

(7) decisions about licenses and certificates, conditions of licensing or certification, and periods of licensing or certification by reference to experience, amount of training completed, and regular performance testing; and

(8) instruction in vessel maintenance functions.

(b) The Secretary shall waive the application of criteria required by subsection (a)(5) of this section for an individual having a license or certificate (including a renewal of the license or certificate) in effect on October 17, 1978. When the waiver is granted, the Secretary may prescribe conditions for the license or certificate and its renewal, as the Secretary decides are reasonable and necessary for the safety of a vessel on which the individual may be employed.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 101-380, title IV, §4114(d), Aug. 18, 1990, 104 Stat. 517.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9102 .....	46:391a(9)

Section 9102 prescribes manning standards for United States tank vessels.

Subsection (a) requires the Secretary of Transportation to prescribe certain standards for the duties, qualifications, and training of the officers and crew of United States tank vessels.

Subsection (b) provides for a waiver of any health and physical fitness criteria prescribed under subsection (a).

AMENDMENTS

1990—Par. (8). Pub. L. 101-380 added par. (8).

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.

CHAPTER 93—GREAT LAKES PILOTAGE

Sec.	
9301.	Definitions.
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HISTORICAL AND REVISION NOTES

Chapter 93 contains the pilotage requirements for United States vessels sailing under register and foreign flag vessels operating on the Great Lakes, qualifications for a registered pilot for the Great Lakes, authority for agreements with Canada, prohibition of State regulation, establishment of an advisory committee, and imposition of civil penalties.

§ 9301. Definitions

In this chapter—

(1) "Canadian registered pilot" means an individual (except a regular crewmember of a vessel) who is registered by Canada on the same basis as an individual registered under section 9303 of this title.

(2) "Great Lakes" means Lakes Superior, Michigan, Huron, Erie, and Ontario, their con-

necting and tributary waters, the Saint Lawrence River as far east as Saint Regis, and adjacent port areas.

(3) "United States registered pilot" means an individual (except a regular crewmember of a vessel) who is registered under section 9303 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 557.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9301(1) .....	46:216(d)
9301(2) .....	46:216(a)
9301(3) .....	46:216(c)

Section 9301 contains definitions which pertain to this chapter only.

Clause (1) defines "Canadian registered pilot" as an individual registered as a pilot in Canada on the same basis as the United States.

Clause (2) defines "Great Lakes" as the five lakes plus their connecting and tributary waters, a certain part of the Saint Lawrence River, and adjacent ports.

Clause (3) defines "United States registered pilot" as an individual registered under regulations for competency under section 9303.

§ 9302. Great Lakes pilots required

(a)(1) Except as provided in subsections (d), (e), and (f) of this section, each vessel of the United States operating on register and each foreign vessel shall engage a United States or Canadian registered pilot for the route being navigated who shall—

(A) in waters of the Great Lakes designated by the President, direct the navigation of the vessel subject to the customary authority of the master; and

(B) in waters of the Great Lakes not designated by the President, be on board and available to direct the navigation of the vessel at the discretion of and subject to the customary authority of the master.

(2) The President shall make water designations under this subsection with regard to the public interest, the effective use of navigable waters, marine safety, and the foreign relations of the United States.

(b) A member of the complement of a vessel of the United States operating on register or of a vessel of Canada may serve as the pilot required on waters not designated by the President if the member is licensed under section 7101 of this title, or under equivalent provisions of Canadian law, to direct the navigation of the vessel on the waters being navigated.

(c) The authority extended under subsections (a) and (b) of this section to a Canadian registered pilot or other Canadian licensed officer to serve on certain vessels in United States waters of the Great Lakes shall continue as long as Canada extends reciprocity to United States registered pilots and other individuals licensed by the United States for pilotage service in Canadian waters of the Great Lakes.

(d) A vessel may be operated on the United States waters of the Great Lakes without a United States or Canadian registered pilot when—

(1) the Secretary notifies the master that a registered pilot is not available; or

(2) the vessel or its cargo is in distress or jeopardy.

(e) A Canadian vessel regularly operating on the Great Lakes or between ports on the Great Lakes and the Saint Lawrence River, with only an occasional voyage to ports in the maritime provinces of Canada in the Canadian coastal trade, is exempt from subsection (a) of this section as long as Canada permits enrolled vessels of the United States to be operated on Canadian waters of the Great Lakes under the direction of individuals licensed under section 7101 of this title.

(f) A documented vessel regularly operating on the Great Lakes or between ports on the Great Lakes and the St. Lawrence River is exempt from the requirements of subsection (a) of this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 557; Pub. L. 101-380, title IV, §4108(a), Aug. 18, 1990, 104 Stat. 514; Pub. L. 104-324, title XI, §1115(b)(5)-(7), Oct. 19, 1996, 110 Stat. 3972.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9302(a), (b), (d) .....	46:216a
9302(c) .....	46:216f

Section 9302 sets forth the requirements for pilots on the waters of the Great Lakes under the jurisdiction of the United States or Canada.

Subsection (a) requires each United States vessel sailing on register and each foreign vessel to engage a United States or Canadian registered pilot who shall direct the navigation of the vessel in designated waters of the Great Lakes or be available to direct the navigation of the vessel in undesignated waters of the Great Lakes. The President must make the designation with regard to public interest, effective use of navigable waters, marine safety, and United States foreign relations. The direction of the vessel by an authorized pilot is subject to the customary authority of the master.

Subsection (b) provides that a crewmember licensed for Great Lakes navigation under section 7101 or equivalent Canadian law may serve as the pilot on undesignated waters.

Subsection (c) provides for reciprocity of recognizing United States and Canadian pilots.

Subsections (d) and (e) are exceptions to subsection (a). Subsection (d) permits operation of a vessel on the Great Lakes without a registered pilot if notice is given that one is not available or if the vessel or cargo is in distress or jeopardy. Subsection (e) exempts a Canadian vessel in the coastwise or Great Lakes trade from the requirement of having a registered pilot if similar United States vessels are extended the same exemption by Canada.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-324, §1115(b)(5), substituted “subsections (d), (e), and (f)” for “subsections (d) and (e)”.

Subsec. (e). Pub. L. 104-324, §1115(b)(6), substituted “subsection (a)” for “subsections (a) and (b)”.

Subsec. (f). Pub. L. 104-324, §1115(b)(7), added subsec. (f).

1990—Subsec. (b). Pub. L. 101-380 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “An individual of a vessel licensed for navigation on the Great Lakes under section 7101 of this title, or equivalent provisions of Canadian law, and qualified for the route being navigated, may serve as the pilot required on waters not designated by the President.”

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.

PROC. NO. 3385. DESIGNATION OF RESTRICTED WATERS

Proc. No. 3385, Dec. 22, 1960, 25 F.R. 13681, as amended by Proc. No. 3855, June 10, 1968, 33 F.R. 8535, provided: WHEREAS, pursuant to section 3(a) of the Great Lakes Pilotage Act of 1960 (Public Law 86-555; 74 Stat. 259) [46 U.S.C. 9302(a)], the President is directed to designate and by proclamation announce those United States waters of the Great Lakes in which registered vessels of the United States and foreign vessels shall be required to have in their service a United States registered pilot or a Canadian registered pilot for the waters concerned; and

WHEREAS the aforesaid section 3(a) [46 U.S.C. 9302(a)] provides that these designations shall be made with due regard to the public interest, the effective utilization of navigable waters, marine safety, and the foreign relations of the United States:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by section 3(a) of the Great Lakes Pilotage Act of 1960 [46 U.S.C. 9302(a)], do hereby designate and proclaim the following areas in which registered vessels of the United States and foreign vessels shall be required to have in their service a United States registered pilot or a Canadian registered pilot for the waters concerned, on and after the effective date of regulations issued by the Secretary of Transportation pursuant to the Act:

(1) *District 1.* All United States waters of the St. Lawrence River between the international boundary at St. Regis and a line at the head of the river running (at approximately 127° true) between Carruthers Point Light and South Side Light extended to the New York shore.

(2) *District 2.* All United States waters of Lake Erie westward of a line running (at approximately 026° true) from Sandusky Pierhead Light at Cedar Point to Southeast Shoal Light; all waters contained within the arc of a circle of one mile radius eastward of Sandusky Pierhead Light; the Detroit River; Lake St. Clair; the St. Clair River, and northern approaches thereto south of latitude 43°05'30" N.

(3) *District 3.* All United States waters of the St. Marys River, Sault Sainte Marie Locks and approaches thereto between latitude 45°59' N. at the southern approach and longitude 84°33' W. at the northern approach.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of December in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER.

§ 9303. United States registered pilot service

(a) The Secretary shall prescribe by regulation standards of competency to be met by each applicant for registration under this chapter. An applicant must—

(1) have a license as master, mate, or pilot issued under section 7101 of this title;

(2) have acquired at least 24 months licensed service or equivalent experience on vessels or integrated towing vessels and tows of at least 4,000 gross tons 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, operating on the Great Lakes or oceans, with a minimum of 6 months of that service or experience having been on the Great Lakes; and