

§ 10905. Complaints in foreign ports

(a) When a complaint under section 10902(a) of this title is made in a foreign port, the procedures of this chapter shall be followed, with a consular officer performing the duties of the judge or justice of the peace.

(b) On review of the marine surveyors' report, the consular officer may approve and must certify any part of the report with which the officer agrees. If the consular officer dissents from any part of the report, the officer shall certify reasons for dissenting from that part.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 576.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10905 shows source sections 46:656 and 46:657.

Section 10905 provides that if a complaint of unfitness is made in a foreign port, a consular officer shall perform the duties of a judge or justice of the peace.

§ 10906. Discharge of crew for unsuitability

When a survey is made at a foreign port, the surveyors shall state in the report whether, in their opinion, the vessel had been sent to sea unsuitably provided in any important particular, by neglect or design or through mistake or accident. If by neglect or design, and the consular officer approves the finding, the officer shall discharge a seaman requesting discharge and shall require the master to pay one month's wages to that seaman in addition to wages then due, or sufficient money for the return of the seaman to the nearest and most convenient port of the United States, whichever is the greater amount.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 576.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10906 shows source section 46:658.

Section 10906 provides that if a consular officer finds that a vessel has been sent to sea in an unsuitable state, a crew member requesting discharge must be paid one month's additional wages and passage to the United States.

§ 10907. Permission to make complaint

(a) A master may not refuse to permit, deny the opportunity to, or hinder a seaman who wishes to make a complaint authorized by this chapter.

(b) A master violating this section is liable to the United States Government for civil penalty of \$500.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 577.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10907 shows source sections 46:653 and 46:664.

Section 10907 prohibits a master from hindering a seaman from making a complaint authorized by this chapter and subjects the master to a fine for violation of this section.

§ 10908. Penalty for sending unseaworthy vessel to sea

A person that knowingly sends or attempts to send, or that is a party to sending or attempting to send, a vessel of the United States to sea, in an unseaworthy state that is likely to endanger the life of an individual, shall be fined not more than \$1,000, imprisoned for not more than 5 years, or both.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 577.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10908 shows source section 46:658.

Section 10908 provides a penalty for a person knowingly sending or attempting to send an unseaworthy vessel to sea.

CHAPTER 111—PROTECTION AND RELIEF

- Sec. 11101. Accommodations for seamen. 11102. Medicine chests. 11103. Slop chests. 11104. Destitute seamen. 11105. Wages on discharge when vessel sold. 11106. Wages on justifiable complaint of seamen. 11107. Unlawful engagements void. 11108. Taxes. 11109. Attachment of wages. 11110. Seamen's clothing. 11111. Limit on amount recoverable on voyage. 11112. Master's lien for wages. 11113. Treatment of abandoned seafarers.

Editorial Notes

AMENDMENTS

- 2014—Pub. L. 113-281, title III, §320(b), Dec. 18, 2014, 128 Stat. 3054, added item 11113. 1986—Pub. L. 99-307, §1(19)(A), May 19, 1986, 100 Stat. 446, added item 11112.

§ 11101. Accommodations for seamen

(a) On a merchant vessel of the United States the construction of which began after March 4, 1915 (except a yacht, pilot vessel, or vessel of less than 100 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)—

- (1) each place appropriated to the crew of the vessel shall have a space of at least 120 cubic feet and at least 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged in the vessel; (2) each seaman shall have a separate berth and not more than one berth shall be placed one above another; (3) the place or berth shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvia of cargo or bilge water; (4) crew space shall be kept free from goods or stores that are not the personal property of the crew occupying the place in use during the voyage; and

(5) each crew berthing area shall be equipped with information regarding—

(A) vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage; and

(B) procedures and resources to report crimes, including sexual assault and sexual harassment, including information—

(i) on the telephone number, website address, and email address for reporting allegations of sexual assault and sexual harassment to the Coast Guard;

(ii) on vessel owner or company procedures to report violations of company policy and access resources;

(iii) on resources provided by outside organizations such as sexual assault hotlines and counseling;

(iv) on the retention period for surveillance video recording after an incident of sexual harassment or sexual assault is reported; and

(v) additional items specified in regulations issued by, and at the discretion of, the Secretary of the department in which the Coast Guard is operating.

(b) In addition to the requirements of subsection (a) of this section, a merchant vessel of the United States that in the ordinary course of trade makes a voyage of more than 3 days' duration between ports and carries a crew of at least 12 seamen shall have a hospital compartment, suitably separated from other spaces. The compartment shall have at least one bunk for each 12 seamen constituting the crew (but not more than 6 bunks may be required).

(c) A steam vessel of the United States operating on the Mississippi River or its tributaries shall provide, under the direction and approval of the Secretary, an appropriate place for the crew that shall conform to the requirements of this section, as far as they apply to the steam vessel, by providing a properly heated sleeping room in the engineroom of the steam vessel properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck.

(d) A merchant vessel of the United States, the construction of which began after March 4, 1915, having more than 10 seamen on deck, shall have at least one lighted, clean, and properly heated and ventilated washing place. There shall be provided at least one washing outfit for each 2 seamen of the watch. A separate washing place shall be provided for the fireroom and engineroom seamen, if their number is more than 10, that shall be large enough to accommodate at least one-sixth of them at the same time, and have a hot and cold water supply and a sufficient number of washbasins, sinks, and shower baths. In each washing space in a visible location there shall be information regarding procedures and resources to report crimes upon the vessel, including sexual assault and sexual harassment, and vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage.

(e) Forecastsles shall be fumigated at intervals provided by regulations prescribed by the Secretary of Health and Human Services, with the approval of the Secretary, and shall have at least 2 exits, one of which may be used in emergencies.

(f) The owner, charterer, managing operator, agent, master, or licensed individual of a vessel not complying with this section is liable to the United States Government for a civil penalty of at least \$50 but not more than \$500.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 577; Pub. L. 99-36, §1(a)(6), May 15, 1985, 99 Stat. 67; Pub. L. 104-324, title VII, §740, Oct. 19, 1996, 110 Stat. 3942; Pub. L. 117-263, div. K, title CXVI, §11604, Dec. 23, 2022, 136 Stat. 4148.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11101	46:660-1

Section 11101 provides mandatory standards for crew accommodations and a penalty for noncompliance with those standards.

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(5). Pub. L. 117-263, §11604(1)–(3), added par. (5).

Subsec. (d). Pub. L. 117-263, §11604(4), inserted at end “In each washing space in a visible location there shall be information regarding procedures and resources to report crimes upon the vessel, including sexual assault and sexual harassment, and vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage.”

1996—Subsec. (a). 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 “100 gross tons” in introductory provisions.

1985—Subsec. (d). Pub. L. 99-36 substituted “lighted” for “light”.

§ 11102. Medicine chests

(a) A vessel of the United States on a voyage from a port in the United States to a foreign port (except to a Canadian port), and a vessel of the United States 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 Pacific Ocean, shall be provided with a medicine chest.

(b) The owner and master of a vessel not equipped as required by subsection (a) of this section or a regulation prescribed under subsection (a) are liable to the United States Government for a civil penalty of \$500. If the offense was due to the fault of the owner, a master penalized under this section has the right to recover the penalty and costs from the owner.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 578; Pub. L. 104-324, title VII, §741, Oct. 19, 1996, 110 Stat. 3942.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11102(a)	46:666