

coastwise, intercoastal, interstate, or non-contiguous trade or an individual employed on a fishing vessel or any fish processing vessel may not be withheld under the tax laws of a State or a political subdivision of a State. However, this section does not prohibit withholding wages of a seaman on a vessel in the coastwise trade between ports in the same State if the withholding is under a voluntary agreement between the seaman and the employer of the seaman.

(b) LIABILITY.—

(1) LIMITATION ON JURISDICTION TO TAX.—An individual to whom this subsection applies is not subject to the income tax laws of a State or political subdivision of a State, other than the State and political subdivision in which the individual resides, with respect to compensation for the performance of duties described in paragraph (2).

(2) APPLICATION.—This subsection applies to an individual—

(A) engaged on a vessel to perform assigned duties in more than one State as a pilot licensed under section 7101 of this title or licensed or authorized under the laws of a State; or

(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one State.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 580; Pub. L. 98-364, title IV, §402(14), July 17, 1984, 98 Stat. 450; Pub. L. 106-489, §1, Nov. 9, 2000, 114 Stat. 2207.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11108 .....	46:601

Section 11108 prohibits the mandatory withholding of state or local taxes from crewmembers on certain specified vessels. It permits, however, voluntary withholding agreements.

AMENDMENTS

2000—Pub. L. 106-489 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1984—Pub. L. 98-364 substituted “an individual employed on a fishing vessel or any fish processing vessel” for “a fisherman employed on a fishing vessel”.

§ 11109. Attachment of wages

(a) Wages due or accruing to a master or seaman are not subject to attachment or arrestment from any court, except for an order of a court about the payment by a master or seaman of any part of the master’s or seaman’s wages for the support and maintenance of the spouse or minor children of the master or seaman, or both. A payment of wages to a master or seaman is valid, notwithstanding any prior sale or assignment of wages or any attachment, encumbrance, or arrestment of the wages.

(b) An assignment or sale of wages or salvage made before the payment of wages does not bind the party making it, except allotments authorized by section 10315 of this title.

(c) This section applies to an individual employed on a fishing vessel or any fish processing vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 580; Pub. L. 98-364, title IV, §402(15), July 17, 1984, 98 Stat. 450.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11109 .....	46:601

Section 11109 limits the attachment of a seaman’s wages and establishes certain rules for the assignment of a seaman’s wages. It also applies to fishermen on fishing vessels.

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-364 substituted “an individual employed on a fishing vessel or any fish processing vessel” for “a fisherman on a fishing vessel”.

§ 11110. Seamen’s clothing

The clothing of a seaman is exempt from attachments and liens. A person detaining a seaman’s clothing shall be fined not more than \$500, imprisoned for not more than 6 months, or both.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 580.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11110 .....	46:563

Section 11110 exempts seamen’s clothing from attachments and liens. It also provides a penalty for violations.

§ 11111. Limit on amount recoverable on voyage

When a seaman is on a voyage on which a written agreement is required under this part, not more than \$1 is recoverable from the seaman by a person for a debt incurred by the seaman during the voyage for which the seaman is signed on until the voyage is ended.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 581.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11111 .....	46:602

Section 11111 limits the amount of money recoverable from a seaman for a debt incurred while on a voyage on which a shipping agreement is required.

§ 11112. Master’s lien for wages

The master of a documented vessel has the same lien against the vessel for the master’s wages and the same priority as any other seaman serving on the vessel.

(Added Pub. L. 99-307, §1(19)(B), May 19, 1986, 100 Stat. 446.)

CHAPTER 112—MERCHANT MARINER BENEFITS

Sec.	
11201.	Eligibility for veterans’ burial and cemetery benefits.
11202.	Qualified service.
11203.	Documentation of qualified service.
11204.	Processing fees.

§ 11201. Eligibility for veterans’ burial and cemetery benefits

(a) ELIGIBILITY.—

(1) IN GENERAL.—The qualified service of a person referred to in paragraph (2) shall be considered to be active duty in the Armed Forces during a period of war for purposes of eligibility for benefits under the following provisions of title 38:

(A) Chapter 23 (relating to burial benefits).

(B) Chapter 24 (relating to interment in national cemeteries).

(2) COVERED INDIVIDUALS.—Paragraph (1) applies to a person who—

(A) receives an honorable service certificate under section 11203 of this title; and

(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for a person by reason of eligibility under this section.

(c) APPLICABILITY.—

(1) GENERAL RULE.—Benefits may be provided under the provisions of law referred to in subsection (a)(1) by reason of this chapter only for deaths occurring after the date of the enactment of this chapter.

(2) BURLIALS, ETC. IN NATIONAL CEMETERIES.—Notwithstanding paragraph (1), in the case of an initial burial or columbarium placement after the date of the enactment of this chapter, benefits may be provided under chapter 24 of title 38 by reason of this chapter (regardless of the date of death), and in such a case benefits may be provided under section 2306 of such title.

(Added Pub. L. 105-368, title IV, §402(a), Nov. 11, 1998, 112 Stat. 3336.)

#### REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in subsec. (c), is the date of enactment of Pub. L. 105-368, which was approved Nov. 11, 1998.

### § 11202. Qualified service

For purposes of this chapter, a person shall be considered to have engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

(B) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

(C) under contract or charter to, or property of, the Government of the United States; and

(D) serving the Armed Forces; and

(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

(Added Pub. L. 105-368, title IV, §402(a), Nov. 11, 1998, 112 Stat. 3336.)

### § 11203. Documentation of qualified service

(a) RECORD OF SERVICE.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

(1) issue a certificate of honorable service to a person who, as determined by that Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

(2) correct, or request the appropriate official of the Federal Government to correct, the service records of that person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable service.

(b) TIMING OF DOCUMENTATION.—A Secretary receiving an application under subsection (a) shall act on the application not later than 1 year after the date of that receipt.

(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the Secretary acting on the application shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

(d) CORRECTION OF RECORDS.—An official who is requested under subsection (a)(2) to correct the service records of a person shall make such correction.

(Added Pub. L. 105-368, title IV, §402(a), Nov. 11, 1998, 112 Stat. 3337.)

#### REFERENCES IN TEXT

Section 401(a)(1)(B) of the GI Bill Improvement Act of 1977, referred to in subsec. (c), is section 401(a)(1)(B) of Pub. L. 95-202, which is set out as a note under section 106 of Title 38, Veterans' Benefits.

### § 11204. Processing fees

(a) COLLECTION OF FEES.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall collect a fee of \$30 from each applicant for processing an application submitted under section 11203(a) of this title.

(b) TREATMENT OF FEES COLLECTED.—Amounts received by the Secretary under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities. Amounts received by the Secretary of Defense under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the Department of Defense. In either case, such amounts shall be available, subject to appropriation, for the administrative costs of processing applications under section 11203 of this title.

(Added Pub. L. 105-368, title IV, §402(a), Nov. 11, 1998, 112 Stat. 3337.)

#### 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.

**CHAPTER 113—OFFICIAL LOGBOOKS**

Sec.	
11301.	Logbook and entry requirements.
11302.	Manner of making entries.
11303.	Penalties.

**§ 11301. Logbook and entry requirements**

(a) Except a vessel on a voyage from a port in the United States to a port in Canada, a vessel of the United States shall have an official logbook if the vessel is—

- (1) on a voyage from a port in the United States to a foreign port; or
- (2) 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 and is on a voyage between a port of the United States on the Atlantic Ocean and on the Pacific Ocean.

(b) The master of the vessel shall make or have made in the official logbook the following entries:

- (1) each legal conviction of a seaman of the vessel and the punishment inflicted.
- (2) each offense committed by a seaman of the vessel for which it is intended to prosecute or to enforce under a forfeiture, together with statements about reading the entry and the reply made to the charge as required by section 11502 of this title.
- (3) each offense for which punishment is inflicted on board and the punishment inflicted.
- (4) a statement of the conduct, character, and qualifications of each seaman of the vessel or a statement that the master declines to give an opinion about that conduct, character, and qualifications.
- (5) each illness of or injury to a seaman of the vessel, the nature of the illness or injury, and the medical treatment.
- (6) each death on board, with the cause of death, and if a seaman, the information required by section 10702 of this title.
- (7) each birth on board, with the sex of the infant and name of the parents.
- (8) each marriage on board, with the names and ages of the parties.
- (9) the name of each seaman who ceases to be a crewmember (except by death), with the place, time, manner, and the cause why the seaman ceased to be a crewmember.
- (10) the wages due to a seaman who dies during the voyage and the gross amount of all deductions to be made from the wages.
- (11) the sale of the property of a seaman who dies during the voyage, including a statement of each article sold and the amount received for the property.
- (12) when a marine casualty occurs, a statement about the casualty and the circumstances under which it occurred, made immediately after the casualty when practicable to do so.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 581; Pub. L. 98–557, §30, Oct. 30, 1984, 98 Stat. 2875; Pub. L. 104–324, title VII, §742, Oct. 19, 1996, 110 Stat. 3942.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11301 .....	46:201

Section 11301 requires United States vessels on certain types of voyages to have an official logbook and lists the types of entries that must be made in the logbook.

**AMENDMENTS**

1996—Subsec. (a)(2). Pub. L. 104–324 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”.

1984—Subsec. (a). Pub. L. 98–557 amended subsec. (a) generally, which prior to amendment read as follows: “A vessel of the United States on a voyage between a port in the United States and a port in a foreign country, and a vessel of the United States of at least 75 gross tons on a voyage between a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Ocean, shall have an official logbook.”

**§ 11302. Manner of making entries**

Each entry made in the official logbook—

- (1) shall be made as soon as possible after the occurrence;
- (2) if not made on the day of the occurrence, shall be dated and state the date of the occurrence;
- (3) if the entry is about an occurrence happening before the vessel’s arrival at the final port of discharge, shall be made not later than 24 hours after the arrival;
- (4) shall be signed by the master; and
- (5) shall be signed by the chief mate or another seaman.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 581.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11302 .....	46:202

Section 11302 describes the manner in which entries shall be made in the logbook, specifying when they shall be made, who shall sign them, and requiring that they shall be dated.

**§ 11303. Penalties**

(a) A master failing to maintain an official logbook as required by this part is liable to the United States Government for a civil penalty of \$200.

(b) A master failing to make an entry in the vessel’s official logbook as required by this part is liable to the Government for a civil penalty of \$200.

(c) A person is liable to the Government for a civil penalty of \$150 when the person makes, procures to be made, or assists in making, an entry in the vessel’s official logbook—

- (1) later than 24 hours after the vessel’s arrival at the final port of discharge; and
- (2) that is about an occurrence that happened before that arrival.