

serious impairment of health resulting from the performance of duties as ordered by the seaman's employer.

(3) To qualify for protection against the seaman's employer under paragraph (1)(B), the employee must have sought from the employer, and been unable to obtain, correction of the unsafe condition.

(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman's request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.

(Added Pub. L. 98-557, §13(a), Oct. 30, 1984, 98 Stat. 2863; amended Pub. L. 107-295, title IV, §428, Nov. 25, 2002, 116 Stat. 2127; Pub. L. 111-281, title VI, §611(a), Oct. 15, 2010, 124 Stat. 2969.)

AMENDMENTS

2010—Subsec. (a)(1)(C) to (G). Pub. L. 111-281, §611(a)(1)–(3), added subpars. (C) to (G).

Subsec. (b). Pub. L. 111-281, §611(a)(4), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "A seaman discharged or otherwise discriminated against in violation of this section may bring an action in an appropriate district court of the United States. In that action, the court may order any appropriate relief, including—

"(1) restraining violations of this section;

"(2) reinstatement to the seaman's former position with back pay;

"(3) an award of costs and reasonable attorney's fees to a prevailing plaintiff not exceeding \$1,000; and

"(4) an award of costs and reasonable attorney's fees to a prevailing employer not exceeding \$1,000 if the court finds that a complaint filed under this section is frivolous or has been brought in bad faith."

2002—Subsec. (a). Pub. L. 107-295, §428(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discharge or in any manner discriminate against a seaman because the seaman in good faith has reported or is about to report to the Coast Guard that the seaman believes that a violation of this subtitle, or a regulation issued under this subtitle, has occurred."

Subsec. (b)(3), (4). Pub. L. 107-295, §428(b), added pars. (3) and (4).

SAVINGS PROVISION

Pub. L. 111-281, title VI, §611(b), Oct. 15, 2010, 124 Stat. 2970, provided that: "This section [amending this section] shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act [Oct. 15, 2010], to an action filed under that section before that date."

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 2115. Civil penalty to enforce alcohol and dangerous drug testing

Any person who fails to implement or conduct, or who otherwise fails to comply with the requirements prescribed by the Secretary for, chemical testing for dangerous drugs or for evidence of alcohol use, as prescribed under this subtitle or a regulation prescribed by the Secretary to carry out the provisions of this subtitle, is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(Added Pub. L. 104-324, title III, §303(a), Oct. 19, 1996, 110 Stat. 3917; amended Pub. L. 105-383, title III, §304(b), Nov. 13, 1998, 112 Stat. 3419.)

AMENDMENTS

1998—Pub. L. 105-383 substituted "\$5,000" for "\$1,000".

§ 2116. Marine safety strategy, goals, and performance assessments

(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

(1) Reducing the number and rates of marine casualties.

(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.

(3) Identifying and targeting enforcement efforts at high-risk vessels and operators.

(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

(b) CONTENTS OF STRATEGY AND ANNUAL PLANS.—

(1) MEASURABLE GOALS.—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

(A) To increase the number of safety examinations on all high-risk vessels.

(B) To eliminate the backlog of marine safety-related rulemakings.

(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in section 93(c).¹

(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of—

(A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and

¹ See References in Text note below.

(B) the staff skills and training needed for timely and effective accomplishment of each goal.

(c) **SUBMISSION WITH THE PRESIDENT'S BUDGET.**—Beginning with fiscal year 2011 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan not later than 60 days following the transmission of the President's budget submission under section 1105 of title 31.

(d) **ACHIEVEMENT OF GOALS.**—

(1) **PROGRESS ASSESSMENT.**—No less frequently than semiannually, the Coast Guard Commandant shall assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant shall convey the Commandant's assessment to the employees of the marine safety workforce and shall identify any deficiencies that should be remedied before the next progress assessment.

(2) **REPORT TO CONGRESS.**—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;

(B) on the program's mission performance in achieving numerical measurable goals established under subsection (b); and

(C) recommendations on how to improve performance of the program.

(Added Pub. L. 111-281, title V, § 522(a), Oct. 15, 2010, 124 Stat. 2956.)

REFERENCES IN TEXT

Section 93(c), referred to in subsec. (b)(1)(D), probably means section 93(c) of Title 14, Coast Guard, which relates to marine safety responsibilities of the Commandant of the Coast Guard.

§ 2117. Termination for unsafe operation

An individual authorized to enforce this title—

(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

(3) may direct the individual in charge of a vessel to which this title applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended.

(Added Pub. L. 111-281, title VI, § 608(a), Oct. 15, 2010, 124 Stat. 2967.)

§ 2118. Establishment of equipment standards

(a) In establishing standards for approved equipment required on vessels subject to part B of this title,¹ the Secretary shall establish standards that are—

- (1) based on performance using the best available technology that is economically achievable; and
- (2) operationally practical.

(b) Using the standards established under subsection (a), the Secretary may also certify life-saving equipment that is not required to be carried on vessels subject to part B of this title² to ensure that such equipment is suitable for its intended purpose.

(c) At least once every 10 years the Secretary shall review and revise the standards established under subsection (a) to ensure that the standards meet the requirements of this section.

(Added Pub. L. 111-281, title VI, § 608(a), Oct. 15, 2010, 124 Stat. 2968.)

CHAPTER 23—OPERATION OF VESSELS GENERALLY

Sec. 2301.	Application.
2302.	Penalties for negligent operations and interfering with safe operation.
2303.	Duties related to marine casualty assistance and information.
2303a.	Post serious marine casualty alcohol testing.
2304.	Duty to provide assistance at sea.
2305.	Injunctions.
2306.	Vessel reporting requirements.
2307.	Limitation of liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators.

HISTORICAL AND REVISION NOTES

Chapter 23 lists requirements that relate to the general operation of all vessels. These include penalties and injunctive relief for negligent operation of a vessel. It also provides penalties for failure to render assistance.

AMENDMENTS

2012—Pub. L. 112-213, title III, § 302(b), Dec. 20, 2012, 126 Stat. 1563, substituted "Limitation of liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators" for "Limitation of liability for Coast Guard Vessel Traffic Service pilots" in item 2307.

2002—Pub. L. 107-295, title IV, § 431(b), Nov. 25, 2002, 116 Stat. 2128, added item 2307.

1998—Pub. L. 105-383, title III, §§ 302(b), 304(d)(2), Nov. 13, 1998, 112 Stat. 3418, 3420, added item 2302, struck out former item 2302 "Penalties for negligent operations", and added item 2303a.

1984—Pub. L. 98-498, title II, § 212(a)(1), Oct. 19, 1984, 98 Stat. 2305, added item 2306.

§ 2301. Application

Except as provided in sections 2304 and 2306 of this title, this chapter applies to a vessel operated on waters subject to the jurisdiction of the United States (including the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988) and, for a vessel owned in the United States, on the high seas.

¹ So in original. Probably should be "this subtitle".

² So in original. Probably should be "this subtitle".