officers in everything related to the vessel, and the stores and cargo of the vessel, whether on board, in boats, or on shore. In consideration of this service by the seamen to be performed, the master agrees to pay the crew, as wages, the amounts beside their names respectively expressed, and to supply them with provisions according to the annexed scale.

It is agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the embezzlement or destruction.

If an individual holds himself or herself out as qualified for a duty which the individual proves incompetent to perform, the individual's wages shall be reduced in proportion to the incompetency.

It also is agreed that if a seaman considers himself or herself to be aggrieved by any breach of this agreement or otherwise, the seaman shall present the complaint to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall take steps that the case requires.

It also is agreed that (here any other stipulations may be inserted to which the parties agree, and that are not contrary to law).