

“(4) an award of costs and reasonable attorney’s fees to a prevailing employer not exceeding \$1,000 if the court finds that a complaint filed under this section is frivolous or has been brought in bad faith.”

2002—Subsec. (a). Pub. L. 107-295, § 428(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discharge or in any manner discriminate against a seaman because the seaman in good faith has reported or is about to report to the Coast Guard that the seaman believes that a violation of this subtitle, or a regulation issued under this subtitle, has occurred.”

Subsec. (b)(3), (4). Pub. L. 107-295, § 428(b), added pars. (3) and (4).

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 111-281, title VI, § 611(b), Oct. 15, 2010, 124 Stat. 2970, provided that: “This section [amending this section] shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act [Oct. 15, 2010], to an action filed under that section before that date.”

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.

§ 2115. Civil penalty to enforce alcohol and dangerous drug testing

Any person who fails to implement or conduct, or who otherwise fails to comply with the requirements prescribed by the Secretary for, chemical testing for dangerous drugs or for evidence of alcohol use, as prescribed under this subtitle or a regulation prescribed by the Secretary to carry out the provisions of this subtitle, is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(Added Pub. L. 104-324, title III, § 303(a), Oct. 19, 1996, 110 Stat. 3917; amended Pub. L. 105-383, title III, § 304(b), Nov. 13, 1998, 112 Stat. 3419.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-383 substituted “\$5,000” for “\$1,000”.

§ 2116. Marine safety strategy, goals, and performance assessments

(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The 5-year strategy shall include the issuance of a plan and schedule for achieving the following goals:

(1) Reducing the number and rates of marine casualties.

(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.

(3) Identifying and targeting enforcement efforts at high-risk vessels and operators.

(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

(b) 5-YEAR STRATEGY AND PLAN.—

(1) MEASURABLE GOALS.—The 5-year strategy and plan shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

(A) To increase the number of safety examinations on all high-risk vessels.

(B) To eliminate the backlog of marine safety-related rulemakings.

(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in section 93(c)¹ of title 14.

(2) RESOURCE NEEDS.—The 5-year strategy and plan shall include estimates of—

(A) the funds and staff resources needed to accomplish each activity included in the strategy and plan; and

(B) the staff skills and training needed for timely and effective accomplishment of each goal.

(c) SUBMISSION WITH THE PRESIDENT’S BUDGET.—Not later than 5 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, and every 5 years thereafter, the Secretary shall submit to Congress the strategy and plan not later than 60 days following the transmission of the President’s budget submission under section 1105 of title 31.

(d) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—In conjunction with the submission of the 5-year strategy and plan, the Commandant shall assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant shall convey the Commandant’s assessment to the employees of the marine safety workforce and shall identify any deficiencies that should be remedied before the next progress assessment.

(2) PERIODIC BRIEFINGS.—The Secretary shall periodically brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and plan under subsection (a) for the period covered by the briefing;

(B) on the program’s mission performance in achieving numerical measurable goals established under subsection (b), including—

¹ See References in Text note below.

(i) the number of civilian and military Coast Guard personnel assigned to marine safety positions; and

(ii) an identification of marine safety positions that are understaffed to meet the workload required to accomplish each activity included in the strategy and plan under subsection (a); and

(C) recommendations on how to improve performance of the program.

(Added Pub. L. 111-281, title V, § 522(a), Oct. 15, 2010, 124 Stat. 2956; amended Pub. L. 113-281, title II, § 221(b)(1)(A), title III, § 307(a), Dec. 18, 2014, 128 Stat. 3037, 3045; Pub. L. 115-232, div. C, title XXXV, §§ 3541(b)(7), 3546(b), Aug. 13, 2018, 132 Stat. 2323, 2326; Pub. L. 115-265, title II, § 214, Oct. 11, 2018, 132 Stat. 3751; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], § 8240(c), Jan. 1, 2021, 134 Stat. 4666.)

Editorial Notes

REFERENCES IN TEXT

Section 93 of title 14, referred to in subsec. (b)(1)(D), was redesignated section 504 of title 14 by Pub. L. 115-282, title I, § 105(b), Dec. 4, 2018, 132 Stat. 4200, and references to section 93 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

The date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, referred to in subsec. (c), is the date of enactment of div. G of Pub. L. 116-283, which was approved Jan. 1, 2021.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, § 8240(c)(1), substituted “The 5-year strategy shall include the issuance of a plan” for “The strategy shall include the issuance of a triennial plan” in introductory provisions.

Subsec. (b). Pub. L. 116-283, § 8240(c)(2)(A), substituted “5-Year Strategy and Plan” for “Contents of Strategy and Triennial Plans” in heading.

Subsec. (b)(1). Pub. L. 116-283, § 8240(c)(2)(B), substituted “5-year strategy and plan” for “strategy and triennial plans” in introductory provisions.

Subsec. (b)(2). Pub. L. 116-283, § 8240(c)(2)(C)(i), substituted “5-year strategy and plan” for “strategy and triennial plans” in introductory provisions.

Subsec. (b)(2)(A). Pub. L. 116-283, § 8240(c)(2)(C)(ii), substituted “plan” for “plans”.

Subsec. (c). Pub. L. 116-283, § 8240(c)(3), substituted “Not later than 5 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, and every 5 years thereafter, the Secretary” for “Beginning with fiscal year 2020 and triennially thereafter, the Secretary” and struck out “triennial” after “the strategy and”.

Subsec. (d)(1). Pub. L. 116-283, § 8240(c)(4)(A), substituted “In conjunction with the submission of the 5-year strategy and plan” for “No less frequently than semiannually”.

Subsec. (d)(2). Pub. L. 116-283, § 8240(c)(4)(B)(i), (ii), substituted “Periodic briefings” for “Report to congress” in heading and “periodically brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives” for “report triennially to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate” in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 116-283, § 8240(c)(4)(B)(iii), struck out “annual” after “safety strategy and” and

substituted “for the period covered by the briefing” for “for the year covered by the report”.

Subsec. (d)(2)(B)(ii). Pub. L. 116-283, § 8240(c)(4)(B)(iv), substituted “plan” for “plans”.

2018—Subsec. (a). Pub. L. 115-265, § 214(1), substituted “of a triennial” for “each year of an annual” in introductory provisions.

Subsec. (b). Pub. L. 115-265, § 214(2), substituted “Triennial” for “Annual” in heading and “triennial” for “annual” in introductory provisions of pars. (1) and (2).

Subsec. (c). Pub. L. 115-265, § 214(3)(B), substituted “triennial plan” for “annual plan”.

Pub. L. 115-265, § 214(3)(A), which directed substitution of “fiscal year 2020 and triennially” for “fiscal year 2011 and each fiscal year”, was executed by substituting “Beginning with fiscal year 2020 and triennially thereafter, the” for “The”, to reflect the probable intent of Congress and the intervening amendment by Pub. L. 115-232, § 3546(b). See below.

Pub. L. 115-232, § 3546(b), substituted “The” for “Beginning with fiscal year 2011 and each fiscal year thereafter, the”.

Subsec. (d)(1). Pub. L. 115-232, § 3541(b)(7), substituted “the Commandant shall assess” for “the Coast Guard Commandant shall assess”.

Subsec. (d)(2). Pub. L. 115-265, § 214(4), substituted “triennially” for “annually” in introductory provisions.

2014—Subsec. (b)(1)(D). Pub. L. 113-281, § 307(a), substituted “section 93(c) of title 14” for “section 93(c)”.

Subsec. (d)(2)(B). Pub. L. 113-281, § 221(b)(1)(A), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “on the program’s mission performance in achieving numerical measurable goals established under subsection (b); and”.

Statutory Notes and Related Subsidiaries

DOMESTIC VESSEL COMPLIANCE

Pub. L. 115-265, title II, § 204, Oct. 11, 2018, 132 Stat. 3745, provided that:

“(a) IN GENERAL.—Not later than 60 days after the date on which the President submits to the Congress a budget each year pursuant to section 1105 of title 31, United States Code, the Commandant [of the Coast Guard] shall publish on a publicly accessible Website information documenting domestic vessel compliance with the requirements of subtitle II of title 46, United States Code.

“(b) CONTENT.—The information required under subsection (a) shall—

“(1) include flag-State detention rates for each type of inspected vessel; and

“(2) identify any recognized organization that inspected or surveyed a vessel that was later subject to a Coast Guard-issued control action attributable to a major nonconformity that the recognized organization failed to identify in such inspection or survey.”

[For definition of “recognized organization” as used in section 204 of Pub. L. 115-265, set out above, see section 203 of Pub. L. 115-265, set out as a note under section 2101 of this title.]

§ 2117. Termination for unsafe operation

An individual authorized to enforce this title—

(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

(3) may direct the individual in charge of a vessel to which this title applies to imme-