

div. C, title XXXV, §3546(e), Aug. 13, 2018, 132 Stat. 2326.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 substituted “section 30305(b)(7) of title 49” for “section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as a note under section 2701 of Title 33, Navigation and Navigable Waters.

§ 7506. Convention tonnage for licenses, certificates, and documents

Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner’s document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

(2) issue the license, certificate, or document based on that service.

(Added Pub. L. 104-324, title VII, §745(a), Oct. 19, 1996, 110 Stat. 3942.)

§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may—

(1) extend for not more than one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

(2) issue for not more than five years an expiring license or certificate of registry issued for an individual under chapter 71 for the exclusive purpose of aligning the expiration date of such license or certificate of registry with the expiration date of a merchant mariner’s document.

(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may—

(1) extend for not more than one year an expiring merchant mariner’s document issued for an individual under chapter 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those merchant mariner documents or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

(2) issue for not more than five years an expiring merchant mariner’s document issued

for an individual under chapter 73 for the exclusive purpose of aligning the expiration date of such merchant mariner’s document with the expiration date of a license or certificate of registry.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(Added Pub. L. 111-281, title VI, §615(a), Oct. 15, 2010, 124 Stat. 2971; amended Pub. L. 112-213, title III, §311, Dec. 20, 2012, 126 Stat. 1569; Pub. L. 115-282, title V, §510(3), (4), Dec. 4, 2018, 132 Stat. 4274.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-282, §510(3), substituted “merchant mariner documents” for “licenses or certificates of registry”.

Subsec. (b)(2). Pub. L. 115-282, §510(4), substituted “license or certificate of registry” for “merchant mariner’s document.”

2012—Subsec. (a). Pub. L. 112-213 substituted “chapter 71” for “chapter 73” in pars. (1) and (2).

§ 7508. Authority to extend the duration of medical certificates

(a) GRANTING OF EXTENSIONS.—Notwithstanding any other provision of law, the Secretary may extend for not more than one year a medical certificate issued to an individual holding a license, merchant mariner’s document, or certificate of registry issued under chapter 71 or 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for medical certificates or is in response to a national emergency or natural disaster.

(b) MANNER OF EXTENSION.—An extension under this section may be granted to an individual or a specifically identified group of individuals.

(Added Pub. L. 112-213, title III, §306(a), Dec. 20, 2012, 126 Stat. 1565; amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8505(b)(6), Jan. 1, 2021, 134 Stat. 4751.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 substituted “an individual or a specifically identified group of individuals” for “individual seamen or a specifically identified group of seamen”.

§ 7509. Medical certification by trusted agents

(a) IN GENERAL.—Notwithstanding any other provision of law and pursuant to regulations prescribed by the Secretary, a trusted agent may issue a medical certificate to an individual who—

(1) must hold such certificate to qualify for a license, certificate of registry, or merchant mariner’s document, or endorsement thereto under this part; and

(2) is qualified as to sight, hearing, and physical condition to perform the duties of such license, certificate, document, or endorsement, as determined by the trusted agent.

(b) PROCESS FOR ISSUANCE OF CERTIFICATES BY SECRETARY.—A final rule implementing this section shall include a process for—

(1) the Secretary of the department in which the Coast Guard is operating to issue medical certificates to mariners who submit applications for such certificates to the Secretary; and

(2) a trusted agent to defer to the Secretary the issuance of a medical certificate.

(c) TRUSTED AGENT DEFINED.—In this section the term “trusted agent” means a medical practitioner certified by the Secretary to perform physical examinations of an individual for purposes of a license, certificate of registry, or merchant mariner’s document under this part.

(Added Pub. L. 114–120, title III, §309(a), Feb. 8, 2016, 130 Stat. 56.)

Statutory Notes and Related Subsidiaries

IMPLEMENTATION DEADLINE

Pub. L. 114–120, title III, §309(b), Feb. 8, 2016, 130 Stat. 57, provided that: “Not later than 5 years after the date of the enactment of this Act [Feb. 8, 2016], the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing section 7509 of title 46, United States Code, as added by this section.”

§ 7510. Examinations for merchant mariner credentials

(a) DISCLOSURE NOT REQUIRED.—Notwithstanding any other provision of law, the Secretary is not required to disclose to the public—

(1) a question from any examination for a merchant mariner credential;

(2) the answer to such a question, including any correct or incorrect answer that may be presented with such question; and

(3) any quality or characteristic of such a question, including—

(A) the manner in which such question has been, is, or may be selected for an examination;

(B) the frequency of such selection; and

(C) the frequency that an examinee correctly or incorrectly answered such question.

(b) EXCEPTION FOR CERTAIN QUESTIONS.—Notwithstanding subsection (a), the Secretary may, for the purpose of preparation by the general public for examinations required for merchant mariner credentials, release an examination question and answer that the Secretary has retired or is not presently on or part of an examination, or that the Secretary determines is appropriate for release.

(c) EXAM REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Coast Guard Authorization Act of 2016, and once every two years thereafter, the Commandant shall commission a working group to review new questions for inclusion in examinations required for merchant mariner credentials, composed of—

(A) 1 subject matter expert from the Coast Guard;

(B) representatives from training facilities and the maritime industry, of whom—

(i) one-half shall be representatives from approved training facilities; and

(ii) one-half shall be representatives from the appropriate maritime industry;

(C) at least 1 representative from the National Merchant Marine Personnel Advisory Committee;

(D) at least 2 representatives from the State maritime academies, of whom one shall be a representative from the deck training track and one shall be a representative of the engineer license track;

(E) representatives from other Coast Guard Federal advisory committees, as appropriate, for the industry segment associated with the subject examinations;

(F) at least 1 subject matter expert from the Maritime Administration; and

(G) at least 1 human performance technology representative.

(2) INCLUSION OF PERSONS KNOWLEDGEABLE ABOUT EXAMINATION TYPE.—The working group shall include representatives knowledgeable about the examination type under review.

(3) LIMITATION.—The requirement to convene a working group under paragraph (1) does not apply unless there are new examination questions to review.

(4) BASELINE REVIEW.—

(A) IN GENERAL.—Within 1 year after the date of the enactment of the Coast Guard Authorization Act of 2016, the Secretary shall convene the working group to complete a baseline review of the Coast Guard’s Merchant Mariner Credentialing Examination, including review of—

(i) the accuracy of examination questions;

(ii) the accuracy and availability of examination references;

(iii) the length of merchant mariner examinations; and

(iv) the use of standard technologies in administering, scoring, and analyzing the examinations.

(B) PROGRESS REPORT.—The Coast Guard shall provide a progress report to the appropriate congressional committees on the review under this paragraph.

(5) FULL MEMBERSHIP NOT REQUIRED.—The Coast Guard may convene the working group without all members present if any non-Coast-Guard representative is present.

(6) NONDISCLOSURE AGREEMENT.—The Secretary shall require all members of the working group to sign a nondisclosure agreement with the Secretary.

(7) TREATMENT OF MEMBERS AS FEDERAL EMPLOYEES.—A member of the working group who is not a Federal Government employee shall not be considered a Federal employee in the service or the employment of the Federal Government, except that such a member shall be considered a special government employee, as defined in section 202(a) of title 18 for purposes of sections 203, 205, 207, 208, and 209 of such title and shall be subject to any administrative standards of conduct applicable to an employee of the department in which the Coast Guard is operating.