

Subsec. (d). Pub. L. 98-364, §402(11)(C), substituted “a fishing, fish tender, or whaling vessel, a fish processing vessel of not more than 5,000 gross tons” for “a fishing or whaling vessel”.

Subsec. (k). Pub. L. 98-557 substituted “shall” for “may”.

Pub. L. 98-364, §402(11)(D), added subsec. (k).

Subsec. (l). Pub. L. 98-557 substituted “shall” for “may” in provisions preceding par. (l).

Pub. L. 98-364, §402(11)(D), added subsec. (l).

Subsec. (m). Pub. L. 98-364, §402(11)(D), added subsec. (m).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-281, title IX, §903(a), Oct. 15, 2010, 124 Stat. 3010, provided that the amendment by section 903(a)(1) is effective with enactment of Pub. L. 109-241.

EFFECTIVE DATE OF 1990 AMENDMENT

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

ARTICULATED TUG-BARGE MANNING

Pub. L. 117-263, div. K, title CXV, §11508, Dec. 23, 2022, 136 Stat. 4137, provided that:

“(a) IN GENERAL.—Notwithstanding the watch setting requirements set forth in section 8104 of title 46, United States Code, the Secretary shall authorize an Officer in Charge, Marine Inspection to issue an amended certificate of inspection that does not require engine room watch setting to inspected towing vessels certificated prior to July 19, 2022, forming part of an articulated tug-barge unit, provided that such vessels are equipped with engineering control and monitoring systems of a type accepted for no engine room watch setting under a previously approved minimum safe manning document or certificate of inspection for articulated tug-barge units.

“(b) DEFINITIONS.—In this section:

“(1) CERTIFICATE OF INSPECTION.—The term ‘certificate of inspection’ means a certificate of inspection under subchapter M of chapter I of title 46, Code of Federal Regulations.

“(2) INSPECTED TOWING VESSEL.—The term ‘inspected towing vessel’ means a vessel issued a certificate of inspection.”

[For definition of “Secretary” as used in section 11598 of Pub. L. 117-263, set out above, see section 11002 of Pub. L. 117-263, set out as a note under section 106 of Title 14, Coast Guard.]

§ 8105. Fishing vessel exemption

Notwithstanding any other provision of law, neither the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, nor any amendment to such convention, shall apply to a fishing vessel, including a fishing vessel used as a fish tender vessel.

(Added Pub. L. 104-324, title XI, §1146(a), Oct. 19, 1996, 110 Stat. 3992.)

Editorial Notes

PRIOR PROVISIONS

A prior section 8105, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 550, authorized Secretary to prescribe regulations to carry out this part prior to repeal by Pub. L. 101-595, title VI, §603(7)(A), Nov. 16, 1990, 104 Stat. 2993.

§ 8106. Riding gangs

(a) IN GENERAL.—The owner or managing operator of a freight vessel of the United States on

voyages covered by the International Convention for Safety of Life at Sea, 1974 (32 UST 47m) shall—

(1) ensure that—

(A) subject to subsection (d), each riding gang member on the vessel—

(i) is a United States citizen or an alien lawfully admitted to the United States for permanent residence; or

(ii) possesses a United States non-immigrant visa for individuals desiring to enter the United States temporarily for business, employment-related and personal identifying information, and any other documentation required by the Secretary;

(B) all required documentation for such member is kept on the vessel and available for inspection by the Secretary; and

(C) each riding gang member is identified on the vessel’s crew list;

(2) ensure that—

(A) the owner or managing operator attests in a certificate that the background of each riding gang member has been examined and found to be free of any credible information indicating a material risk to the security of the vessel, the vessel’s cargo, the ports the vessel visits, or other individuals onboard the vessel;

(B) the background check consisted of a search of all information reasonably available to the owner or managing operator in the riding gang member’s country of citizenship and any other country in which the riding gang member works, receives employment referrals, or resides;

(C) the certificate required under subparagraph (A) is kept on the vessel and available for inspection by the Secretary; and

(D) the information derived from any such background check is made available to the Secretary upon request;

(3) ensure that each riding gang member, while on board the vessel, is subject to the same random chemical testing and reporting regimes as crew members;

(4) ensure that each such riding gang member receives basic safety familiarization and basic safety training approved by the Coast Guard as satisfying the requirements for such training under the International Convention of Training, Certification, and Watchkeeping for Seafarers, 1978;

(5) prevent from boarding the vessel, or cause the removal from the vessel at the first available port, and disqualify from future service on board any other vessel owned or operated by that owner or operator, any riding gang member—

(A) who has been convicted in any jurisdiction of an offense described in paragraph (2) or (3) of section 7703;

(B) whose license, certificate of registry, or merchant mariner’s document has been suspended or revoked under section 7704; or

(C) who otherwise constitutes a threat to the safety of the vessel;

(6) ensure and certify to the Secretary that the sum of—