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NMC Policy Letter 10-02
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From: Commanding Officer, National Maritime Center
To: Distribution

Subj: EMPLOYMENT OF FOREIGN NATIONALS ON U. S.-FLAG VESSELS

Ref: (a) Title 46, Code of Federal Regulations, Section 15.720
(b) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW)

1. PURPOSE. This policy letter provides guidance to a master of a U. S.-flagged vessel that must replace a U. S. citizen during a foreign voyage.

2. BACKGROUND.

- a. Reference (a) authorizes the employment of foreign nationals on U. S.-flagged vessels on a foreign voyage.
- b. Reference (b) provides guidance in regulation I/10 to the Parties on the certification requirements when mariners from one Party are employed on vessels of another Party. Generally, this regulation requires that the administration of the flag state endorse the certificate of the Party that issued a mariner's STCW certificate to indicate that the flag state recognizes the certificate. The requirement for endorsement only applies to certificates held by officers. There is no requirement under the STCW for a flag state to endorse the certificate of a rating.
- c. The process required for one Party to recognize and endorse the certificate of another Party requires research into the issuing standards and procedures of the Party to be recognized and an agreement between the two Parties. The recognizing Party must establish an appropriate record-keeping process to track each endorsement that would be issued.

3. DISCUSSION.

- a. The United States does not intend at present to enter into agreements with other Parties that would allow endorsement of their STCW certificates for service on U. S.-flagged vessels. Our national laws and regulations limit the possibilities for such employment for most segments of the maritime industry; therefore, there is no justifiable need at present for the U. S. to establish procedures and policies for such recognition and endorsement. Because of the limited opportunity for employment, such an endorsement could be misleading to the mariner and induce unwarranted optimism about employment on a U. S.-flagged vessel.
- b. On rare occasions, U. S. vessels in international trade may be unexpectedly shorthanded. In such cases, the master of the vessel may employ a foreign national who holds an STCW certificate issued by a country from the "white list" issued by the International Maritime Organization. When such employment is necessary, the master shall ensure that the mariner's qualifications as stated on

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the mariner's STCW certificate match the requirements of the position being filled. Masters shall be guided by the requirements of reference (a) in replacing a U. S. mariner with a foreign national.

- c. U. S.-documented offshore supply vessels and mobile offshore drilling units have been granted exceptions to the restrictions on employment of foreign nationals. When these vessels are operating within the limits of these restrictions, foreign nationals may be employed on board. The master of the vessel or drilling unit must ensure that the mariner's qualifications as stated on his or her STCW-95 certificate are equivalent or superior to the license qualifications required by the certificate of inspection.
- d. The master of the vessel must always be a U. S. citizen.



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