

(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.

(8) FORMAL EXAM REVIEW.—The Secretary shall ensure that the Coast Guard Performance Technology Center—

(A) prioritizes the review of examinations required for merchant mariner credentials; and

(B) not later than 3 years after the date of enactment of the Coast Guard Authorization Act of 2016, completes a formal review, including an appropriate analysis, of the topics and testing methodology employed by the National Maritime Center for merchant mariner licensing.

(9) CHAPTER 10 OF TITLE 5.—Chapter 10 of title 5 shall not apply to any working group created under this section to review the Coast Guard’s merchant mariner credentialing examinations.

(d) MERCHANT MARINER CREDENTIAL DEFINED.—In this section, the term “merchant mariner credential” means a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to this title.

(Added Pub. L. 114–120, title III, §315(a)(1), Feb. 8, 2016, 130 Stat. 60; amended Pub. L. 114–328, div. C, title XXXV, §3503(a), (b)(1), Dec. 23, 2016, 130 Stat. 2775; Pub. L. 115–232, div. C, title XXXV, §3541(b)(12), Aug. 13, 2018, 132 Stat. 2323; Pub. L. 115–282, title VI, §601(c)(3)(B), Dec. 4, 2018, 132 Stat. 4289; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(b)(7), Jan. 1, 2021, 134 Stat. 4751; Pub. L. 117–286, §4(a)(290), Dec. 27, 2022, 136 Stat. 4337.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2016, referred to in subsec. (c)(1), (4)(A), (8)(B), is the date of enactment of Pub. L. 114–120, which was approved Feb. 8, 2016.

AMENDMENTS

2022—Subsec. (c)(9). Pub. L. 117–286 substituted “Chapter 10 of title 5” for “FACA” in heading and “Chapter 10 of title 5” for “The Federal Advisory Committee Act (5 U.S.C. App.)” in text.

2021—Subsec. (c)(8)(B). Pub. L. 116–283, §8505(b)(7)(A), substituted “merchant mariner” for “merchant seaman”.

Subsec. (d). Pub. L. 116–283, §8505(b)(7)(B), substituted “merchant mariner license” for “merchant seaman license”.

2018—Subsec. (c)(1). Pub. L. 115–232 substituted “Commandant” for “Commandant of the Coast Guard” in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 115–282 inserted “National” before “Merchant Marine”.

2016—Subsec. (c)(1). Pub. L. 114–328, §3503(a), in introductory provisions, substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Subsec. (c)(1)(D). Pub. L. 114–328, §3503(b)(1)(A), substituted “engineer” for “engine”.

Subsec. (c)(4)(A), (8)(B). Pub. L. 114–328, §3503(a), substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Subsec. (c)(9). Pub. L. 114–328, §3503(b)(1)(B), inserted a period after “App”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114–328 effective as if included in the enactment of Pub. L. 114–120, see section 3503(e)

of Pub. L. 114–328, set out as a note under section 315 of Title 14, Coast Guard.

DISCLOSURE TO CONGRESS

Pub. L. 114–120, title III, §315(c), Feb. 8, 2016, 130 Stat. 62, provided that: “Nothing in this section [enacting this section and section 7116 of this title] may be construed to authorize the withholding of information from an appropriate inspector general, the Committee on Commerce, Science, and Transportation of the Senate, or the Committee on Transportation and Infrastructure of the House of Representatives.”

§ 7511. Convicted sex offender as grounds for denial

(a) SEXUAL ABUSE.—A license, certificate of registry, or merchant mariner’s document authorized to be issued under this part shall be denied to an individual who has been convicted of a sexual offense prohibited under—

(1) chapter 109A of title 18, except for subsection (b) of section 2244 of title 18; or

(2) a substantially similar offense under State, local, or Tribal law.

(b) ABUSIVE SEXUAL CONTACT.—A license, certificate of registry, or merchant mariner’s document authorized to be issued under this part may be denied to an individual who within 5 years before applying for the license, certificate, or document, has been convicted of a sexual offense prohibited under subsection (b) of section 2244 of title 18, or a substantially similar offense under State, local, or Tribal law.

(Added Pub. L. 117–263, div. K, title CXVI, §11602(a), Dec. 23, 2022, 136 Stat. 4147.)

CHAPTER 77—SUSPENSION AND REVOCATION

Sec.

7701.	General.
7702.	Administrative procedure.
7703.	Bases for suspension or revocation.
7704.	Dangerous drugs as grounds for revocation.
7704a.	Sexual harassment or sexual assault as grounds for suspension or revocation.
7705.	Subpenas and oaths.
7706.	Drug testing reporting.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–263, div. K, title CXVI, §11603(b), Dec. 23, 2022, 136 Stat. 4148, added item 7704a.

2004—Pub. L. 108–293, title IV, §414(b), Aug. 9, 2004, 118 Stat. 1047, added item 7706.

§ 7701. General

(a) The purpose of suspension and revocation proceedings is to promote safety at sea.

(b) Licenses, certificates of registry, and merchant mariners’ documents may be suspended or revoked for acts described in section 7703 of this title.

(c) When a license, certificate of registry, or merchant mariner’s document has been revoked under this chapter, the former holder may be issued a new license, certificate of registry, or merchant mariner’s document only after—

(1) the Secretary decides, under regulations prescribed by the Secretary, that the issuance is compatible with the requirement of good discipline and safety at sea; and