

NATIONALITY OF VESSELS ON SEA TRIALS UNDER U.S. LAW

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In 2013, approximately 1,147 commercial and military vessels were delivered by United States shipyards.¹ This total includes vessels of all types – 8 deep-draft vessels and structures, 219 OSVs, tugs, towboats, passenger and fishing vessels, oceangoing barges, and 920 inland freight, deck and tank barges.² The process of ship construction involves several distinct stages that can be identified as: (1) a shipbuilding contract, (2) tangible personal property, (3) a “vessel,”³ and finally, (4) a “vessel of the United States.”⁴ Between stages 3 and 4, a shipyard and its crew will conduct sea trials for most self-propelled vessels on the inland and territorial waters of the United States and for some larger vessels on the high seas. This article will briefly look at each of these stages of a ship’s construction, the U.S. Coast Guard’s authority over the construction of a vessel, and the status of a vessel on sea trials in international waters.

Shipbuilding Contracts

It is well settled that contracts relating to either the construction of a vessel or the supply of materials for

the original construction of a vessel are not maritime contracts within the federal courts’ admiralty jurisdiction.⁵ United States’ law views contracts for the construction of a vessel as a sale of tangible personal property, treating a contract for construction of a vessel as a sale of “goods” within the meaning of the Uniform Commercial Code (“UCC”) under Article 2 (Sales) and other applicable state laws.⁶ Title to a vessel under construction is generally held by the shipyard until delivery; some shipbuilding contracts provide for title to pass incrementally to the buyer, usually correlating with progress payments made to the shipyard. It is unclear, however, whether the buyer’s paper evidence of title under these shipbuilding contracts is merely a disguised security interest, to be held until the completed contract work is delivered, or whether it is sufficient to support the conclusion that the shipyard and buyer are co-owners. The shipyard formally passes title to the buyer upon full payment, “delivery,” and acceptance of the vessel by the buyer.

From Personal Property to “Vessel”

Irrespective of whether the shipyard or the buyer holds title under the shipbuilding contract, the steel plates, pipes, cables, pallets of equipment, and materials at a shipbuilding facility and in its warehouses are tangible personal property. The shipyard’s fabrication, assembly, and erection of this material and equipment, at some point in the process, become a “vessel.” The Supreme Court addressed the transition of a ship’s legal status in 1901. See *Tucker v. Alexandroff*, 183 U.S. 424 (1901). This case held that, after the ship is launched, she is a ship within the meaning of the international treaty concerning the forced return of a deserting foreign

¹ Tim Colton, *Shipbuilding History – Construction Records of U.S. and Canadian Shipbuilders and Boatbuilders*, SHIPBUILDING HISTORY <<http://www.shipbuildinghistory.com/today/statistics/activity2013.htm>>, <<http://www.shipbuildinghistory.com/today/statistics/activitybarges2013.htm>> (last visited June 10, 2014). These statistics are from approximately 900 shipbuilders and boat builders, which have their construction records documented on a table in the database <<http://www.shipbuildinghistory.com/history/shipbuilders.htm>> (last visited June 10, 2014).

² *Id.*

³ The word “vessel” includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water. 1 USC § 3. The courts have used three factors common for floating platforms that are not considered vessels: (1) the structures involved were constructed and used primarily as work platforms; (2) they were moored or otherwise secured; and (3) although they were capable of movement and were sometimes moved across navigable water in the course of normal operations, any transportation function they performed was merely incidental to their primary purpose of serving as work platforms. See *Daniel v. Ergon, Inc.*, 892 F.2d 403 (5th Cir. 1990).

⁴ In Title 46 of the United States Code, “the term ‘vessel of the United States’ means a vessel documented under chapter 121 of this title (or exempt from documentation under section 12102(c) of this title), numbered under chapter 123 of this title, or titled under the law of a State.” 46 USC § 116.

⁵ See, e.g., *Kossick v. United Fruit Co.*, 365 U.S. 731, 735 (1961); *Thames Towboat Co. v. The Francis McDonald*, 254 U.S. 242 (1920); *People’s Ferry Co. of Boston v. Beers*, 61 U.S. 393 (1857); *Walter v. Marine Office of Am.*, 537 F.2d 89, 94 (5th Cir. 1976).

⁶ See, e.g., *CTI-Container Leasing Corp. v. Oceanic Operations Corp.*, 682 F.2d 377, 379-80 n.4 (2d Cir. 1982). Compare *In re Complaint of Am. Exp. Lines, Inc.*, 620 F. Supp. 490, 515 (S.D.N.Y. 1985) (a contract for the construction of a vessel is predominately for services and is, therefore, not governed by the UCC), with *Silver v. Sloop Silver Cloud*, 259 F. Supp. 187, 189 (S.D.N.Y. 1966) (applying the UCC to a contract for construction of a vessel).

seaman. The court's discussion, however, provides guidance on the transition of ship's legal status as personal property to the status of a "vessel" under construction:

A ship is born when she is launched, and lives so long as her identity is preserved. Prior to her launching she is a mere congeries of wood and iron – an ordinary piece of personal property – as distinctly a land structure as a house, and subject only to mechanics' liens created by state law and enforceable in the state courts. In the baptism of launching she receives her name, and from the moment her keel touches the water she is transformed, and becomes a subject of admiralty jurisdiction. She acquires a personality of her own; becomes competent to contract, and is individually liable for her obligations, upon which she may sue in the name of her owner, and be sued in her own name. . . . She is capable, too, of committing a tort, and is responsible in damages therefore. She may also become a quasi bankrupt; may be sold for the payment of her debts, and thereby receive a complete discharge from all prior liens, with liberty to begin a new life, contract further obligations, and perhaps be subjected to a second sale.⁷

Analysis of exactly when a launched ship under construction becomes a "vessel" "capable of being used as a means of transportation on water"⁸ under recent Supreme Court decisions is not the focus of this article. It is sufficient to note that decisions subsequent to *Tucker* have found that a ship under construction prior to sea trials is a "vessel" as defined in Title 1, § 3 of the United States Code.⁹

U.S. Flag Construction

Most vessels constructed in the United States are built in compliance with the standards and requirements of

the United States Coast Guard under 46 USC Part B – Inspection and Regulation of Vessels. Pursuant to statute, a vessel that is subject to inspection must undergo an initial inspection for certification before being put into service¹⁰ and may not be operated without having a valid certificate of inspection on board.¹¹ The Coast Guard issues a certificate of inspection to certify compliance with the statutory requirements. The Coast Guard may also issue a temporary certificate of inspection in place of a regular certificate of inspection.¹² Moreover, during this process, the Coast Guard makes an official determination and identifies the complement of licensed individuals and crew required for the safe operation of the vessel.¹³

Vessel Sea Trials – Seaworthiness

At the stage of construction when a shipyard conducts sea trials, a vessel has neither been issued a certificate of inspection setting forth its necessary complement of licensed individuals and crew nor been documented as a vessel of the United States. A sea trial vessel is still "goods" under the UCC and remains tangible personal property of either the shipyard, the purchaser, or both.¹⁴ Some courts have held that the vessel on sea trials is "in navigation."¹⁵

Court decisions involving vessels on sea trials mainly concern Jones Act claims for seamen's injuries that occurred on board the vessel during sea trials. The issue of whether a vessel on a sea trial owes a duty of seaworthiness has been decided uniformly in the lower

¹⁰ 46 USC § 3307.

¹¹ 46 USC § 3311.

¹² 46 USC § 3309.

¹³ 46 USC § 8101.

¹⁴ The filing of an Application for Initial Documentation with the Coast Guard that is in substantial compliance with Title 46 of the United States Code, Chapter 313—Commercial Instruments and Maritime Liens Subchapter II—Commercial Instruments, causes a perfected security interest under the UCC Article 9 to become unperfected. *See* UCC § 9-109(a)(1), (c)(1) (2014). *See* *McCorkle v. First Banking & Trust Co.*, 459 F.2d 243, 245 n.2 (4th Cir. 1972); *Atlas Imperial Diesel Engine Co. v. Criscuolo*, 32 Cal. App. 3d 244, 250 (Cal. Ct. App. 1939).

¹⁵ *See* *Crawford v. Elec. Boat Corp.*, 515 F. Supp. 2d 282, 289 (D. Conn. 2007) ("*Crawford*").

⁷ *Tucker v. Alexandroff*, 183 U.S. 424, 438 (1901).

⁸ *See* 1 USC § 3; *see, e.g.,* *Lozman v. City of Rivera Beach, Fla.*, 133 S. Ct. 735 (2013); *Stewart v. Dutra Constr. Co.*, 543 U.S. 481 (2005).

⁹ *See* *Chase Manhattan Fin. Servs., Inc. v. McMillian*, 896 F.2d 452 (10th Cir. 1990); *see also* *Hall v. Hvide Hull No. 3*, 746 F.2d 294 (5th Cir. 1984).

courts but there is no Supreme Court authority.¹⁶ The Second, Third, and Fifth Circuits have agreed that, regardless of whether the vessel is considered to be in navigation or not, vessels on sea trials owe no duty¹⁷ of seaworthiness.

*Rogers v. M/V Ralph Bollinger*¹⁸ held that the timing of the documentation of the vessel does not affect whether a vessel is obligated to provide a warranty of seaworthiness. In *Rogers*, the vessel had received its certificate of enrollment and license from the Treasury Department, which identified the ownership rights of the buyer.¹⁹ In assessing a claim under the warranty of seaworthiness doctrine, the court held that the documentation only established the identity of the vessel for the purposes of the Certificates of Registry Acts and Ship Mortgage Acts; it did not affect the ship's obligation to provide a warranty of seaworthiness.²⁰

*Williams v. Avondale Shipyards, Inc.*²¹ examined whether a party could bring a claim under the Jones Act for an injury that occurred during sea trials. The plaintiff alleged that the shipbuilder breached the warranty of seaworthiness by manning the vessel with an insufficient and inadequately trained crew, which gave rise to dangerous conditions and resulted in the injury.²² Without addressing whether the conditions on board qualified to be legally "unseaworthy," the court disallowed the claim on the grounds that the warranty of seaworthiness did not apply to anyone during a final sea trial because the "whole purpose of the sea trial was to ascertain what additional work would be required to make the [ship] fully fit."²³

Hence, while individuals injured during such voyages may have a claim from the shipbuilder under the theory of "due care," this due care claim would be "a far cry from the awesome obligations of seaworthiness."²⁴ The court supported its decision with the conclusion that sea trials are part of the construction process of a ship and no guarantee that the ship is in fact "completed, fit and seaworthy" exists during sea trials because the construction has not been finished.²⁵ The *Williams* analysis has been adopted by subsequent district court decisions in the Second and Fifth Circuits.²⁶

After the Supreme Court's decision in *Stewart v. Dutra Construction Co.*,²⁷ the circuits agree that a vessel also has to be in "navigation" for the warranty of seaworthiness to arise. Prior to the *Stewart* decision, the courts in the Fifth Circuit analyzed the "in navigation" requirement separately from the issue of whether the ship was legally a "vessel."²⁸ In contrast, prior to *Stewart*, courts in the Third Circuit held that the test for whether a ship is in navigation is determined by the "status of the ship," which did not separate the analysis of whether the ship had obtained the status of a "vessel" from the analysis of whether the vessel was "in navigation."²⁹ In *Stewart*, the Supreme Court rejected the Fifth Circuit's bifurcated analysis and held that "the 'in navigation' requirement is an element of the vessel status of a watercraft. . . . whether the craft is 'used, or capable of being used' for maritime transportation," which resolved this circuit split.³⁰

¹⁶ Generally, the doctrine of seaworthiness is not applicable to a maritime personal injury case unless: (1) the obligation to provide a seaworthy vessel is owed to the plaintiff, and (2) the vessel is in navigation. See 2M NORRIS, THE LAW OF MARITIME PERSONAL INJURIES § 321 (3d ed. 1975).

¹⁷ The "duty to provide a seaworthy vessel includes a duty to supply an adequate and competent crew. A vessel is unseaworthy if the owner does not provide an adequate crew or sufficient manpower to perform the tasks required. A vessel is not required to have the finest crew, but it is required to have a crew that is reasonably adequate to perform the assigned tasks." 1B-III BENEDICT ON ADMIRALTY § 23.

¹⁸ 279 F. Supp. 92, 93-94 (E.D. La. 1968).

¹⁹ See *id.* at 93.

²⁰ See *id.* at 96.

²¹ 452 F.2d 955 (5th Cir. 1971).

²² See *id.* at 957.

²³ *Williams*, 452 F.2d at 957.

²⁴ *Id.*

²⁵ *Id.*

²⁶ See *Crawford v. Elec. Boat Corp.*, 515 F. Supp. 2d 282 (D. Conn. 2007). The court, in *Crawford*, adopted the *Williams* conclusion that vessels performing final sea trials are incapable of owing a warranty of seaworthiness because the trial's purpose is to determine whether additional work would be necessary. Similarly, a court in the Fifth Circuit also began its analysis with the *Williams* conclusion when it evaluated whether a vessel that had completed sea trials, but was not yet commissioned, owed a warranty of seaworthiness. See *Aucoin v. Swiftships, Inc.*, 1990 U.S. Dist. LEXIS 2088 (E.D. La. 1990).

²⁷ *Stewart v. Dutra Constr. Co.*, 543 U.S. 481 (2005).

²⁸ See, e.g., *Reynolds v. Ingalls Shipbuilding Div., Litton Sys., Inc.*, 788 F.2d 264 (5th Cir. 1986); *Williams*, 452 F.2d 955 (5th Cir. 1971).

²⁹ See *Fuller v. Pac. Gulf Marine*, 1987 U.S. Dist. LEXIS 8951 (E.D. Pa. 1987).

³⁰ See *Stewart*, 543 U.S. at 496.

Manning on Sea Trials

The above decisions involving vessels on sea trials do not provide any guidance on the issue of the proper manning requirements for a vessel conducting sea trials. A certificate of inspection for a vessel sets forth the required complement of licensed individuals and crew of a ship.³¹ As noted earlier, the issuance of a certificate of inspection generally occurs when a vessel is delivered and it becomes subject to the laws of the United States.³² Yet, shipyards have crews that operate their vessels on sea trials that may or may not meet those manning and licensing requirements.

The Coast Guard has broad authority within the navigable waters of the United States, including all waters of the territorial seas of the United States,³³ under the Ports and Waterways Safety Act of 1972³⁴ and the Port and Tanker Safety Act of 1978³⁵ to supervise and control vessels.³⁶ Under these statutes, the Coast Guard is charged with the operation of a vessel traffic system in any port, the navigable waters of the United States, and any area covered by an international agreement for the purpose of controlling or supervising vessel traffic or for protecting navigation and the marine environment. The Coast Guard may order any vessel to operate in a manner it directs if “by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or the condition of such vessel, he is satisfied

that such directive is justified in the interest of safety.”³⁷ Under the vessel traffic system, the Coast Guard has authority to direct a vessel on sea trials in the interest of safety, which could include how the vessel is being manned and operated. The Coast Guard has additional authorities over the tank vessels and uninspected commercial vessels.³⁸

The Coast Guard also has jurisdiction under Title 46 Chapter 23 of the United States Code over vessels “operated on waters subject to the jurisdiction of the United States (including the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1998) and, for a vessel owned in the United States, on the high seas.”³⁹ The Coast Guard may impose penalties on a person operating a vessel in a negligent manner or interfering with the safe operation of a vessel, so as to endanger the life, limb, or property of a person.⁴⁰ The negligence standard of general tort law applies – “the failure to use that care which a reasonable and prudent person would exercise under similar circumstances.”⁴¹

The Coast Guard has not formally issued guidance or specific manning requirements for vessels on sea trials.⁴² The Coast Guard has informally advised the authors that the International Convention of Standards

³¹ See 46 USC § 8101.

³² See 46 USC §§ 3307, 3309.

³³ “ ‘Navigable water 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.” 33 USC § 1222(5). The Presidential Proclamation by President Regan extended the territorial sea of the United States to 12 nautical miles from the baseline of the United States. Proclamation No. 5928, 54 Fed. Reg. 777 (Dec. 27, 1988).

³⁴ Ports and Waterways Safety Act of 1972, 33 USC §§ 1221-1236 (1972).

³⁵ Port and Tanker Safety Act of 1978, Pub. L. No. 95-474, 92 Stat. 1471.

³⁶ This federal legislation has been held to preempt the State of Washington’s ban on large tankers, *Ray v. Atlantic Richfield Co.*, 435 U.S. 151, 98 S. Ct. 988 (1978), but not a New Jersey township’s prohibition of “floating homes.” See *Bass River Assocs. v. Mayor of Bass River Twp.*, 743 F.2d 159 (3d Cir. 1984).

³⁷ 33 USC § 1223(b)(3); see also 33 CFR §§ 160.103, 160.111, 160.113 (2014).

³⁸ See 46 USC § 3703 (Chapter 37 applies to tank vessels). The Coast Guard’s authority is limited to vessels subject to the provisions of Chapter 37 of Title 46 to determine if it is “manned in compliance with manning levels as determined by the Secretary to be necessary to insure the safe navigation of the vessel . . .” 33 USC § 1228. The Coast Guard also has authority under Title 46 Chapter 41 of the United States Code for safety supervision over commercial and recreational vessels that are “uninspected.”

³⁹ 46 USC § 2301.

⁴⁰ 46 USC § 2302.

⁴¹ See *RE: M/V SKAVA, JOHN W. WEISS*, 2001 AMC 2071 (U.S. Coast Guard Ct. 2001).

⁴² Certain Federal Acquisition Regulations for the Department of Homeland Security require dock and sea trials of a vessel to be conducted under the control of the vessel’s commander and crew. See 48 CFR § 3052.217-91 (2014).

of Training, Certification and Watchkeeping for Seafarers ("STCW"), as amended, would apply to a shipyard's crew operating a vessel on sea trials.⁴³ The STCW prescribes minimum standards relating to training, certification, and watchkeeping for seafarers, which parties to the convention are obliged to meet. An informal evaluation of a sea trial vessel's proposed crew and qualifications probably occurs when a shipyard submits its sea trial plans to its Coast Guard Sector and has discussions with the Coast Guard's Officer in Charge, Marine Inspection ("OCMI"). An inherent function of the OCMI is to establish the minimum number of mariners required, including their qualifications and conditions of service, for the safe operation of inspected and certain uninspected vessels. In addition, a shipyard Builder's Risk insurance policy may require the shipyard to employ certain licensed officers for the operation of a sea trial vessel.

⁴³ The STCW Convention is unclear whether it applies to a sea trial vessel. The STCW Convention in Article III Application states that the Convention shall apply to seafarers serving on board "sea-going" ships entitled to fly the flag of a Party. The STCW Convention in Article II Definitions defines a sea-going ship to mean "a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply." The Coast Guard regulations in 46 CFR Part 15 – Manning Requirements, Subpart K – Vessels Subject to Requirements of STCW in § 15.1101 state the regulations apply to seagoing vessels as defined in § 10.107 of this subchapter. 46 CFR § 10.107 defines a seagoing vessel to mean "a ship that operates beyond the Boundary Lines specified in 46 CFR part 7." While several types of vessels are exempt from the STCW regulations, including barges, § 15.1103 requires:

(a) Onboard a seagoing vessel of 500 GT or more, driven by main propulsion machinery of 1,000 HP/750KW propulsion power or more or on an international voyage beyond the boundary lines as described in part 7 of this chapter, no person may employ or engage any person to serve, and no person may serve, in a position requiring a person to hold an STCW endorsement, including master, chief mate, chief engineer officer, second engineer officer, officer of the navigational or engineering watch, or GMDSS radio operator, unless the person serving holds an appropriate, valid STCW endorsement issued in accordance with part 11 of this subchapter."

International Law

Upon delivery of a vessel, the Coast Guard's National Vessel Documentation Center issues a certificate of documentation, which provides conclusive evidence of nationality for international purposes, but not for proceedings conducted under the laws of the United States.⁴⁴ The United States registry statutes afford certain benefits under the laws of the United States to properly registered U.S.-flagged vessels.⁴⁵ In return, U.S.-flagged vessels are required to obey the laws of the United States.⁴⁶ A vessel that is not documented under Title 46 Chapter 121, numbered under Chapter 123, or titled under the law of a state is not recognized as a vessel of the United States for the purposes of Title 46 of the United States Code.⁴⁷ Vessels that have not been properly documented either in the United States or another country are considered stateless and flagless vessels under international law.

The international law of the sea is silent on the issue of stateless vessels because the entire legal regime of the high seas is premised upon a vessel having a nationality. It is also completely silent on the status of vessels on sea trials. The nationality of a vessel determines which nations a vessel may or may not trade with, whether it may engage in the coastwise trade or fisheries of a nation, what law will apply in case of disputes, the qualifications of its officers and crews, and the safety standards of the vessel and its equipment.

Generally, a stateless vessel on the high seas is not subject to the jurisdiction of any nation and does not

⁴⁴ See 46 USC § 12134.

⁴⁵ See *Stewart & Co. v. Rivara*, 274 U.S. 614 (1927).

⁴⁶ See *Hall v. De Cuir*, 95 U.S. 485 (1877).

⁴⁷ 46 USC § 116.

enjoy the protection of any state. Some scholars and states have interpreted Article 110 of the United Nations Convention on the Law of the Sea of 1982 (the "1982 Convention")⁴⁸ as authorizing the exercise

of jurisdiction solely on the basis of a vessel's statelessness.⁴⁹ The 1982 Convention authorizes the boarding of a "ship without nationality" but does not make its operation a crime.⁵⁰ The United States has ratified the United Nations Convention on the Law of the Sea of 1958, but not the 1982 Convention.

Summary

The stages of a ship's construction are several and distinct: (1) the shipbuilding contract, (2) tangible personal property, (3) a "vessel," and (4) a "vessel of the United States." Construction contracts for ships are contracts for the sale of personal property, governed by Article 2 of the UCC. Even after construction begins, the ship under construction is tangible personal property. After the ship is launched, she is a "vessel" capable of being "in navigation" but still governed by the UCC as tangible personal property.

After a ship's launch, she is capable of conducting sea trials on the high seas even though she has not been issued a certificate of inspection, which would mandate manning requirements. Vessels on sea trials do not owe a warranty of seaworthiness because the purpose of conducting sea trials is to ascertain whether additional work needs to be completed. Rather, shipyards only owe a duty of due care during these trials.

Vessels on sea trials have not been delivered to the buyer, registered, or documented under the laws of a country and remain stateless at this stage. International maritime law is silent on the status and manning requirements for vessels on sea trials because the applicable maritime law is determined by the vessel's nationality.

The United States Coast Guard has authority over vessels traveling through navigable waters of the United States and any area covered by an international agreement for purposes of supervising vessel traffic and would have authority over vessels conducting sea

⁴⁸ United Nations Convention on the Law of the Sea, art. 110, Dec 10, 1982, 1833 U.N.T.S. 31363:

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity in accordance with articles 95 and 96, is not justified in boarding it unless there is reasonable ground for suspecting that:

- (a) the ship is engaged in piracy;
- (b) the ship is engaged in the slave trade;
- (c) the ship is engaged in unauthorized broadcasting and the flag State of the warship has jurisdiction under article 109;
- (d) the ship is without nationality; or
- (e) though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

2. In the cases provided for in paragraph 1, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

3. If the suspicious prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damages that may have been sustained.

4. These provisions apply *mutatis mutandis* to military aircraft.

5. These provisions also apply to any other duly authorized ships or aircraft clearly marked and identifiable as being on government service.

⁴⁹ See Note, *That Sinking Feeling: Stateless Ships, Universal Jurisdiction, and the Drug Trafficking Vessel Interdiction Act*, 37 Yale J. Int'l L. 449 (2012).

⁵⁰ Similarly, the United States in Title 46 of the United States Code, Chapter 705 – Maritime Drug Law Enforcement, treats a "vessel without nationality" as a basis for jurisdiction, but jurisdiction is not an element of an offense. See 46 USC §§ 70502(c)(1)(a) and 70504(a).

trials in those waters and areas. The United States Coast Guard has not promulgated specific manning requirements or issued manning guidance for sea trial vessels. An informal evaluation of a sea trial vessel's proposed crew occurs when a shipyard submits its sea trial plans to the Coast Guard OCMI.

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