

“(1) make application for inspection with the Coast Guard within 6 months after the date of enactment of this Act [Dec. 20, 1993];

“(2) make the vessel available for examination by the Coast Guard prior to the carriage of passengers;

“(3)(A) correct especially any hazardous conditions involving the vessel’s structure, electrical system, and machinery installation, such as (i) grossly inadequate, missing, unsound, or severely deteriorated frames or major structural members; (ii) wiring systems or electrical appliances without proper grounding or overcurrent protection; and (iii) significant fuel or exhaust system leaks;

“(B) equip the vessel with lifesaving and fire fighting equipment, or the portable equivalent, required for the route and number of persons carried; and

“(C) verify through stability tests, calculations, or other practical means (which may include a history of safe operations) that the vessel’s stability is satisfactory for the size, route, and number of passengers; and

“(4) develop a work plan approved by the Coast Guard to complete in a good faith effort all requirements necessary for issuance of a certificate of inspection as soon as practicable.

“(d) OPERATION OF VESSEL DURING EXTENSION PERIOD.—The owner of a vessel receiving an extension under this section shall operate the vessel under the conditions of route, service, number of passengers, manning, and equipment as may be prescribed by the Coast Guard for the extension period.”

TANK VESSEL DEFINITION CLARIFICATION

Pub. L. 102-587, title V, §5209, Nov. 4, 1992, 106 Stat. 5076, as amended by Pub. L. 105-383, title IV, §422, Nov. 13, 1998, 112 Stat. 3439; Pub. L. 111-281, title VI, §617(a)(1)(B), Oct. 15, 2010, 124 Stat. 2972, provided that:

“(a) In this section, ‘offshore supply vessel’, ‘fish tender vessel’, ‘fishing vessel’, and ‘tank vessel’ have the meanings given those terms under section 2101 of title 46, United States Code.

“(b) The following vessels are deemed not to be a tank vessel for the purposes of any law:

“(1) An offshore supply vessel of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104 of such title.

“(2) A fishing or fish tender vessel of not more than 750 gross tons that transfers without charge to a fishing vessel owned by the same person.

“(3) A vessel—

“(A) configured, outfitted, and operated primarily for dredging operations; and

“(B) engaged in dredging operations which transfers fuel to other vessels engaged in the same dredging operations without charge.

“(c)(1) This section does not affect the authority of the Secretary of Transportation under chapter 33 of title 46, United States Code, to regulate the operation of the vessels listed in subsection (b) to ensure the safe carriage of oil and hazardous substances.

“(2) This section does not affect the requirement for fish tender vessels engaged in the Aleutian trade to comply with chapters 33, 45, 51, 81, and 87 of title 46, United States Code, as provided in the Aleutian Trade Act of 1990 [title VI of] Public Law 101-595 [see Short Title of 1990 Amendment note set out under section 101 of this title].

“(d) Current regulations governing the vessels in subsection (b) remain in effect.”

§ 2102. Limited definitions

In chapters 33, 45, 51, 81, and 87 of this title, “Aleutian trade” means the transportation of cargo (including fishery related products) for hire on board a fish tender vessel to or from a place in Alaska west of 153 degrees west lon-

gitude and east of 172 degrees east longitude, if that place receives weekly common carrier service by water, to or from a place in the United States (except a place in Alaska).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 505; Pub. L. 98-369, div. A, title X, §1011(a), July 18, 1984, 98 Stat. 1013; Pub. L. 99-509, title V, §5102(b)(2), Oct. 21, 1986, 100 Stat. 1926; Pub. L. 101-595, title VI, §602(a), Nov. 16, 1990, 104 Stat. 2990; Pub. L. 109-304, §§15(3), 16(a), Oct. 6, 2006, 120 Stat. 1702, 1705.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
2102	46:1452(10)-(14)

Section 2102 contains a number of definitions that are limited to recreational vessels in Chapter 43 of Part B and the numbering of these vessels in Chapter 123 of Part H.

AMENDMENTS

2006—Pub. L. 109-304 redesignated subsec. (b) as entire section, substituted “west” for “West” and “east” for “East”, and struck out subsec. (a) which defined “eligible State”, “State”, “United States”, and “State recreational boating safety program” in chapters 37, 43, 51, and 123 of this title and part I of this subtitle.

1990—Pub. L. 101-595 designated existing provisions as subsec. (a) and added subsec. (b).

1986—Pub. L. 99-509 inserted reference to chapters 37 and 51.

1984—Par. (1). Pub. L. 98-369, §1011(a)(1), struck out “and facilities improvement” after “recreational boating safety”.

Par. (3). Pub. L. 98-369, §1011(a)(2), (3), redesignated par. (5) as (3) and struck out former par. (3) which defined a State recreational boating facilities improvement program.

Par. (4). Pub. L. 98-369, §1011(a)(2), struck out par. (4) which defined State recreational boating safety and facilities improvement program.

Par. (5). Pub. L. 98-369, §1011(a)(3), redesignated par. (5) as (3).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

§ 2103. Superintendence of the merchant marine

The Secretary has general superintendence over the merchant marine of the United States and of merchant marine personnel insofar as the enforcement of this subtitle is concerned and insofar as those vessels and personnel are not subject, under other law, to the supervision of another official of the United States Government. In the interests of marine safety and seamen’s welfare, the Secretary shall enforce this subtitle and shall carry out correctly and uniformly administer this subtitle. The Secretary may prescribe regulations to carry out the provisions of this subtitle.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 506; Pub. L. 99-307, §9, May 19, 1986, 100 Stat. 447.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
2103	46:2 46:372 46:689

Section 2103 provides the Secretary with the authority to superintend the merchant marine and those involved personnel insofar as the vessels and personnel are not subject, under other laws, to the supervision of another official. The Secretary has the duty to enforce the laws with respect to vessels and seamen and to carry out correctly and uniformly these laws and regulations. The term “superintendence” is used to indicate the Secretary’s broad responsibility for overseeing maritime safety and seamen’s welfare, including employment, shipping, navigation, and protection of the marine environment.

AMENDMENTS

1986—Pub. L. 99-307 substituted “subtitle. The Secretary may prescribe regulations to carry out the provisions of this subtitle” for “subtitle and regulations prescribed under this subtitle”.

§ 2104. Delegation

(a) The Secretary may delegate the duties and powers conferred by this subtitle to any officer, employee, or member of the Coast Guard, and may provide for the subdelegation of those duties and powers.

(b) When this subtitle authorizes an officer or employee of the Customs Service to act in place of a Coast Guard official, the Secretary may designate that officer or employee subject to the approval of the Secretary of the Treasury.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 506.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
2104	46:65v(1) 46:382b 46:416 46:543 46:689

Section 2104 provides the Secretary with authority to delegate duties and powers to others. It also contains the authority to designate an officer or employee of the United States Customs Service to act in the place of a Coast Guard official.

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.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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.

§ 2105. Report

The Secretary shall provide for the investigation of the operation of this subtitle and of all laws related to marine safety, and shall require that a report be made to the Secretary annually about those matters that may require improvement or amendment.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 506.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
2105	46:4

Section 2105 requires the Secretary to investigate the operation of this subtitle and all laws related to maritime safety and requires appropriate reports to ensure that the Secretary is attentive to all the shipping laws under the Secretary’s superintendence.

§ 2106. Liability in rem

When a vessel is made liable in rem under this subtitle, the vessel may be libeled and proceeded against in the district court of the United States for any district in which the vessel is found.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 506; Pub. L. 109-304, § 15(4), Oct. 6, 2006, 120 Stat. 1702.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
2106	46:170(14) 46:216e(e) 46:390d 46:391a(14)(C) 46:436 46:462 46:481(c) 46:497 46:526o 46:672(j) 46:1484(b)

Section 2106 provides that when a vessel is made liable in rem the vessel may be libeled and proceeded against in a United States district court.

AMENDMENTS

2006—Pub. L. 109-304 substituted “the district court of the United States for any district” for “a district court of the United States”.

§ 2107. Civil penalty procedures

(a) After notice and an opportunity for a hearing, a person found by the Secretary to have violated this subtitle or subtitle VII or a regulation prescribed under this subtitle or subtitle VII for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(b) The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty under this subtitle or subtitle VII until the assessment is referred to the Attorney General.

(c) If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 506; Pub. L. 109-241, title III, § 306(b), July 11, 2006, 120 Stat. 528.)