

(2) CALCULATION.—For the purpose of calculating the 60-workday limit under this subsection, each day worked by a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence shall be counted against the limitation.

(d) EXCEPTIONS FOR WARRANTY WORK.—

(1) IN GENERAL.—Subsections (b), (c), (e), and (f) do not apply to a riding gang member employed exclusively to perform, and who performs only, work that is—

(A) customarily performed by original equipment manufacturers' technical representatives;

(B) required by a manufacturer's warranty on specific machinery and equipment; or

(C) required by a contractual guarantee or warranty on actual repairs performed in a shipyard located outside of the United States.

(2) CITIZENSHIP REQUIREMENT.—Subsection (a)(1)(A) applies only to a riding gang member described in paragraph (1) who is on the vessel when it calls at a United States port.

(e) RECORDKEEPING.—In addition to the requirements of subsection (a), the owner or managing operator of a vessel to which subsection (a) applies shall ensure that all information necessary to ensure compliance with this section, as determined by the Secretary, is entered into the vessel's official logbook required by chapter 113.

(f) FAILURE TO EMPLOY QUALIFIED AVAILABLE U.S. CITIZENS OR RESIDENTS.—

(1) IN GENERAL.—The owner or operator of a vessel to which subsection (a) applies may not employ a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence to perform work described in subsection (b) unless the owner or operator determines, in accordance with procedures established by the Secretary to carry out section 8103(b)(3)(C), that there is not a sufficient number of United States citizens or individuals lawfully admitted to the United States for permanent residence who are qualified and available for the work for which the riding gang member is to be employed.

(2) CIVIL PENALTY.—A violation of paragraph (1) is punishable by a civil penalty of not more than \$10,000 for each day during which the violation continues.

(3) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this subsection shall be \$100,000.

(4) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, the history of prior offenses, the ability to pay, and such other matters as justice may require.

(5) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.

(Added Pub. L. 109-241, title III, §312(a), July 11, 2006, 120 Stat. 530; amended Pub. L. 115-232, div.

C, title XXXV, §3546(g), Aug. 13, 2018, 132 Stat. 2326.)

### Editorial Notes

#### AMENDMENTS

2018—Subsec. (f)(3). Pub. L. 115-232 added par. (3) and struck out former par. (3) which related to continuing violations in fiscal years 2006 and 2007 and after fiscal year 2007.

### Statutory Notes and Related Subsidiaries

#### INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

For International Conventions for the Safety of Life at Sea to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

### § 8107. Use of force against piracy

(a) LIMITATION ON LIABILITY.—An owner, operator, time charterer, master, mariner, or individual who uses force or authorizes the use of force to defend a vessel of the United States against an act of piracy shall not be liable for monetary damages for any injury or death caused by such force to any person engaging in an act of piracy if such force was in accordance with standard rules for the use of force in self-defense of vessels prescribed by the Secretary.

(b) PROMOTION OF COORDINATED ACTION.—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among flag- and port-states to deter, protect against, and rapidly respond to piracy against the vessels of, and in the waters under the jurisdiction of, those nations, and to ensure limitations on liability similar to those established by subsection (a).

(c) DEFINITION.—For the purpose of this section, the term "act of piracy" means any act of aggression, search, restraint, depredation, or seizure attempted against a vessel of the United States by an individual not authorized by the United States, a foreign government, or an international organization recognized by the United States to enforce law on the high seas.

(Added Pub. L. 111-281, title IX, §912(a), Oct. 15, 2010, 124 Stat. 3016.)

### Statutory Notes and Related Subsidiaries

#### STANDARD RULES FOR THE USE OF FORCE FOR SELF-DEFENSE OF VESSELS OF THE UNITED STATES

Pub. L. 111-281, title IX, §912(c), Oct. 15, 2010, 124 Stat. 3017, provided that: "Not later than 180 days after the date of enactment of this act [Oct. 15, 2010], the secretary [sic] of the department in which the coast guard [sic] is operating, in consultation with representatives of industry and labor, shall develop standard rules for the use of force for self-defense of vessels of the United States."

### [§ 8108. Repealed. Pub. L. 115-282, title VI, § 601(c)(3)(A), Dec. 4, 2018, 132 Stat. 4289]

Section, added Pub. L. 113-281, title III, §310(a), Dec. 18, 2014, 128 Stat. 3045; amended Pub. L. 115-232, div. C, title XXXV, §3541(b)(14), Aug. 13, 2018, 132 Stat. 2323, es-

tablished the Merchant Marine Personnel Advisory Committee. See section 15103 of this title.

**CHAPTER 83—MASTERS AND OFFICERS**

- Sec. 8301. Minimum number of licensed individuals.
- 8302. Staff department.
- [8303. Repealed.]
- 8304. Implementing the Officers' Competency Certificates Convention, 1936.

**HISTORICAL AND REVISION NOTES**

For certain vessels of the United States, chapter 83 prescribes the minimum number of licensed individuals (including masters), establishes the staff department consisting of medical and clerical personnel, restricts service under certain licenses issued without examination, and implements the Officers' Competency Certificates Convention of 1936.

**Editorial Notes**

**AMENDMENTS**

2021—Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8503(a)(1), Jan. 1, 2021, 134 Stat. 4747, struck out item 8303 "Service under licenses issued without examination".

**§ 8301. Minimum number of licensed individuals**

(a) Except as provided in chapter 89 of this title and except for a vessel operating only on rivers, harbors, lakes (except the Great Lakes), bays, sounds, bayous, and canals, a vessel subject to inspection under chapter 33 of this title shall engage a minimum of licensed individuals as follows:

(1) Each of those vessels propelled by machinery or carrying passengers shall have a licensed master.

(2) A vessel of at least 1,000 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 and propelled by machinery shall have 3 licensed mates, except—

(A) in the case of a vessel other than a mobile offshore drilling unit, if on a voyage of less than 400 miles from port of departure to port of final destination, the vessel shall have 2 licensed mates; and

(B) in the case of a mobile offshore drilling unit, the vessel shall have licensed individuals as provided by regulations prescribed by the Secretary under section 8101 of this title.

(3) A vessel of at least 200 gross tons but less than 1,000 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 and propelled by machinery shall have 2 licensed mates.

(4) A vessel of at least 100 gross tons but less than 200 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 and propelled by machinery shall have one licensed mate. However, if the vessel is on a voyage of more than 24 hours, it shall have 2 licensed mates.

(5) A freight vessel or a passenger vessel of at least 300 gross tons as measured under sec-

tion 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 and propelled by machinery shall have a licensed engineer.

(b)(1) An offshore supply vessel of less than 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section 14302 of this title on a voyage of less than 600 miles shall have a licensed mate. If the vessel is on a voyage of at least 600 miles, however, the vessel shall have 2 licensed mates.

(2) An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title on a voyage of less than 600 miles shall have at least two licensed mates, provided the offshore supply vessel meets the requirements of section 8104(g)(2). An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title on a voyage of at least 600 miles shall have three licensed mates.

(3) An offshore supply vessel of more than 200 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, may not be operated without a licensed engineer.

(c) Subsection (a) of this section does not apply to a fishing or whaling vessel, a mobile offshore drilling unit when on location, or a yacht.

(d) The Secretary may—

(1) suspend any part of this chapter during a national emergency proclaimed by the President; and

(2) increase the number of licensed individuals on a vessel to which this chapter applies if, in the Secretary's judgment, the vessel is not sufficiently manned for safe operation.

(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 550; Pub. L. 98-557, § 29(c), (d), Oct. 30, 1984, 98 Stat. 2873, 2874; Pub. L. 99-640, § 11(d), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 100-448, § 7, Sept. 28, 1988, 102 Stat. 1842; Pub. L. 103-206, title III, § 322(b), Dec. 20, 1993, 107 Stat. 2428; Pub. L. 104-324, title VII, § 729, title XI, § 1104(d), Oct. 19, 1996, 110 Stat. 3940, 3967; Pub. L. 111-281, title VI, § 617(c), Oct. 15, 2010, 124 Stat. 2973.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
8301 .....	46:223 46:404-1(8)

Section 8301 prescribes the minimum number of licensed individuals on board certain vessels based on the vessel's size or propulsion, length of voyage by distance or time, or any combination of these factors.

Subsection (a) applies to certain merchant and passenger carrying vessels of the United States, each of which must have a licensed master regardless of the factors listed above. Subsection (b) applies to offshore supply vessels. Subsection (c) exempts fishing or whaling vessels or yachts from these requirements.

Subsection (d) permits the Secretary to suspend any part of this chapter during a declared national emergency or to increase the number of licensed individuals