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AMENDMENTS

2006—Pub. L. 109–304, § 15(1), Oct. 6, 2006, 120 Stat. 1702, in each chapter item, capitalized first letter of each word containing 4 or more letters, struck out item for chapter 39 ''Carriage of animals'', and substituted ''Uninspected Commercial Fishing Industry Vessels'' for ''Fish processing vessels'' in item 45.

2000—Pub. L. 106–398, § 1 [[div. A], title X, § 1087(g)(6)], Oct. 30, 2000, 114 Stat. 1654, 1654A–294, substituted ''mariner benefits'' for ''Mariner Benefits'' in item 112.

1998—Pub. L. 105–368, title IV, § 402(b), Nov. 11, 1998, 112 Stat. 3337, added item 112.

1996—Pub. L. 104–324, title VI, § 602(b), Oct. 19, 1996, 110 Stat. 3930, added item 32.

1992—Pub. L. 102–587, title V, § 5304, Nov. 4, 1992, 106 Stat. 5083, added item 47.

1988—Pub. L. 100–710, title I, § 101(b), Nov. 23, 1988, 102 Stat. 4738, added item 125.

Pub. L. 100–424, § 6(b), Sept. 9, 1988, 102 Stat. 1592, added item 106.

1986—Pub. L. 99–509, title V, § 5101(1), Oct. 21, 1986, 100 Stat. 1913, inserted items for parts C and J.

1985—Pub. L. 99–36, § 1(a)(9)(A), May 15, 1985, 99 Stat. 67, substituted ''Merchant Seamen Licenses, Certifications, and'' for ''Licenses, Certificates, and Merchant Mariners' '' in heading for part E.

1984—Pub. L. 98–364, title IV, § 402(7)(A), July 17, 1984, 98 Stat. 446, inserted ''generally'' in item 41, reenacted item 43 without change, and added item 45.

PART A—GENERAL PROVISIONS

HISTORICAL AND REVISION NOTES

Part A contains general provisions that apply throughout the subtitle and provisions that apply generally to the operation of all vessels.

CHAPTER 21—GENERAL

Sec.
2101. General definitions.
2102. Limited definitions.
2103. Superintendence of the merchant marine.
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2110. Fees.
2111. Pay for overtime services.
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2113. Authority to exempt certain vessels.
2114. Protection of seamen against discrimination.
2115. Civil penalty to enforce alcohol and dangerous drug testing.

HISTORICAL AND REVISION NOTES

Chapter 21 contains definitions that are general in nature and applicable to all references within Subtitle II—Vessels and Seamen. The chapter provides the basic authority and responsibility for the enforcement and administration of this subtitle with appropriate delegation and reporting requirements.

AMENDMENTS

2008—Pub. L. 110–181, div. C, title XXXV, § 3529(a)(1), Jan. 28, 2008, 122 Stat. 603, struck out item 2108 ''Refund of penalties''.

1996—Pub. L. 104–324, title III, § 303(b), Oct. 19, 1996, 110 Stat. 3917, added item 2115.

1990—Pub. L. 101–508, title X, § 10401(b), Nov. 5, 1990, 104 Stat. 1388–398, substituted ''Fees'' for ''Fees prohibited'' in item 2110.

1984—Pub. L. 98–557, § 13(b), Oct. 30, 1984, 98 Stat. 2864, added item 2114.

§ 2101. General definitions

In this subtitle—

(1) ''associated equipment''—

(A) means—

(i) a system, accessory, component, or appurtenance of a recreational vessel; or

(ii) a marine safety article intended for use on board a recreational vessel; but

(B) does not include radio equipment.

[(2) to (3a) Repealed. Pub. L. 109–304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(4) ''Coast Guard'' means the organization established and continued under section 1 of title 14.

(5) ''commercial service'' includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(5a) ''consideration'' means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

[(6) Repealed. Pub. L. 109–304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(7) ''crude oil'' means a liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(8) ''crude oil tanker'' means a tanker engaged in the trade of carrying crude oil.

(8a) ''dangerous drug'' means a narcotic drug, a controlled substance, or a controlled substance analog (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)).

(9) ''discharge'', when referring to a substance discharged from a vessel, includes spilling, leaking, pumping, pouring, emitting, emptying, or dumping, however caused.

[(10), (10a) Repealed. Pub. L. 109–304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(10b) ''ferry'' means a vessel that is used on a regular schedule—

(A) to provide transportation only between places that are not more than 300 miles apart; and

(B) to transport only—

(i) passengers; or

(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.

(11) ''fish'' means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, except marine mammals and birds.

(11a) ''fishing vessel'' means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(11b) ''fish processing vessel'' means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

(11c) ''fish tender vessel'' means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility.

[(12) Repealed. Pub. L. 109–304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(13) ''freight vessel'' means a motor vessel of more than 15 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 that carries freight for hire, except an oceanographic research vessel or an offshore supply vessel.

(13a) ''Great Lakes barge'' means a non-self-propelled vessel of at least 3,500 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.

(14) ''hazardous material'' means a liquid material or substance that is—

(A) flammable or combustible;

(B) designated a hazardous substance under section 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1321); or

(C) designated a hazardous material under section 5103(a) of title 49;

(14a) ''major conversion'' means a conversion of a vessel that—

(A) substantially changes the dimensions or carrying capacity of the vessel;

(B) changes the type of the vessel;

(C) substantially prolongs the life of the vessel; or

(D) otherwise so changes the vessel that it is essentially a new vessel, as decided by the Secretary.

(15) ''marine environment'' means—

(A) the navigable waters of the United States and the land and resources in and under those waters;

(B) the waters and fishery resources of an area over which the United States asserts exclusive fishery management authority;

(C) the seabed and subsoil of the outer Continental Shelf of the United States, the resources of the Shelf, and the waters superjacent to the Shelf; and

(D) the recreational, economic, and scenic values of the waters and resources referred to in subclauses (A)–(C) of this clause.

(15a) ''mobile offshore drilling unit'' means a vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

(16) ''motor vessel'' means a vessel propelled by machinery other than steam.

(17) ''nautical school vessel'' means a vessel operated by or in connection with a nautical school or an educational institution under section 558 of title 40.

(17a) ''navigable waters of the United States'' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

[(17b) Repealed. Pub. L. 109–304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(18) ''oceanographic research vessel'' means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

(19) ''offshore supply vessel'' means a motor vessel of more than 15 gross tons but less than 500 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 that regularly carries goods, supplies, individuals in addition to the crew, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.

(20) ''oil'' includes oil of any type or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes except dredged spoil.

(20a) ''oil spill response vessel'' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.

(20b) ''overall in length'' means—

(A) for a foreign vessel or a vessel engaged on a foreign voyage, the greater of—

(i) 96 percent of the length on a waterline at 85 percent of the least molded depth measured from the top of the keel (or on a vessel designed with a rake of keel, on a waterline parallel to the designed waterline); or

(ii) the length from the fore side of the stem to the axis of the rudder stock on that waterline; and

(B) for any other vessel, the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments.

(21) ''passenger''—

(A) means an individual carried on the vessel except—

(i) the owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(ii) the master; or

(iii) a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services;

(B) on an offshore supply vessel, means an individual carried on the vessel except—

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(iii) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

(iv) an individual employed in a phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel;

(C) on a fishing vessel, fish processing vessel, or fish tender vessel, means an individual carried on the vessel except—

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) a managing operator;

(iii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(iv) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

(v) an observer or sea sampler on board the vessel pursuant to a requirement of State or Federal law; or

(D) on a sailing school vessel, means an individual carried on the vessel except—

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) an employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

(iii) an employee of the demise charterer of the vessel engaged in the business of the demise charterer; or

(iv) a sailing school instructor or sailing school student.

(21a) ''passenger for hire'' means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

(22) ''passenger vessel'' means a vessel of at least 100 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—

(A) carrying more than 12 passengers, including at least one passenger for hire;

(B) that is chartered and carrying more than 12 passengers;

(C) that is a submersible vessel carrying at least one passenger for hire; or

(D) that is a ferry carrying a passenger.

(23) ''product carrier'' means a tanker engaged in the trade of carrying oil except crude oil.

(24) ''public vessel'' means a vessel that—

(A) is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and

(B) is not engaged in commercial service.

(25) ''recreational vessel'' means a vessel—

(A) being manufactured or operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure.

(26) ''recreational vessel manufacturer'' means a person engaged in the manufacturing, construction, assembly, or importation of recreational vessels, components, or associated equipment.

(26a) ''riding gang member'' means an individual who—

(A) has not been issued a merchant mariner document under chapter 73;

(B) does not perform—

(i) watchstanding, automated engine room duty watch, or personnel safety functions; or

(ii) cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go;

(C) does not serve as part of the crew complement required under section 8101;

(D) is not a member of the steward's department; and

(E) is not a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.

(27) ''sailing instruction'' means teaching, research, and practical experience in operating vessels propelled primarily by sail and may include—

(A) any subject related to that operation and to the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature; and

(B) only when in conjunction with a subject referred to in subclause (A) of this clause, instruction in mathematics and language arts skills to sailing school students having learning disabilities.

(28) ''sailing school instructor'' means an individual who is on board a sailing school vessel to provide sailing instruction, but does not include an operator or crewmember who is among those required to be on board the vessel to meet a requirement established under part F of this subtitle.

(29) ''sailing school student'' means an individual who is on board a sailing school vessel to receive sailing instruction.

(30) ''sailing school vessel'' means a vessel—

(A) that is less than 500 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;

(B) carrying more than 6 individuals who are sailing school instructors or sailing school students;

(C) principally equipped for propulsion by sail, even if the vessel has an auxiliary means of propulsion; and

(D) owned or demise chartered, and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of that Code, or by a State or political subdivision of a State, during times that the vessel is operated by the organization, State, or political subdivision only for sailing instruction.

(31) ''scientific personnel'' means individuals on board an oceanographic research vessel only to engage in scientific research, or to instruct or receive instruction in oceanography or limnology.

(32) ''seagoing barge'' means a non-self-propelled vessel of at least 100 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 making voyages beyond the Boundary Line.

(33) ''seagoing motor vessel'' means a motor vessel of at least 300 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 making voyages beyond the Boundary Line.

(34) ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(35) ''small passenger vessel'' means a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and a vessel of less than 100 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—

(A) carrying more than 6 passengers, including at least one passenger for hire;

(B) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying more than 6 passengers;

(C) that is chartered with no crew provided or specified by the owner or the owner's representative and carrying more than 12 passengers;

(D) that is a submersible vessel carrying at least one passenger for hire; or

(E) that is a ferry carrying more than 6 passengers.

[(36) Repealed. Pub. L. 109–304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(37) ''steam vessel'' means a vessel propelled in whole or in part by steam, except a recreational vessel of not more than 40 feet in length.

(37a) ''submersible vessel'' means a vessel that is capable of operating below the surface of the water.

(38) ''tanker'' means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

(39) ''tank vessel'' means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

(A) is a vessel of the United States;

(B) operates on the navigable waters of the United States; or

(C) transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

(40) ''towing vessel'' means a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling along side, or any combination of pulling, pushing, or hauling along side.

[(41) Repealed. Pub. L. 109–304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(42) ''uninspected passenger vessel'' means an uninspected vessel—

(A) of at least 100 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—

(i) carrying not more than 12 passengers, including at least one passenger for hire; or

(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers; and

(B) of less than 100 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—

(i) carrying not more than 6 passengers, including at least one passenger for hire; or

(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 6 passengers.

(43) ''uninspected vessel'' means a vessel not subject to inspection under section 3301 of this title that is not a recreational vessel.

[(44) to (46) Repealed. Pub. L. 109–304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(47) ''vessel of war'' means a vessel—

(A) belonging to the armed forces of a country;

(B) bearing the external marks distinguishing vessels of war of that country;

(C) under the command of an officer commissioned by the government of that country and whose name appears in the appropriate service list or its equivalent; and

(D) staffed by a crew under regular armed forces discipline.

(48) ''wing-in-ground craft'' means a vessel that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water's surface.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 501; Pub. L. 98–364, title IV, § 402(1), July 17, 1984, 98 Stat. 445; Pub. L. 98–454, title III, § 301(a), Oct. 5, 1984, 98 Stat. 1734; Pub. L. 98–557, § 34(a), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 99–307, § 1(1), (2), May 19, 1986, 100 Stat. 444; Pub. L. 99–509, title V, § 5102(b)(1), Oct. 21, 1986, 100 Stat. 1926; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99–640, §§ 10(b)(1), 11(a), 13(d), Nov. 10, 1986, 100 Stat. 3549–3551; Pub. L. 100–239, § 6(a)(1), Jan. 11, 1988, 101 Stat. 1781; Pub. L. 100–424, § 8(c)(1), Sept. 9, 1988, 102 Stat. 1593; Pub. L. 100–710, title I, § 104(a)(1), (2), Nov. 23, 1988, 102 Stat. 4749; Pub. L. 101–225, title II, § 209, Dec. 12, 1989, 103 Stat. 1913; Pub. L. 101–380, title IV, § 4103(a)(2)(A), Aug. 18, 1990, 104 Stat. 511; Pub. L. 101–595, title VI, § 603(1), Nov. 16, 1990, 104 Stat. 2993; Pub. L. 102–587, title V, § 5208(a), Nov. 4, 1992, 106 Stat. 5075; Pub. L. 103–206, title V, §§ 502–510, Dec. 20, 1993, 107 Stat. 2439–2441; Pub. L. 103–272, § 5(*l*), July 5, 1994, 108 Stat. 1375; Pub. L. 104–324, title VII, § 709, title XI, § 1104(a), Oct. 19, 1996, 110 Stat. 3934, 3966; Pub. L. 105–383, title III, § 301(b)(1), Nov. 13, 1998, 112 Stat. 3417; Pub. L. 107–217, § 3(m)(1), Aug. 21, 2002, 116 Stat. 1302; Pub. L. 107–295, title IV, § 419, Nov. 25, 2002, 116 Stat. 2124; Pub. L. 109–241, title III, §§ 301, 312(b), July 11, 2006, 120 Stat. 526, 533; Pub. L. 109–304, § 15(2), Oct. 6, 2006, 120 Stat. 1702.)

HISTORICAL AND REVISION NOTES

A number of definitions are provided because of the need to define jurisdictional and applicability limits of various sections to the many types and classes of vessels.

Revised section	*Source section (U.S. Code)*
2101(1)	46:1452(8)
2101(2)	
2101(3)	
2101(4)	14:1
2101(5)	46:391a(2)(H)
2101(6)	
2101(7)	46:391a(2)(S)
2101(8)	46:391a(2)(N)
2101(9)	46:391a(2)(A)
2101(10)	46:65(1)
2101(11)	46:65(2)
2101(12)	46:391a(2)(B)
	46:597
	46:599
2101(13)	46:404
	46:390(e)
2101(14)	46:391a(2)(C)
2101(15)	46:391a(2)(D)
2101(16)	46:361
	46:367
	46:404
2101(17)	46:404
	46:1295f(c)
	46:1295g(e)(1)
2101(18)	46:441(1)
2101(19)	46:404–1(1)
2101(20)	46:391a(2)(E)
2101(21)	46:390(a)
	46:404–1(4)
	46:1452(5)
2101(22)	46:391(c)
2101(23)	46:391a(2)(O)
2101(24)	46:391a(2)(G)
2101(25)	46:1452(1)(A), (B)
2101(26)	46:1452(7)
2101(27)	46:390(f)
2101(28)	46:390(h)
2101(29)	46:390(i)
2101(30)	46:390(g)
2101(31)	46:441(2)
2101(32)	46:395(e)
2101(33)	46:367
2101(34)	33:151
	46:216(b)
	46:239a(b)
	46:390(d)
	46:391a(2)(I)
	46:405(b)(1)(A)
	46:481(a)
	46:672(a)
	46:1452(9)
2101(35)	46:390(b)
2101(36)	
2101(37)	46:361
2101(38)	46:391a(2)(M)
2101(39)	46:391a(3)
2101(40)	46:405
2101(41)	46:1452(3)
2101(42)	46:1452(1)(C)
2101(43)	46:526
2101(44)	
2101(45)	1:3
	46:1452(2)
2101(46)	46:391a(2)(L)

Section 2101(1) defines the type of ''associated equipment'' that is involved in the use of recreational boats that are subject to Federal regulatory authority. This equipment is subject to a number of controls under federally established construction and performance standards. Radio equipment is exempt from these regulatory controls, since this equipment continues to be regulated by the Federal Communications Commission.

Section 2101(2) defines ''barge'' as a vessel that is non-self-propelled and that is often pushed ahead, towed alongside, or towed astern on a hawser by a towing vessel. It does not include a vessel that is propelled by sail only.

Section 2101(3) defines ''boundary line'' for the establishment of jurisdictional parameters for various mari-

time safety laws. Public Law 96–324, codified at 33 U.S.C. 151, permits the Secretary to establish appropriate identifiable lines dividing inland waters of the U.S. from the high seas for the purpose of determining the applicability of these laws. These laws will now be included within subtitle II of title 46—Shipping. These lines may not be located more than twelve nautical miles seaward of the baseline from which the territorial sea is measured and may differ in position for the purposes of different parts or sections of subtitle II.

Section 2101(4) defines ''Coast Guard''.

Section 2101(5) provides that wherever the term ''commercial service'' is used it is to include all vessels except those that are primarily used for combatant purposes. This is to make sure that vessels that are engaged in the transportation of goods or individuals are subject to the applicable maritime and environmental safety laws, even if they are sovereign controlled vessels.

Section 2101(6) defines ''consular officer'' as one who has authority to issue visas. Traditionally this person is knowledgeable and familiar with the maritime safety and seamen's welfare laws.

Section 2101(7) defines ''crude oil'' because certain equipment requirements like inert gas systems, segregated ballast tanks, crude oil washing systems or special ballast arrangements are applicable only to tank vessels that carry crude oil. Crude oil is still included within the definition of ''hazardous material'' and ''oil''.

Section 2101(8) defines a ''crude oil tanker'' as one engaged in carrying crude oil. The definition does not include a tank barge since a tanker is defined as a self-propelled tank vessel. See also 2101(38).

Section 2101(9) makes it clear that the term ''discharge'' when referring to a substance that emanates from a vessel and is related to the marine environmental laws concerning pollution by oil or hazardous substances.

Section 2101(10) defines a ''documented vessel'' as any vessel of the United States that has been issued a certificate of documentation that might include a register, enrollment, license, or enrollment and license for various trades.

Section 2101(11) lists what is included in the term ''fisheries'' for the purpose of documentation of vessels and is intended to be all-inclusive of the numerous types of fishing activities.

Section 2101(12) defines ''foreign vessel'' as any foreign flag or foreign operated vessel that is operated under the jurisdiction or authority of a government other than the United States.

Section 2101(13) defines a ''freight vessel'' as a motor vessel or any vessel propelled by diesel or other internal combustion engines and that carries freight for hire.

Section 2101(14) defines ''hazardous materials'' as a broad range of materials that are not only flammable or combustible but are also designated under related maritime safety and environmental laws.

Section 2101(15) defines ''marine environment'' as an all-inclusive term that was developed to cover land and water areas that could be affected by pollution from all vessels and not only tank vessels.

Section 2101(16) defines ''motor vessel'' as a vessel propelled by machinery other than steam to make it clear that these vessels are not steam vessels.

Section 2101(17) defines ''nautical school vessel'' as a vessel that can be a privately owned and operated as well as a publicly owned and operated school vessel.

Section 2101(18) defines ''oceanographic research vessel'' as a vessel employed in oceanography or limnology research or instruction. It is defined because this type of vessel, while not inspected and certified as such, is subject to a number of special statutory and regulatory requirements.

Section 2101(19) defines ''offshore supply vessel'' as a class of vessel that is limited by tonnage and its employment in the mineral and oil industry and while so employed it is not a small passenger vessel.

Section 2101(20) defines ''oil'' to include oil of any type, in any form, or in any mixture. This is the definition that originated with marine environment and pollution laws and continues the definition that was adopted by port and tanker safety laws.

Section 2101(21) defines the term ''passengers'' in relation to various types of vessels. Due to the complexity of existing laws with respect to the definitions of ''passenger'' on various categories of vessels and the need to not make any changes of a substantive nature that could be construed as controversial, four definitions of ''passenger'' have been included.

Section 2101(22) defines ''passenger vessel'' as one that is at least 100 gross tons and carries at least one passenger for hire.

Section 2101(23) defines ''product carrier'' as a tanker that is engaged in carrying oil. This definition when read with the definition of tanker means that it is a self-propelled vessel. A tank barge carrying oil products is a tank vessel but is not subject to the special standards or requirements for a product carrier.

Section 2101(24) defines a ''public vessel'' as a governmental vessel that is not in commercial service. It should be noted that a sovereign-controlled foreign-flag vessel that is engaged in commercial service is not a public vessel and is subject to maritime safety and environment laws.

Section 2101(25) defines a ''recreational vessel'' as a class of vessel whose primary purpose is for pleasure. These vessels while not subject to inspection are subject to certain requirements of law to improve boating safety.

Section 2101(26) defines a ''recreational vessel manufacturer'' as one that is involved with not only the recreational vessels themselves but also with their components or associated equipment.

Section 2101(27), (28), (29), and (30) provides a number of definitions that define the type of instruction, instructor, student, and vessel that is involved in the teaching of sailing.

Section 2101(31) defines ''scientific personnel'' as individuals engaged in oceanography or limnology because they are specially treated under various maritime safety requirements.

Section 2101(32) defines a ''seagoing barge'' as a vessel that is at least 100 gross tons making voyages to sea beyond the boundary line.

Section 2101(33) defines a ''seagoing motor vessel'' as a vessel that must be a motor vessel, as defined in 2101(15), of at least 300 gross tons making voyages to sea beyond the boundary line.

Section 2101(34) defines ''Secretary'' so that maritime safety and seamen's welfare jurisdiction remains within the Coast Guard at all times.

Section 2101(35) defines ''small passenger vessel'' as one that is less than 100 gross tons carrying more than six passengers as defined in section 2101(21).

Section 2101(36) defines ''State'' as a State, territory or possession of the United States and is used to establish jurisdictional limits for the application of the various maritime safety and environmental safety laws of this subtitle. This definition is further limited by definitions in section 2102 that relate to recreational boating safety and facility improvement programs.

Section 2101(37) defines a ''steam vessel'' as a vessel propelled by steam. However, steam vessels of not more than 40 feet that are used exclusively for pleasure are not included.

Section 2101(38) defines ''tanker'' as a self-propelled tank vessel that has been constructed or primarily adapted to carry oil or hazardous material in bulk in the cargo spaces. This vessel is a subclass of tank vessel, which is defined in section 2101(39). This subclass definition is necessary because certain statutory minimum requirements that are consistent with internationally accepted standards are solely applicable to these vessels.

Section 2101(39) defines a ''tank vessel'' as a vessel carrying oil or hazardous materials in bulk or residue including a tanker as defined in section 2101(38).

Section 2101(40) defines ''towing vessel'' as a vessel in commercial service that pushes, pulls, or tows alongside and includes what is traditionally known as a tug.

Section 2101(41) defines ''undocumented'' which, in part, facilitates the classification of vessels that may be numbered by the proper issuing authority in a State.

Section 2101(42) defines an ''uninspected passenger vessel'' as a vessel carrying six or less passengers.

Section 2101(43) defines an ''uninspected vessel'' as a vessel not subject to inspection and certification by the Coast Guard under section 3301. Recreational vessels and inland towing vessels are typical uninspected vessels.

Section 2101(44) defines ''United States'' to establish geographical boundaries for the applicability of the various maritime safety and environmental safety laws of this subtitle. This definition is further limited by definitions in section 2102 that relate to recreational boating safety and facility improvement programs.

Section 2101(45) makes it clear that ''vessel'' as used in this subtitle has the same meaning as is provided in section 3 of title 1, of the U.S.C.

Section 2101(46) defines ''vessel of the United States'' as a vessel that is documented or numbered under the laws of the United States. A documented vessel and those vessels that are numbered by a State or Federal authority are afforded the protection of the laws of the United States.

REFERENCES IN TEXT

Presidential Proclamation No. 5928, referred to in par. (17a), is set out under section 1331 of Title 43, Public Lands.

AMENDMENTS

2006—Pars. (2) to (3a). Pub. L. 109–304, §15(2)(A), struck out pars. (2), (3), and (3a), which defined ''barge'', ''Boundary Line'', and ''citizen of the United States'', respectively. See sections 102, 103, and 104 of this title.

Par. (6). Pub. L. 109–304, §15(2)(A), struck out par. (6) which read as follows: '' 'consular officer' means an officer or employee of the United States Government designated under regulations to grant visas.'' See section 105 of this title.

Par. (8a). Pub. L. 109–304, §15(2)(B), inserted ''Prevention'' after ''Abuse''.

Pars. (10), (10a). Pub. L. 109–304, §15(2)(A), struck out pars. (10) and (10a) which defined ''documented vessel'' and ''Exclusive Economic Zone'', respectively. See sections 106 and 107 of this title.

Par. (10b). Pub. L. 109–241, §301(a), added par. (10b).

Par. (12). Pub. L. 109–304, §15(2)(A), struck out par. (12) which read as follows: '' 'foreign vessel' means a vessel of foreign registry or operated under the authority of a country except the United States.'' See section 110 of this title.

Par. (17b). Pub. L. 109–304, §15(2)(A), struck out par. (17b) which read as follows: '' 'numbered vessel' means a vessel for which a number has been issued under chapter 123 of this title.'' See section 111 of this title.

Par. (18). Pub. L. 109–304, §15(2)(C), struck out ''those'' after ''including''.

Par. (22)(D). Pub. L. 109–241, §301(b), added subpar. (D).

Par. (26a). Pub. L. 109–241, §312(b), added par. (26a).

Par. (34). Pub. L. 109–304, §15(2)(D), struck out '', except in part H,'' before ''means'' and substituted ''Secretary of'' for ''head of''.

Par. (35)(E). Pub. L. 109–241, §301(c), added subpar. (E).

Par. (36). Pub. L. 109–304, §15(2)(A), struck out par. (36) which read as follows: '' 'State' means a State of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.'' See section 112 of this title.

Par. (41). Pub. L. 109–304, §15(2)(A), struck out par. (41) which read as follows: '' 'undocumented' means not having and not required to have a document issued under chapter 121 of this title.'' See section 113 of this title.

Pars. (44) to (46). Pub. L. 109–304, §15(2)(A), struck out pars. (44) to (46), which defined ''United States'', ''vessel'', and ''vessel of the United States'', respectively. See sections 114, 115, and 116 of this title.

2002—Par. (17). Pub. L. 107–217 substituted ''section 558 of title 40'' for ''section 13 of the Coast Guard Authorization Act of 1986''.

Par. (35). Pub. L. 107–295, §419(a), inserted ''a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and'' after '' 'small passenger vessel' means'' in introductory provisions.

Par. (48). Pub. L. 107–295, §419(b), added par. (48).

1998—Pars. (17a), (17b). Pub. L. 105–383 added par. (17a) and redesignated former par. (17a) as (17b).

1996—Par. (13). Pub. L. 104–324, §709(1), inserted ''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'' after ''15 gross tons''.

Par. (13a). Pub. L. 104–324, §709(2), inserted ''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'' after ''3,500 gross tons''.

Par. (19). Pub. L. 104–324, §709(3), inserted ''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'' after ''500 gross tons''.

Par. (20a). Pub. L. 104–324, §1104(a)(2), added par. (20a). Former par. (20a) redesignated (20b).

Par. (20b). Pub. L. 104–324, §1104(a)(1), redesignated par. (20a) as (20b).

Par. (22). Pub. L. 104–324, §709(4), inserted ''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'' after ''100 gross tons''.

Par. (30)(A). Pub. L. 104–324, §709(5), inserted ''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'' after ''500 gross tons''.

Par. (32). Pub. L. 104–324, §709(6), inserted ''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'' after ''100 gross tons''.

Par. (33). Pub. L. 104–324, §709(7), inserted ''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'' after ''300 gross tons''.

Par. (35). Pub. L. 104–324, §709(8), inserted ''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'' after ''100 gross tons''.

Par. (42). Pub. L. 104–324, §709(9), inserted ''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'' after ''100 gross tons'' in subpars. (A) and (B).

1994—Par. (14)(C). Pub. L. 103–272 substituted ''section 5103(a) of title 49'' for ''section 104 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1803)''.

1993—Par. (5a). Pub. L. 103–206, §507, added par. (5a).

Par. (19). Pub. L. 103–206, §508, inserted ''individuals in addition to the crew,'' after ''supplies,'' and struck out ''and is not a small passenger vessel'' after ''resources''.

Par. (21). Pub. L. 103–206, §502, amended par. (21) generally, substituting subpars. (A) to (D) defining ''passenger'' for former subpars. (A) to (F) defining ''passenger''.

Par. (21a). Pub. L. 103–206, §506, added par. (21a).

Par. (22). Pub. L. 103–206, §503, amended par. (22) generally. Prior to amendment, par. (22) read as follows:

''‘passenger vessel’ means a vessel of at least 100 gross tons carrying at least one passenger for hire.''

Par. (30)(B). Pub. L. 103–206, § 509, substituted ''more than 6'' for ''at least 6''.

Par. (35). Pub. L. 103–206, § 504, amended par. (35) generally. Prior to amendment, par. (35) read as follows: ''‘small passenger vessel’ means a vessel of less than 100 gross tons carrying more than 6 passengers (as defined in clause (21)(B) and (C) of this section).''

Par. (37a). Pub. L. 103–206, § 510, added par. (37a).

Par. (42). Pub. L. 103–206, § 505, amended par. (42) generally. Prior to amendment, par. (42) read as follows: ''‘uninspected passenger vessel’ means an uninspected vessel carrying not more than 6 passengers.''

1992—Par. (13a). Pub. L. 102–587 added par. (13a).

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

Par. (14)(C). Pub. L. 101–595 substituted ''(49 App. U.S.C. 1803)'' for ''(49 U.S.C. 1803)''.

1989—Par. (17a). Pub. L. 101–225 added par. (17a).

1988—Par. (10a). Pub. L. 100–239 added par. (10a).

Par. (14a). Pub. L. 100–424 added par. (14a).

Par. (34). Pub. L. 100–710, § 104(a)(1), inserted '', except in part H,'' before ''means''.

Par. (46). Pub. L. 100–710, § 104(a)(2), inserted ''or titled under the law of a State'' before period at end.

1986—Par. (11b). Pub. L. 99–640, § 10(b)(1), inserted ''freezing,''.

Par. (14)(C). Pub. L. 99–307, § 1(1), substituted ''Materials'' for ''Material''.

Par. (15a). Pub. L. 99–640, § 11(a), added par. (15a).

Par. (17). Pub. L. 99–640, § 13(d), inserted ''or an educational institution under section 13 of the Coast Guard Authorization Act of 1986''.

Par. (20a). Pub. L. 99–509, § 5102(b)(1)(A), added par. (20a).

Par. (21)(A)(ii). Pub. L. 99–307, § 1(2)(A), inserted ''or other individual engaged in the business of the vessel who has not contributed consideration for carriage on board the vessel'' after ''crewmember''.

Par. (21)(B). Pub. L. 99–307, § 1(2)(D), struck out ''or a sailing school vessel,'' after ''passenger vessel''.

Par. (21)(B)(v) to (vii). Pub. L. 99–307, § 1(2)(B), added cls. (v) and (vi) and struck out former cls. (v) to (vii) which read as follows:

''(v) a guest on board a vessel that is being operated only for pleasure, or a guest on board a sailing school vessel, who has not contributed consideration for carriage on board;

''(vi) an individual on board a towing vessel of at least 50 gross tons who has not contributed consideration for carriage on board; or

''(vii) a sailing school instructor or sailing school student.''

Par. (21)(F). Pub. L. 99–307, § 1(2)(C), added subpar. (F).

Par. (30)(D). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954''.

Par. (47). Pub. L. 99–509, § 5102(b)(1)(B), added par. (47).

1984—Par. (3a). Pub. L. 98–454 added par. (3a).

Par. (11). Pub. L. 98–364, § 402(1)(A), substituted ''‘fish’ means finfish, mollusks, crustaceans, and all other forms of marine animal and plant lift, except marine mammals and birds'' for ''‘fisheries’ includes planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation at a place in the fishery conservation zone established by section 101 of the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811)'', which is now covered in section 12101 of this title.

Pars. (11a) to (11c). Pub. L. 98–364, § 402(1)(B), added pars. (11a) to (11c).

Par. (21)(B). Pub. L. 98–557, § 34(a)(1), inserted reference to a sailing school vessel in provisions preceding cl. (i).

Par. (21)(E). Pub. L. 98–364, § 402(1)(C), added subpar. (E).

Par. (27). Pub. L. 98–557, § 34(a)(2), designated existing provisions as subpar. (A) and added subpar. (B).

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102–587, title V, § 5208(c), (d), Nov. 4, 1992, 106 Stat. 5076, provided that:

''(c) For Great Lakes barges placed in operation after the date of enactment of this Act [Nov. 4, 1992], the amendments made by this section [amending this section and section 3301 of this title] take effect on the date of enactment of this Act.

''(d)(1) For Great Lakes barges in operation on the date of enactment of this Act, the amendments made by this section take effect one year after the date of enactment of this Act.

''(2) The Secretary of Transportation may impose reasonable interim requirements to assure safe operation of the barges affected by paragraph (1).''

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.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–710 effective Jan. 1, 1989, with certain exceptions and qualifications, see section 107 of Pub. L. 100–710, set out as an Effective Date note under section 31301 of this title.

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.

FISHING AND FISH TENDER VESSELS

Pub. L. 103–206, title III, § 321, Dec. 20, 1993, 107 Stat. 2427, provided that:

''(a) In this section, ‘fish tender vessel’, ‘fishing vessel’, and ‘tank vessel’ have the meanings given those terms under section 2101 of title 46, United States Code.

''(b) A fishing vessel or fish tender vessel of not more than 750 gross tons, when engaged only in the fishing industry, shall not be deemed to be a tank vessel for the purposes of any law.

''(c)(1) This section does not affect the authority of the Secretary of Transportation under chapter 33 of title 46, United States Code, to regulate the operation of the vessels listed in subsection (b) to ensure the safe carriage of oil and hazardous substances.

''(2) This section does not affect the requirement for fish tender vessels engaged in the Aleutian trade to comply with chapters 33, 45, 51, 81, and 87 of title 46, United States Code, as provided in the Aleutian Trade Act of 1990 (Public Law 101–595) [see Short Title of 1990 Amendment note set out under section 101 of this title].''

APPLICABILITY DATE FOR REVISED REGULATIONS

Pub. L. 103–206, title V, § 513, Dec. 20, 1993, 107 Stat. 2443, provided that:

''(a) APPLICABILITY DATE FOR CERTAIN CHARTERED VESSELS.—Revised regulations governing small passenger vessels and passenger vessels (as the definitions of those terms in section 2101 of title 46, United States Code, are amended by this Act) shall not, before the date that is 6 months after the date of enactment of this Act [Dec. 20, 1993], apply to such vessels when chartered with no crew provided.

''(b) EXTENSION OF PERIOD.—The Secretary of the department in which the Coast Guard is operating shall extend for up to 30 additional months or until issuance of a certificate of inspection, whichever occurs first, the period of inapplicability specified in subsection (a) if the owner of the vessel concerned carries out the provisions of subsection (c) to the satisfaction of the Secretary.

''(c) CONDITIONS FOR EXTENSION.—To receive an extension authorized by subsection (b), the owner of the vessel shall—

''(1) make application for inspection with the Coast Guard within 6 months after the date of enactment of this Act [Dec. 20, 1993];

''(2) make the vessel available for examination by the Coast Guard prior to the carriage of passengers;

''(3)(A) correct especially any hazardous conditions involving the vessel's structure, electrical system, and machinery installation, such as (i) grossly inadequate, missing, unsound, or severely deteriorated frames or major structural members; (ii) wiring systems or electrical appliances without proper grounding or overcurrent protection; and (iii) significant fuel or exhaust system leaks;

''(B) equip the vessel with lifesaving and fire fighting equipment, or the portable equivalent, required for the route and number of persons carried; and

''(C) verify through stability tests, calculations, or other practical means (which may include a history of safe operations) that the vessel's stability is satisfactory for the size, route, and number of passengers; and

''(4) develop a work plan approved by the Coast Guard to complete in a good faith effort all requirements necessary for issuance of a certificate of inspection as soon as practicable.

''(d) OPERATION OF VESSEL DURING EXTENSION PERIOD.—The owner of a vessel receiving an extension under this section shall operate the vessel under the conditions of route, service, number of passengers, manning, and equipment as may be prescribed by the Coast Guard for the extension period.''

TANK VESSEL DEFINITION CLARIFICATION

Pub. L. 102–587, title V, § 5209, Nov. 4, 1992, 106 Stat. 5076, as amended by Pub. L. 105–383, title IV, § 422, Nov. 13, 1998, 112 Stat. 3439, provided that:

''(a) In this section, 'offshore supply vessel', 'fish tender vessel', 'fishing vessel', and 'tank vessel' have the meanings given those terms under section 2101 of title 46, United States Code.

''(b) The following vessels are deemed not to be a tank vessel for the purposes of any law:

''(1) An offshore supply vessel.

''(2) A fishing or fish tender vessel of not more than 750 gross tons that transfers without charge to a fishing vessel owned by the same person.

''(3) A vessel—

''(A) configured, outfitted, and operated primarily for dredging operations; and

''(B) engaged in dredging operations which transfers fuel to other vessels engaged in the same dredging operations without charge.

''(c)(1) This section does not affect the authority of the Secretary of Transportation under chapter 33 of title 46, United States Code, to regulate the operation of the vessels listed in subsection (b) to ensure the safe carriage of oil and hazardous substances.

''(2) This section does not affect the requirement for fish tender vessels engaged in the Aleutian trade to comply with chapters 33, 45, 51, 81, and 87 of title 46, United States Code, as provided in the Aleutian Trade Act of 1990 ([title VI of] Public Law 101–595) [see Short Title of 1990 Amendment note set out under section 101 of this title].

''(d) Current regulations governing the vessels in subsection (b) remain in effect.''

§ 2102. Limited definitions

In chapters 33, 45, 51, 81, and 87 of this title, ''Aleutian trade'' means the transportation of cargo (including fishery related products) for hire on board a fish tender vessel to or from a place in Alaska west of 153 degrees west longitude and east of 172 degrees east longitude, if that place receives weekly common carrier service by water, to or from a place in the United States (except a place in Alaska).

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 505; Pub. L. 98–369, div. A, title X, § 1011(a), July 18, 1984, 98 Stat. 1013; Pub. L. 99–509, title V, § 5102(b)(2), Oct. 21, 1986, 100 Stat. 1926; Pub. L. 101–595, title VI, § 602(a), Nov. 16, 1990, 104 Stat. 2990; Pub. L. 109–304, §§ 15(3), 16(a), Oct. 6, 2006, 120 Stat. 1702, 1705.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2102	46:1452(10)–(14)

Section 2102 contains a number of definitions that are limited to recreational vessels in Chapter 43 of Part B and the numbering of these vessels in Chapter 123 of Part H.

AMENDMENTS

2006—Pub. L. 109–304 redesignated subsec. (b) as entire section, substituted ''west'' for ''West'' and ''east'' for ''East'', and struck out subsec. (a) which defined ''eligible State'', ''State'', ''United States'', and ''State recreational boating safety program'' in chapters 37, 43, 51, and 123 of this title and part I of this subtitle.

1990—Pub. L. 101–595 designated existing provisions as subsec. (a) and added subsec. (b).

1986—Pub. L. 99–509 inserted reference to chapters 37 and 51.

1984—Par. (1). Pub. L. 98–369, § 1011(a)(1), struck out ''and facilities improvement'' after ''recreational boating safety''.

Par. (3). Pub. L. 98–369, § 1011(a)(2), (3), redesignated par. (5) as (3) and struck out former par. (3) which defined a State recreational boating facilities improvement program.

Par. (4). Pub. L. 98–369, § 1011(a)(2), struck out par. (4) which defined State recreational boating safety and facilities improvement program.

Par. (5). Pub. L. 98–369, § 1011(a)(3), redesignated par. (5) as (3).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98–369, set out as a note under section 13101 of this title.

§ 2103. Superintendence of the merchant marine

The Secretary has general superintendence over the merchant marine of the United States and of merchant marine personnel insofar as the enforcement of this subtitle is concerned and insofar as those vessels and personnel are not subject, under other law, to the supervision of another official of the United States Government. In the interests of marine safety and seamen's welfare, the Secretary shall enforce this subtitle and shall carry out correctly and uniformly administer this subtitle. The Secretary may prescribe regulations to carry out the provisions of this subtitle.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 506; Pub. L. 99–307, § 9, May 19, 1986, 100 Stat. 447.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
2103	46:2 46:372 46:689

Section 2103 provides the Secretary with the authority to superintend the merchant marine and those involved personnel insofar as the vessels and personnel are not subject, under other laws, to the supervision of another official. The Secretary has the duty to enforce the laws with respect to vessels and seamen and to