

AMENDMENTS

1984—Pub. L. 98-364, title IV, §402(9)(A), July 17, 1984, 98 Stat. 448, added item 7311a.

§ 7301. General

(a) In this chapter—

(1) “service on deck” means service in the deck department in work related to the work usually performed on board vessels by able seamen and may include service on fishing, fish processing, fish tender vessels and on public vessels of the United States;

(2) 360 days is equal to one year’s service; and

(3) a day is equal to 8 hours of labor or duty.

(b) The Secretary may prescribe regulations to carry out this chapter.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541; Pub. L. 98-364, title IV, §402(9)(B), July 17, 1984, 98 Stat. 448.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7301	46:672(c)

Section 7301 defines “service on deck”, “one year’s service” and “day” with respect to the qualifying time for the issuance of various types of endorsements as able seamen. This section also provides the Secretary with the authority to prescribe regulations to carry out this chapter.

AMENDMENTS

1984—Subsec. (a)(1). Pub. L. 98-364 substituted “fishing, fish processing, fish tender vessels” for “decked fishing vessels”.

MERCHANT MARINE POST-SERVICE CAREER OPPORTUNITIES

Pub. L. 113-281, title III, §305(d), Dec. 18, 2014, 128 Stat. 3044, provided that: “Not later than 180 days after the date of enactment of this Act [Dec. 18, 2014], the Commandant of the Coast Guard shall take steps to promote better awareness, on an ongoing basis, among Coast Guard personnel regarding post-service use of Coast Guard training, education, and practical experience in satisfaction of requirements for merchant mariner credentials under section 11.213 of title 46, Code of Federal Regulations.”

§ 7302. Issuing merchant mariners’ documents and continuous discharge books

(a) The Secretary shall issue a merchant mariner’s document to an individual required to have that document under part F of this subtitle if the individual satisfies the requirements of this part. The document serves as a certificate of identification and as a certificate of service, specifying each rating in which the holder is qualified to serve on board vessels on which that document is required under part F.

(b) The Secretary also may issue a continuous discharge book to an individual issued a merchant mariner’s document if the individual requests.

(c) The Secretary may not issue a merchant mariner’s document under this chapter unless the individual applying for the document makes available to the Secretary, under section 30305(b)(5) of title 49, any information contained in the National Driver Register related to an of-

fense described in section 30304(a)(3)(A) or (B) of title 49 committed by the individual.

(d) The Secretary may review the criminal record of an individual who applies for a merchant mariner’s document under this section.

(e) The Secretary shall require the testing of an individual applying for issuance or renewal of a merchant mariner’s document under this chapter for the use of a dangerous drug in violation of law or Federal regulation.

(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS’ DOCUMENTS.—

(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner’s document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

(2) ADVANCE RENEWALS.—A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.

(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner’s document valid for a period not to exceed 120 days, to—

(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner’s document issued under this section.

(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542; Pub. L. 101-380, title IV, §§4101(b), 4102(c), Aug. 18, 1990, 104 Stat. 509; Pub. L. 107-295, title III, §324(a), Nov. 25, 2002, 116 Stat. 2104; Pub. L. 108-293, title VI, §609(1), Aug. 9, 2004, 118 Stat. 1058; Pub. L. 109-241, title IX, §901(h)(1), (2), July 11, 2006, 120 Stat. 564; Pub. L. 111-281, title VI, §614(a), Oct. 15, 2010, 124 Stat. 2970.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7302	46:239a(c) 46:643(a) 46:643(c) 46:672(i)

Section 7302(a) requires the Secretary to issue a merchant mariner’s document to qualified individuals required to have that document as a prerequisite to employment on certain vessels of the United States. The purpose of the document is to serve as positive identification and to specify each rating in which the individual is qualified to serve on vessels.

Subsection (b) allows the Secretary to issue a continuous discharge book to an individual who requests a book.

AMENDMENTS

2010—Subsec. (f). Pub. L. 111-281 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for 5 years and may be renewed for additional 5-year periods."

2006—Subsec. (c). Pub. L. 109-241, §901(h)(1), amended directory language of Pub. L. 108-293, §609(1). See 2004 Amendment note below.

Pub. L. 109-241, §901(h)(2), inserted "section" before "30305(b)(5)" and before "30304(a)(3)(A)".

2004—Subsec. (c). Pub. L. 108-293, §609(1), as amended by Pub. L. 109-241, §901(h)(1), substituted "30305(b)(5) of title 49" for "section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)" and "30304(a)(3)(A) or (B) of title 49" for "section 205(a)(3)(A) or (B) of that Act".

2002—Subsec. (f). Pub. L. 107-295, §324(a)(1), substituted "Except as provided in subsection (g), a" for "A".

Subsec. (g). Pub. L. 107-295, §324(a)(2), added subsec. (g).

1990—Subsecs. (c) to (e). Pub. L. 101-380, §4101(b), added subsecs. (c) to (e).

Subsec. (f). Pub. L. 101-380, §4102(c), added subsec. (f).

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-241, title IX, §901(h)(1), July 11, 2006, 120 Stat. 564, provided that the amendment made by section 901(h)(1) is effective Aug. 9, 2004.

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.

CREDITING OF UNITED STATES ARMED FORCES SERVICE, TRAINING, AND QUALIFICATIONS

Pub. L. 113-281, title III, §305(c), Dec. 18, 2014, 128 Stat. 3044, provided that:

"(1) MAXIMIZING CREDITABILITY.—The Secretary of the department in which the Coast Guard is operating, in implementing United States merchant mariner license, certification, and document laws and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, shall maximize the extent to which United States Armed Forces service, training, and qualifications are creditable toward meeting the requirements of such laws and such Convention.

"(2) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act [Dec. 18, 2014], the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the steps taken to implement this subsection."

MERCHANT MARINERS' DOCUMENTS PILOT PROGRAM

Pub. L. 108-293, title VI, §611, Aug. 9, 2004, 118 Stat. 1058, provided that: "The Secretary of the department in which the Coast Guard is operating may conduct a pilot program to demonstrate methods to improve processes and procedures for issuing merchant mariners' documents."

TERMINATION OF EXISTING LICENSES, CERTIFICATES, AND DOCUMENTS; APPLICABILITY OF 1990 AMENDMENT

For provisions that a merchant mariner's document issued before Aug. 18, 1990, terminates on the day it would have expired if the amendment to this section by section 4102(c) of Pub. L. 101-380 were in effect on date it was issued and was renewed at the end of each 5-year period under this section, see section 4102(d) of Pub. L. 101-380, set out as a note under section 7106 of this title.

§ 7303. Possession and description of merchant mariners' documents

A merchant mariner's document shall be retained by the seaman to whom issued. The document shall contain the signature, notations of nationality, age, and physical description, the photograph, and the home address of the seaman. In addition, the document shall specify the rate or ratings in which the seaman is qualified to serve.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542; Pub. L. 107-295, title IV, §421, Nov. 25, 2002, 116 Stat. 2125.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7303, 46:643(a)

Section 7303 requires seamen to retain their merchant mariner's documents. It also specifies the information that is to be contained in the document.

AMENDMENTS

2002—Pub. L. 107-295 struck out "the thumbprint," after "photograph,".

§ 7304. Citizenship notation on merchant mariners' documents

An individual applying for a merchant mariner's document shall provide satisfactory proof that the individual is a citizen of the United States before that notation is made on the document.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7304, 46:643(b)

Section 7304 specifies, that before a merchant mariner's document is noted to specify that the individual is a U.S. citizen, the individual must provide satisfactory proof that he is a citizen. This does not impose a requirement of United States citizenship as a condition for issuance of a document.

§ 7305. Oaths for holders of merchant mariners' documents

An applicant for a merchant mariner's document shall take, before issuance of the document, an oath that the applicant will perform faithfully and honestly all the duties required by law, and will carry out the lawful orders of superior officers.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7305

The requirement for an oath, drawn from a clause which had appeared in 46 U.S.C. 672(g), and administered by the Coast Guard to all applicants, was repealed in a 1980 amendment by section 4 of Public Law 96-378 (94 Stat. 1516). Since no specific comment was made regarding the elimination in 1980 and the agency has continued to administer an oath to all applicants, this provision is being reinstated. The Committee believes the oath will contribute to the discipline and order necessary in the merchant marine.