(E) a member with a background in finance or accounting, who—

(i) must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and

(ii) may be appointed without regard to requirement in paragraph (1) that each member have 5 years of practical experience in maritime operations.

(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

(d)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

(3) Any recommendations to the Secretary under subsection (a)(2) must have been approved by at least all but one of the members then serving on the committee.

(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS–18 of the General Schedule under section 5332 of title 5 including travel time; and

(B) travel or transportation expenses under section 5703 of title 5, United States Code.

(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2020.

(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 559; Pub. L. 105–383, title III, § 303, Nov. 13, 1998, 112 Stat. 3418; Pub. L. 106–554, § 1(a)(4) [div. A, § 1118], Dec. 21, 2000, 114 Stat. 2763, 2763A–209; Pub. L. 108–293, title IV, § 418(d), Aug. 9, 2004, 118 Stat. 1049; Pub. L. 109–304, § 15(23), Oct. 6, 2006, 120 Stat. 1704; Pub. L. 111–281, title VI, § 621(a), Oct. 15, 2010, 124 Stat. 2976.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9307	46:216h

Section 9307 permits the Secretary to establish a Great Lakes Pilotage Advisory Committee. This Committee is to be established consistent with the Federal Advisory Committee Act (P.L. 92–463; 5 App. U.S.C.) and with the requirements imposed by section 19 [118(e)] of P.L. 97–322 (14 U.S.C. 631 note).

Subsection (a) authorizes the Committee to review and make recommendations on Great Lakes pilotage regulation and policies and to make the recommendations available to Congress and requires the Committee to meet at the call of the Secretary.

Subsection (b) establishes the membership of the Committee as 3 members with 5 years of practical maritime experience appointed by the Secretary for a term of not more than 5 years. A Federal Register notice of solicitation for membership nominations for filling a position is required.

Subsection (c) provides for pay and travel expenses, including per diem, for the members.

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsecs. (c)(2) and (f)(1), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2010—Subsec. (f)(1). Pub. L. 111–281 substituted ''September 30, 2020'' for ''September 30, 2010''.

2006—Subsec. (b)(2)(A). Pub. L. 109–304 substituted ''the President'' for ''The President''.

2004—Subsec. (f)(1). Pub. L. 108–293 substituted ''September 30, 2010'' for ''September 30, 2005''.

2000—Subsec. (b)(2)(A). Pub. L. 106–554, § 1(a)(4) [div. A, § 1118(1)], amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''three members who are practicing Great Lakes pilots and who reflect a regional balance;''.

Subsec. (b)(2)(E). Pub. L. 106–554, § 1(a)(4) [div. A, § 1118(2)], amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: ''one member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.''

Subsec. (c)(2). Pub. L. 106–554, § 1(a)(4) [div. A, § 1118(3)], which directed the striking out of second sentence in subsec. (C)(2), was executed by striking out the second sentence in subsec. (c)(2), ''The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage.'', to reflect the probable intent of Congress.

Subsec. (d)(3). Pub. L. 106–554, § 1(a)(4) [div. A, § 1118(4)], added par. (3).

Subsec. (f)(1). Pub. L. 106–554, § 1(a)(4) [div. A, § 1118(5)], substituted ''September 30, 2005'' for ''September 30, 2003''.

1998—Pub. L. 105–383 amended section generally, substituting provisions consisting of subsecs. (a) to (f) for former provisions consisting of subsecs. (a) to (c).

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

§ 9308. Penalties

(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel

knowingly allowing the vessel to be operated in violation of section 9302 of this title is liable to the United States Government for a civil penalty of no more than $10,000 for each day during which the vessel is in violation. The vessel also is liable in rem for the penalty.

(b) An individual who directs the navigation of a vessel in violation of section 9302 of this title is liable to the Government for a civil penalty of no more than $10,000 for each day during which the violation occurs.

(c) A person violating a regulation prescribed under section 9303 of this title is liable to the Government for a civil penalty of no more than $10,000.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 101–380, title IV, § 4108(b), Aug. 18, 1990, 104 Stat. 515.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
9308	46:216e(a)–(c)

Section 9308 prescribes the penalties for violations of sections 9302 and 9303.

AMENDMENTS

1990—Subsecs. (a) to (c). Pub. L. 101–380 substituted ''no more than $10,000'' for ''$500''.

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.

PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

HISTORICAL AND REVISION NOTES

Part G provides for a number of measures for the protection and relief of merchant seamen by requiring certain contractual obligations between the master who represents the vessel owner's interest and the seamen who are engaged or employed on board a vessel, by requiring certain proceedings when a seaman dies or a vessel is suspected of being unseaworthy, by requiring certain standards for accommodations, medicine, clothing, miscellaneous merchandise, and for the handling of special and unique problems of seamen. It also provides for a method of imposing disciplinary controls through the logging of offenses and provides penalties for specified offenses, and certain related disciplinary procedures. The provisions of this part generally do not apply to fishing vessels, whaling vessels, or yachts.

CHAPTER 101—GENERAL

Sec.
10101. Definitions.
[10102. Repealed.]
10103. Reports.
10104. Requirement to report sexual offenses.

AMENDMENTS

1993—Pub. L. 103–206, title IV, § 422(c)(2), Dec. 20, 1993, 107 Stat. 2439, struck out item 10102 ''Designations and duties of shipping commissioners''.

1989—Pub. L. 101–225, title II, § 214(b), Dec. 12, 1989, 103 Stat. 1914, substituted ''Requirement to report sexual offenses'' for ''Regulations'' in item 10104.

§ 10101. Definitions

In this part—

(1) ''master'' means the individual having command of a vessel.

(2) ''owner'' means the person to whom the vessel belongs.

(3) ''seaman'' means an individual (except scientific personnel, a sailing school instructor, or a sailing school student) engaged or employed in any capacity on board a vessel.

(4) ''fishing vessel'' includes—

(A) a fish tender vessel; or

(B) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 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 or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 98–364, title IV, § 402(13), July 17, 1984, 98 Stat. 449; Pub. L. 98–557, § 33(d), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 99–640, § 10(b)(3), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 104–324, title VII, § 736, Oct. 19, 1996, 110 Stat. 3941.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10101	46:713

Section 10101 defines the terms master, seaman, and owner as they apply to merchant seamen's protection and relief.

AMENDMENTS

1996—Par. (4)(B). 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 ''1,600 gross tons''.

1986—Pars. (1), (3). Pub. L. 99–640 struck out ''owned by a citizen of the United States'' after ''vessel''.

1984—Par. (4). Pub. L. 98–364, as amended Pub. L. 98–557, added par. (4).

[§ 10102. Repealed. Pub. L. 103–206, title IV, § 422(c)(1), Dec. 20, 1993, 107 Stat. 2439]

Section, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560, related to designations and duties of shipping commissioners.

§ 10103. Reports

(a) A master of a vessel to which section 8701(a) of this title applies, who engages or discharges a seaman, shall submit reports to the vessel owner in the form, content, and manner of filing as prescribed by regulation, to ensure compliance with laws related to manning and the engagement and discharge of seamen.

(b) This section does not apply to a ferry or towing vessel operated in connection with a ferry operation, employed only in trades other than with foreign ports, lakes, bays, sounds, bayous, canals, or harbors.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 103–206, title IV, § 417, Dec. 20, 1993, 107 Stat. 2438.)