nate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' after ''500 gross tons''.

Subsec. (*o*)(2). Pub. L. 104–324, § 728(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 ''500 gross tons''.

Subsec. (p). Pub. L. 104–324, § 1104(c), amended subsec. (p) generally. Prior to amendment, subsec. (p) read as follows: ''On a vessel used only to respond to a discharge of oil or a hazardous substance, the licensed individuals and crewmembers may be divided into at least two watches when the vessel is engaged in an operation less than 12 hours in duration.''

1993—Subsec. (g). Pub. L. 103–206, § 322(a)(1), struck out ''a vessel used only to respond to a discharge of oil or a hazardous substance,'' after ''an offshore supply vessel,''.

Subsec. (p). Pub. L. 103–206, § 322(a)(2), added subsec. (p).

1992—Subsec. (g). Pub. L. 102–587, § 5212(1), inserted ''a vessel used only to respond to a discharge of oil or a hazardous substance,'' after ''an offshore supply vessel,''.

Subsecs. (n), (*o*). Pub. L. 102–587, § 5212(2), redesignated subsec. (n), relating to fish tender vessels of not more than 500 gross tons engaged in Aleutian trade, as (*o*).

1990—Subsecs. (i), (j). Pub. L. 101–380, § 4302(f), substituted ''$10,000'' for ''$100'' in subsec. (i) and for ''$500'' in subsec. (j).

Subsec. (n). Pub. L. 101–595 added subsec. (n) relating to fish tender vessels of not more than 500 gross tons engaged in Aleutian trade.

Pub. L. 101–380, § 4114(b), added subsec. (n) relating to tankers.

1986—Subsec. (k). Pub. L. 99–307 substituted ''watches'' for ''watchers''.

1984—Subsec. (b). Pub. L. 98–364, § 402(11)(A), substituted ''100 gross tons (except a fishing, fish processing, or fish tender vessel)'' for ''100 gross tons''.

Subsec. (c). Pub. L. 98–364, § 402(11)(B), substituted ''fishing, fish processing, fish tender,'' for ''fishing''.

Subsec. (d). Pub. L. 98–364, § 402(11)(C), substituted ''a fishing, fish tender, or whaling vessel, a fish processing vessel of not more than 5,000 gross tons'' for ''a fishing or whaling vessel''.

Subsec. (k). Pub. L. 98–557 substituted ''shall'' for ''may''.

Pub. L. 98–364, § 402(11)(D), added subsec. (k).

Subsec. (*l*). Pub. L. 98–557 substituted ''shall'' for ''may'' in provisions preceding par. (1).

Pub. L. 98–364, § 402(11)(D), added subsec. (*l*).

Subsec. (m). Pub. L. 98–364, § 402(11)(D), added subsec. (m).

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–281, title IX, § 903(a), Oct. 15, 2010, 124 Stat. 3010, provided that the amendment by section 903(a)(1) is effective with enactment of Pub. L. 109–241.

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.

§ 8105. Fishing vessel exemption

Notwithstanding any other provision of law, neither the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, nor any amendment to such convention, shall apply to a fishing vessel, including a fishing vessel used as a fish tender vessel.

(Added Pub. L. 104–324, title XI, § 1146(a), Oct. 19, 1996, 110 Stat. 3992.)

PRIOR PROVISIONS

A prior section 8105, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 550, authorized Secretary to prescribe regulations to carry out this part prior to repeal by Pub. L. 101–595, title VI, § 603(7)(A), Nov. 16, 1990, 104 Stat. 2993.

§ 8106. Riding gangs

(a) IN GENERAL.—The owner or managing operator of a freight vessel of the United States on voyages covered by the International Convention for Safety of Life at Sea, 1974 (32 UST 47m) shall—

(1) ensure that—

(A) subject to subsection (d), each riding gang member on the vessel—

(i) is a United States citizen or an alien lawfully admitted to the United States for permanent residence; or

(ii) possesses a United States nonimmigrant visa for individuals desiring to enter the United States temporarily for business, employment-related and personal identifying information, and any other documentation required by the Secretary;

(B) all required documentation for such member is kept on the vessel and available for inspection by the Secretary; and

(C) each riding gang member is identified on the vessel's crew list;

(2) ensure that—

(A) the owner or managing operator attests in a certificate that the background of each riding gang member has been examined and found to be free of any credible information indicating a material risk to the security of the vessel, the vessel's cargo, the ports the vessel visits, or other individuals onboard the vessel;

(B) the background check consisted of a search of all information reasonably available to the owner or managing operator in the riding gang member's country of citizenship and any other country in which the riding gang member works, receives employment referrals, or resides;

(C) the certificate required under subparagraph (A) is kept on the vessel and available for inspection by the Secretary; and

(D) the information derived from any such background check is made available to the Secretary upon request;

(3) ensure that each riding gang member, while on board the vessel, is subject to the same random chemical testing and reporting regimes as crew members;

(4) ensure that each such riding gang member receives basic safety familiarization and basic safety training approved by the Coast Guard as satisfying the requirements for such training under the International Convention of Training, Certification, and Watchkeeping for Seafarers, 1978;

(5) prevent from boarding the vessel, or cause the removal from the vessel at the first available port, and disqualify from future service on board any other vessel owned or operated by that owner or operator, any riding gang member—

(A) who has been convicted in any jurisdiction of an offense described in paragraph (2) or (3) of section 7703;