

removal of an abandoned barge under this chapter.

(b) The owner or operator of an abandoned barge is liable, and an abandoned barge is liable in rem, for all expenses that the United States incurs in removing an abandoned barge under this chapter.

(c)(1) The Secretary may, after providing notice under subsection (a)(1), solicit by public advertisement sealed bids for the removal of an abandoned barge.

(2) After solicitation under paragraph (1) the Secretary may award a contract. The contract—

(A) may be subject to the condition that the barge and all property on the barge is the property of the barge removal contractor; and

(B) must require the barge removal contractor to submit to the Secretary a plan for the removal.

(3) Removal of an abandoned barge may begin thirty days after the Secretary completes the procedures under subsection (a)(1).

(Added Pub. L. 102-587, title V, §5302, Nov. 4, 1992, 106 Stat. 5082.)

§ 4705. Liability of barge removal contractors

(a) A barge removal contractor and its subcontractor are not liable for damages that result from actions taken or omitted to be taken in the course of removing a barge under this chapter.

(b) Subsection (a) does not apply—

(1) with respect to personal injury or wrongful death; or

(2) if the contractor or subcontractor is grossly negligent or engages in willful misconduct.

(Added Pub. L. 102-587, title V, §5302, Nov. 4, 1992, 106 Stat. 5083; amended Pub. L. 109-304, §15(19), Oct. 6, 2006, 120 Stat. 1703.)

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-304 in subsec. (a) struck out par. (1) designation before “A barge removal” and substituted “subcontractor are not” for “subcontractor not”, redesignated par. (2) as subsec. (b) and subpars. (A) and (B) of former par. (2) as pars. (1) and (2) of subsec. (b), respectively, and substituted “Subsection (a)” for “Paragraph (1)”.

CHAPTER 49—OCEANGOING NON-PASSENGER COMMERCIAL VESSELS

Sec.

4901. Surveillance requirements.

§ 4901. Surveillance requirements

(a) IN GENERAL.—A vessel engaged in commercial service that does not carry passengers, shall maintain a video surveillance system.

(b) APPLICABILITY.—The requirements in this section shall apply to—

(1) documented vessels with overnight accommodations for at least 10 individuals on board that are—

(A) on a voyage of at least 600 miles and crosses seaward of the Boundary Line; or

(B) at least 24 meters (79 feet) in overall length and required to have a load line under chapter 51;

(2) documented vessels of at least 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104 on an international voyage; and

(3) vessels with overnight accommodations for at least 10 individuals on board that are operating for no less than 72 hours on waters superjacent to the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).¹

(c) PLACEMENT OF VIDEO AND AUDIO SURVEILLANCE EQUIPMENT.—

(1) IN GENERAL.—The owner of a vessel to which this section applies shall install video and audio surveillance equipment aboard the vessel not later than 2 years after enactment of the Don Young Coast Guard Authorization Act of 2022, or during the next scheduled dry-dock, whichever is later.

(2) LOCATIONS.—Video and audio surveillance equipment shall be placed in passageways on to which doors from staterooms open. Such equipment shall be placed in a manner ensuring the visibility of every door in each such passageway.

(d) NOTICE OF VIDEO AND AUDIO SURVEILLANCE.—The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the crew of the presence of video and audio surveillance equipment.

(e) ACCESS TO VIDEO AND AUDIO RECORDS.—The owner of a vessel to which this section applies shall ensure that access to records of video and audio surveillance is not used as part of a labor action against a crew member or employment dispute unless used in a criminal or civil action.

(f) RETENTION REQUIREMENTS.—The owner of a vessel to which this section applies shall retain all records of audio and video surveillance for not less than 1 year after the footage is obtained. Any video and audio surveillance found to be associated with an alleged incident should be preserved for not less than 5 years from the date of the alleged incident.

(g) PERSONNEL TRAINING.—A vessel owner or employer of a seafarer shall provide training for all individuals employed by the owner or employer for the purpose of responding to incidents of sexual assault or sexual harassment, including—

(1) such training to ensure the individuals—

(A) retain audio and visual records and other evidence objectively; and

(B) act impartially without influence from the company or others; and

(2) training on applicable Federal, State, Tribal, and local laws and regulations regarding sexual assault and sexual harassment investigations and reporting requirements.

(g) DEFINITION OF OWNER.—In this section, the term “owner” means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

(h) EXEMPTION.—Fishing vessels, fish processing vessels, and fish tender vessels are exempt from this section.

¹ So in original. Another closing parenthesis probably should precede the period.

(Added Pub. L. 117-263, div. K, title CXVI, § 11607(a), Dec. 23, 2022, 136 Stat. 4150.)

Editorial Notes

REFERENCES IN TEXT

Enactment of the Don Young Coast Guard Authorization Act of 2022, referred to in subsec. (c)(1), means enactment of div. K of Pub. L. 117-263, which was approved Dec. 23, 2022.

PART C—LOAD LINES OF VESSELS

HISTORICAL AND REVISION NOTES

Part C contains provisions that apply to load lines. A load line is a mark drawn on a vessel that indicates whether a vessel is overloaded. Load line requirements for international voyages are based not only on domestic law but also the 1966 International Load Line Convention.

CHAPTER 51—LOAD LINES

Sec.	
5101.	Definitions.
5102.	Application.
5103.	Load line requirements.
5104.	Assignment of load lines.
5105.	Load line surveys.
5106.	Load line certificate.
5107.	Delegation of authority.
5108.	Special exemptions.
5109.	Reciprocity for foreign vessels.
5110.	Submersible vessels.
5111.	Providing loading information.
5112.	Loading restrictions.
5113.	Detention of vessels.
5114.	Use of Customs Service officers and employees for enforcement.
[5115.	Repealed.]
5116.	Penalties.

HISTORICAL AND REVISION NOTES

Chapter 51 provides for the assignment of load lines and issuance of load line certificates to vessels, and requires that certain classes of vessels be marked with load lines.

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-595, title VI, § 603(5)(B), Nov. 16, 1990, 104 Stat. 2993, struck out item 5115 “Regulations”.

§ 5101. Definitions

In this chapter—

(1) “domestic voyage” means movement of a vessel between places in, or subject to the jurisdiction of, the United States, except movement between—

(A) a place in a territory or possession of the United States or the Trust Territory of the Pacific Islands; and

(B) a place outside that territory, possession, or Trust Territory.

(2) “economic benefit of the overloading” means the amount obtained by multiplying the weight of the overload (in tons) by the lesser of—

(A) the average freight rate value of a ton of the vessel’s cargo for the voyage; or

(B) \$50.

(3) “existing vessel” means—

(A) a vessel on a domestic voyage, the keel of which was laid, or that was at a similar

stage of construction, before January 1, 1986; and

(B) a vessel on a foreign voyage, the keel of which was laid, or that was at a similar stage of construction, before July 21, 1968.

(4) “freeboard” means the distance from the mark of the load line assigned under this chapter to the freeboard deck.

(5) “freeboard deck” means the deck or other structure the Secretary prescribes by regulation.

(6) “minimum safe freeboard” means the freeboard that the Secretary decides cannot be reduced safely without limiting the operation of the vessel.

(7) “weight of the overload” means the amount obtained by multiplying the number of inches that the vessel is submerged below the applicable assigned freeboard by the tons-inch immersion factor for the vessel at the assigned minimum safe freeboard.

(Pub. L. 99-509, title V, § 5101(2), Oct. 21, 1986, 100 Stat. 1913.)

HISTORICAL AND REVISION NOTES

Revised section 5101

Source: Section (U.S. Code) 46 App. U.S.C. 86a.

Section 5101 contains definitions that are limited to Chapter 51—Load Lines. Existing Section 46 App. U.S.C. 86a (which defines only the terms “new ship” and “existing ship”) will be replaced by section 5101. Definitions of technical terms (“freeboard”, “freeboard deck”, and “minimum safe freeboard”) have been added for clarity. The definition of the term “new ship” has been deleted because the term is not used in Chapter 51. The definition of “domestic voyage” includes the phrase “places in or subject to the jurisdiction of the United States.” “Places subject to the jurisdiction of the United States” include deep water ports, production platforms, mining sites outside of territorial waters of the United States but within the United States’ Exclusive Economic Zone (EEZ) that was established by Presidential Proclamation 5030, dated March 10, 1983, or on the outer continental shelf. The phrases “economic benefit of overloading” and “weight of the overload” have been defined for purposes of establishing a standard method of determining the value of the cargo with which a vessel is overloaded. The value of the cargo will in turn affect the maximum penalty assessed for overloading the vessel. The definition of “freeboard deck” provides the Secretary with the authority to designate as the freeboard deck either the actual deck (on standard vessels) or another structure (on non-standard vessels). Non-standard vessels, for which this regulatory flexibility is necessary, include shelter deck vessels, semi-submersible multi-hull units, container ships, surface effect vessels, and commercial submarines.

Executive Documents

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 5102. Application

(a) Except as provided in subsection (b) of this section, this chapter applies to the following:

(1) a vessel of the United States.

(2) a vessel on the navigable waters of the United States.

(3) a vessel—