

Subsection (e) prescribes the penalty for violation of this section.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-324, § 732(1), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “100 gross tons” in introductory provisions.

Subsec. (a)(6). Pub. L. 104-324, § 732(2), inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “1,600 gross tons”.

1990—Subsec. (a)(3). Pub. L. 101-595, § 602(e)(2)(A), substituted “vessel (except a fish tender vessel engaged in the Aleutian trade)” for “vessel”.

Subsec. (b)(2). Pub. L. 101-595, § 602(e)(2)(B), inserted provisions authorizing reduction to 50 percent of the deck crew in the case of a fish tender vessel engaged in the Aleutian trade.

Subsec. (e). Pub. L. 101-380 substituted “\$10,000” for “\$500”.

1988—Subsec. (b). Pub. L. 100-239 substituted “operate” for “depart from a port of the United States”.

1984—Subsec. (a)(3). Pub. L. 98-364, § 402(12)(B)(i), substituted “fishing, fish tender, or whaling” for “fishing or whaling”.

Subsec. (a)(6), (7). Pub. L. 98-364, § 402(12)(B)(ii)-(iv), added pars. (6) and (7).

EFFECTIVE DATE OF 1990 AMENDMENTS

Amendment by section 602(e)(2)(A) of Pub. L. 101-595 effective Nov. 16, 1990, and requirements imposed by subsec. (b)(2), as amended by section 602(e)(2)(B) of Pub. L. 101-595, effective 1 year after Nov. 16, 1990, see section 602(f) of Pub. L. 101-595, set out as a note under section 4502 of this title.

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.

EXEMPTION OF CERTAIN FISH PROCESSING VESSELS

Certain fish processing vessels exempt from crew requirements of subsec. (b) of this section, see section 403(b) of Pub. L. 98-364, as amended, set out as a note under section 3302 of this title.

§ 8703. Tankermen on tank vessels

(a) A vessel of the United States to which chapter 37 of this title applies, that has on board oil or hazardous material in bulk as cargo or cargo residue, shall have a specified number of the crew certified as tankermen as required by the Secretary. This requirement shall be noted on the certificate of inspection issued to the vessel.

[(b) Repealed. Pub. L. 98-557, § 18, Oct. 30, 1984, 98 Stat. 2869.]

(c) A vessel to which section 3702(b) of this title applies shall have on board as a crewmember in charge of the transfer operation an individual certified as a tankerman (qualified for the grade of fuel transferred), unless a master, mate, pilot, engineer, or operator licensed under section 7101 of this title is present in charge of the transfer. If the vessel does not have that individual on board, chapter 37 of this title applies to the vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 555; Pub. L. 98-557, § 18, Oct. 30, 1984, 98 Stat. 2869.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 8703(a) 46:391a(10)(A)

HISTORICAL AND REVISION NOTES—CONTINUED

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 8703(b) 46:391a(10)(C). Row 2: 8703(c) 46:391a(4)(B)

Section 8703 sets requirements for tankermen on board vessels carrying oil or hazardous material in bulk as cargo or cargo residue.

Subsection (a) requires a specified number of the crew certified as tankermen on board these vessels and a notation be made to that effect on the vessel’s certificate of inspection. A tankerman is an individual who is experienced and trained in the procedures for transferring oil or hazardous material to or from a vessel and is responsible for carrying out these duties and responsibilities.

Subsection (b) authorizes the Secretary to regulate tankermen and restrict the types of oil or hazardous materials on the basis of safety to the vessel and the marine environment.

Subsection (c) requires a tankerman or licensed master, pilot, engineer, or operator to be present and in charge of a transfer of oil or hazardous material on certain vessels in the service of oil exploitation. If this individual is not on board, then the tank vessel requirements of chapter 37 apply to the vessel.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-557 repealed subsec. (b) which contained duplicate tankerman manning requirements. See section 7317(a) of this title.

§ 8704. Alien deemed to be employed in the United States

An alien is deemed to be employed in the United States for purposes of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) if the alien is an unlicensed individual employed on a fishing, fish processing, or fish tender vessel that—

(1) is a vessel of the United States engaged in the fisheries in the navigable waters of the United States or the exclusive economic zone; and

(2) is not engaged in fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(Added Pub. L. 100-239, § 5(f)(1), Jan. 11, 1988, 101 Stat. 1781; amended Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

AMENDMENTS

1996—Par. (2). Pub. L. 104-208 substituted “Magnuson-Stevens Fishery” for “Magnuson Fishery”.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

CONSTRUCTION

Pub. L. 100-239, § 5(f)(3), Jan. 11, 1988, 101 Stat. 1781, provided that: “With respect to an alien who is deemed to be employed in the United States under section 8704 of title 46, United States Code (as amended by this subsection), the term ‘date of the enactment of this section’ [translated as ‘November 6, 1986’] as used in section 274A(i) of the Immigration and Nationality Act [former 8 U.S.C. 1324a(i)] means the date 180 days after the enactment of this section [Jan. 11, 1988].”