

these individuals, their heirs or legal representatives, are entitled to all the privileges provided to members of the Armed Forces under the pension laws of the United States.

§ 7114. Fees

The Secretary may prescribe by regulation reasonable fees for the inspection of and the issuance of a certificate, license, or permit related to small passenger vessels and sailing school vessels.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 541.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 7114, 46:390a(b)

Section 7114 allows the Secretary to prescribe reasonable fees for the issuance of a certificate of inspection, license, or registry, or permits related to small passenger vessels and sailing school vessels.

[§ 7115. Repealed. Pub. L. 115-282, title VI, § 601(c)(2), Dec. 4, 2018, 132 Stat. 4289]

Section, added Pub. L. 111-281, title II, §210(a), Oct. 15, 2010, 124 Stat. 2913, established the Merchant Mariner Medical Advisory Committee. See section 15104 of this title.

§ 7116. Examinations for merchant mariner credentials

(a) REQUIREMENT FOR SAMPLE EXAMS.—The Secretary shall develop a sample merchant mariner credential examination and outline of merchant mariner examination topics on an annual basis.

(b) PUBLIC AVAILABILITY.—Each sample examination and outline of topics developed under subsection (a) shall be readily available to the public.

(c) MERCHANT MARINER CREDENTIAL DEFINED.—In this section, the term “merchant mariner credential” has the meaning that term has in section 7510.

(Added Pub. L. 114-120, title III, §315(b)(1), Feb. 8, 2016, 130 Stat. 62.)

CHAPTER 73—MERCHANT MARINERS’ DOCUMENTS

Table with 2 columns: Sec., Description. Rows 7301-7314 covering general, issuing, possession, citizenship, oaths, requirements, and service requirements for merchant mariners' documents.

Table with 2 columns: Sec., Description. Rows 7315-7319 covering Training, Lifeboatmen, Tankermen, Radiotelegraph operators, and Records of merchant mariners' documents.

HISTORICAL AND REVISION NOTES

Chapter 73 establishes the general requirements for the issuance of a merchant mariners’ document to those individuals who are required to have a document prior to engagement or employment on certain vessels of the United States.

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

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

MILITARY TO MARINER

Pub. L. 116–92, div. C, title XXXV, §3511, Dec. 20, 2019, 133 Stat. 1978, provided that:

“(a) CREDENTIALING SUPPORT.—Not later than one year after the date of enactment of this title [Dec. 20, 2019], the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, the Secretary of Commerce, and the Secretary of Health and Human Services, with respect to the applicable services in their respective departments, and in coordination with one another and with the United States Committee on the Marine Transportation System, and in consultation with the Merchant Marine Personnel Advisory Committee, shall, consistent with applicable law, identify all training and experience within the applicable service that may qualify for merchant mariner credentialing and submit a list of all identified training and experience to the United States Coast Guard National Maritime Center for a determination of whether such training and experience counts for credentialing purposes.

“(b) REVIEW OF APPLICABLE SERVICE.—The United States Coast Guard Commandant shall make a determination of whether training and experience counts for credentialing purposes, as described in subsection (a), not later than 6 months after the date on which the United States Coast Guard National Maritime Center receives a submission under subsection (a) identifying a training or experience and requesting such a determination.

“(c) FEES AND SERVICES.—The Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, and the Secretary of Commerce, with respect to the applicable services in their respective departments, shall—

“(1) take all necessary and appropriate actions to provide for the waiver of fees through the National Maritime Center license evaluation, issuance, and examination for members of the uniformed services on active duty, if a waiver is authorized and appropriate, and, if a waiver is not granted, take all necessary and appropriate actions to provide for the payment of fees for members of the uniformed services on active duty by the applicable service to the fullest extent permitted by law;

“(2) direct the applicable services to take all necessary and appropriate actions to provide for Transportation Worker Identification Credential cards for members of the uniformed services on active duty pursuing or possessing a mariner credential, such as implementation of an equal exchange process for members of the uniformed services on active duty at no or minimal cost;

“(3) ensure that members of the applicable services who are to be discharged or released from active duty and who request certification or verification of sea service be provided such certification or verification no later than one month after discharge or release;

“(4) ensure the applicable services have developed, or continue to operate, as appropriate, the online resource known as Credentialing Opportunities On-Line to support separating members of the uniformed services who are seeking information and assistance on merchant mariner credentialing; and

“(5) not later than 1 year after the date of enactment of this section [Dec. 20, 2019], take all necessary and appropriate actions to review and implement service-related medical certifications to merchant mariner credential requirements.

“(d) ADVANCING MILITARY TO MARINER WITHIN THE EMPLOYER AGENCIES.—

“(1) IN GENERAL.—The Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy, and the Secretary of Commerce shall have direct hiring authority to employ separated members of the uniformed services with valid merchant mariner licenses or sea service experience in support of United States national maritime needs, including the Army Corps of Engineers, U.S. Customs and Border Protection, and the National Oceanic and Atmospheric Administration.

“(2) APPOINTMENTS OF RETIRED MEMBERS OF THE ARMED FORCES.—Except in the case of positions in the Senior Executive Service, the requirements of section 3326(b) of title 5, United States Code, shall not apply with respect to the hiring of a separated member of the uniformed services under paragraph (1).

“(e) SEPARATED MEMBER OF THE UNIFORMED SERVICES.—In this section, the term “separated member of the uniformed services” means an individual who—

“(1) is retiring or is retired as a member of the uniformed services;

“(2) is voluntarily separating or voluntarily separated from the uniformed services at the end of enlistment or service obligation; or

“(3) is administratively separating or has administratively separated from the uniformed services with an honorable or general discharge characterization.”

RADAR REFRESHER TRAINING

Pub. L. 115-282, title VIII, §829, Dec. 4, 2018, 132 Stat. 4314, provided that: “Not later than 60 days after the date of enactment of this Act [Dec. 4, 2018], the Secretary of the department in which the Coast Guard is operating shall prescribe a final rule eliminating the requirement that a mariner actively using the mariner’s credential complete an approved refresher or recertification course to maintain a radar observer endorsement. This rulemaking shall be exempt from chapters 5 and 6 of title 5, United States Code, and Executive Orders 12866 and 13563 [5 U.S.C. 601 notes].”

MERCHANT MARINER CREDENTIAL EXPIRATION HARMONIZATION

Pub. L. 114-120, title III, §304, Feb. 8, 2016, 130 Stat. 53, provided that:

“(a) IN GENERAL.—Except as provided in subsection (c) and not later than 1 year after the date of the enactment of this Act [Feb. 8, 2016], the Secretary of the department in which the Coast Guard is operating shall establish a process to harmonize the expiration dates of merchant mariner credentials, mariner medical certificates, and radar observer endorsements for individuals applying to the Secretary for a new merchant mariner credential or for renewal of an existing merchant mariner credential.

“(b) REQUIREMENTS.—The Secretary shall ensure that the process established under subsection (a)—

“(1) does not require an individual to renew a merchant mariner credential earlier than the date on which the individual’s current credential expires; and

“(2) results in harmonization of expiration dates for merchant mariner credentials, mariner medical certificates, and radar observer endorsements for all individuals by not later than 6 years after the date of the enactment of this Act [Feb. 8, 2016].

“(c) EXCEPTION.—The process established under subsection (a) does not apply to individuals—

“(1) holding a merchant mariner credential with—

“(A) an active Standards of Training, Certification, and Watchkeeping endorsement; or

“(B) Federal first-class pilot endorsement; or

“(2) who have been issued a time-restricted medical certificate.”

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

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
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

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
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

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
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.

§ 7306. General requirements and classifications for able seamen

(a) To qualify for an endorsement as able seaman authorized by this section, an applicant must provide satisfactory proof that the applicant—

- (1) is at least 18 years of age;
- (2) has the service required by the applicable section of this part;
- (3) is qualified professionally as demonstrated by an applicable examination or educational requirements; and
- (4) is qualified as to sight, hearing, and physical condition to perform the seaman's duties.

(b) The classifications authorized for endorsement as able seaman are the following:

- (1) able seaman—unlimited.
- (2) able seaman—limited.
- (3) able seaman—special.
- (4) able seaman—offshore supply vessels.
- (5) able seaman—sail.
- (6) able seaman—fishing industry.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 542; Pub. L. 98-364, title IV, § 402(9)(C), July 17, 1984, 98 Stat. 448.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
7306	46:672(b)

Section 7306(a) establishes the minimum requirements an individual must meet before being issued a merchant mariner's document endorsed for able seamen.

Subsection (b) establishes the classifications of able seamen—unlimited, able seamen—limited, able seamen—special, able seamen—offshore supply vessels, and able seamen—sail.

AMENDMENTS

1984—Subsec. (b)(6). Pub. L. 98-364 added par. (6).

EFFECTIVE DATE

Provisions of this section (related to able seaman—sail) effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

ACCEPTANCE OF CERTAIN SERVICES TOWARD ENDORSEMENT AS ABLE SEAMAN

Pub. L. 101-595, title VI, § 602(e)(3), Nov. 16, 1990, 104 Stat. 2992, provided that: "For the purposes of chapter 73 of title 46, United States Code, the Secretary of Transportation shall accept the service used by an individual to qualify for an endorsement as able seaman—fishing industry as qualifying service toward an endorsement as an able seaman—

- "(A) under sections 7307 and 7309 of that title; or
- "(B) if the service is on board a vessel of at least 100 gross tons, under section 7308 of that title."

§ 7307. Able seamen—unlimited

The required service for the endorsement of able seaman—unlimited, qualified for unlimited service on a vessel on any waters, is at least 3 years' service on deck on board vessels operating at sea or on the Great Lakes.