

Sec. 4501. Application

- (a) This chapter applies to an uninspected vessel which is a fishing vessel, fish processing vessel, or fish tender vessel.
- (b) This chapter does not apply to the carriage of bulk dangerous cargoes regulated under chapter 37 of this title.

Sec. 4502. Safety standards

- (a) The Secretary shall prescribe regulations which require that each vessel to which this chapter applies shall be equipped with -
 - (1) readily accessible fire extinguishers capable of promptly and effectively extinguishing a flammable or combustible liquid fuel fire;
 - (2) at least one readily accessible life preserver or other lifesaving device for each individual on board;
 - (3) an efficient flame arrestor, backfire trap, or other similar device on the carburetors of each inboard engine which uses gasoline as fuel;
 - (4) the means to properly and efficiently ventilate enclosed spaces, including engine and fuel tank compartments, so as to remove explosive or flammable gases;
 - (5) visual distress signals;
 - (6) ~~a buoyant apparatus, if the vessel is of a type required by regulations prescribed by the Secretary to be equipped with that apparatus;~~
 - (7) ~~alerting and locating equipment, including emergency position indicating radio beacons, on vessels that operate beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States or beyond 3 nautical miles from the coastline of the Great Lakes; and~~
 - (6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and
 - (8) ~~(7)~~ a placard as required by regulations prescribed under section 10603(b) of this title.
- (b)(1) In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations requiring the installation, maintenance, and use of the equipment in paragraph (2) of this subsection for ~~documented~~ vessels to which this chapter applies that-
 - (A) operate beyond ~~the Boundary Line~~ 3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes;
 - (B) operate with more than 16 individuals on board; or
 - (C) in the case of a fish tender vessel, engage in the Aleutian trade.
- (2) The equipment to be required is as follows:
 - (A) alerting and locating equipment, including emergency position indicating radio beacons;
 - (B) ~~lifeboats or liferafts~~ a survival craft that ensures that no part of an individual is immersed in water sufficient to accommodate all individuals on board;
 - (C) at least one readily accessible immersion suit for each individual on board that vessel when operating on the waters described in section 3102 of this title;
 - (D) marine radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;

- (E) navigation equipment, including compasses, ~~radar reflectors, nautical charts, and anchors;~~ **nautical charts, and publications**
 - (F) first aid equipment, ~~including medicine chests~~ **and medical supplies sufficient for the size and area of operation of the vessel;** and
 - (G) ~~other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment. :~~
 - (G) **ground tackle sufficient for the vessel.**
- (c)(1) In addition to the requirements described in subsections (a) and (b) of this section, the Secretary may prescribe regulations establishing the standards in paragraph (2) of this subsection for vessels to which this chapter applies that -
- (A)(i) were built after December 31, 1988, or undergo a major conversion completed after that date; and
 - (ii) operate with more than 16 individuals on board; or
 - (B) in the case of a fish tender vessel, engage in the Aleutian trade.
- (2) The standards shall be minimum safety standards, including standards relating to-
- (A) navigation equipment, including radars and fathometers;
 - (B) lifesaving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;
 - (C) fire protection and firefighting equipment, including fire alarms and portable and semi portable fire extinguishing equipment;
 - (D) use and installation of insulation material;
 - (E) storage methods for flammable or combustible material; and
 - (F) fuel, ventilation, and electrical systems.
- (d)(1) The Secretary shall prescribe regulations for the operating stability of a vessel to which this chapter applies -
- (A) that was built after December 31, 1989; or
 - (B) the physical characteristics of which are substantially altered after December 31, 1989, in a manner that affects the vessel's operating stability.
- (2) The Secretary may accept, as evidence of compliance with this subsection, a certification of compliance issued by the person providing insurance for the vessel or by another qualified person approved by the Secretary.
- (e) In prescribing regulations under this chapter, the Secretary
- (1) shall consider the specialized nature and economics of the operations and the character, design, and construction of the vessel; and
 - (2) may not require the alteration of a vessel or associated equipment that was constructed or manufactured before the effective date of the regulation.
- (f) To ensure compliance with the requirements of this chapter, ~~at least once every 2 years the Secretary shall examine the Secretary—~~
- (1) ~~a fish processing vessel; and a fish tender vessel engaged in the Aleutian trade~~
 - (1) **shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills; and**
 - (2) **shall examine at dockside a vessel described in subsection (b) at least once every 2 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter.**

- (g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.
 - (2) The training program shall-
 - (A) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting and prevention, damage control, personal survival, emergency medical care, emergency drills, and weather;
 - (B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;
 - (C) recognize and give credit for recent past experience in fishing vessel operation; and
 - (D) provide for issuance of a certificate to an individual that has successfully completed the program.
 - (3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2) (D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.
 - (4) The Secretary shall establish a publicly accessible electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.
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- (h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302, if—
 - (1) subsection (b) of this section applies to the vessel;
 - (2) the vessel is less than 50 feet overall in length; and
 - (3) the vessel is built after January 1, 2010.
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- (i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—
 - (A) to conduct fishing vessel safety training for vessel operators and crewmembers that—
 - (i) in the case of vessel operators, meets the requirements of subsection (g); and “(i) in the case of vessel operators, meets the requirements of subsection (g); and
 - (ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and
 - (B) for the purchase of safety equipment and training aids for the use in those fishing vessel safety training programs.
 - (2) The Secretary shall award grants under this subsection on a competitive basis.
 - (3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.
 - (4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2010 through 2014 for grants under this subsection.

- (j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of nonprofit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.
- (2) The Secretary shall award grants under this subsection on a competitive basis.
- (3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.
- (4) There is authorized to be appropriated \$3,000,000 for each fiscal years 2010 through 2014 for activities under this subsection.

Sec. 4503. ~~Fish processing vessel certification~~ Fishing, fish tender, and fish processing vessel certification;

- (a) A ~~fish processing~~ vessel to which this section applies may not be operated unless the vessel-
 - (1) meets all survey and classification requirements prescribed by the American Bureau of Shipping or that other organization approved by the Secretary; and
 - (2) has on board a certification issued by the American Bureau of Shipping or that other organization evidencing compliance with this subsection.
- (b) This section applies to a fish processing vessel to which this chapter applies that-
 - (1) is built after July 27, 1990; or
 - (2) undergoes a major conversion completed after that date.
- (c) This section applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and-
 - (1) is built after July 1, 2010; or
 - (2) undergoes a substantial change to the dimension of or type of the vessel completed after that date.
- (d)(1) After January 1, 2020, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel-
 - (A) is at least 50 feet overall in length
 - (B) is built before July 1, 2010; and
 - (C) is 25 years of age or older.
- (2) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.
- (3) A fishing vessel, fish processing vessel or fish tender vessel to which section 4502(b) of this title applies that was classed before July 1, 2010, shall-
 - (A) remain subject to the requirements of a classification society approved by the Secretary; and
 - (B) have on board a certificate from that society.

(f) **ALTERNATIVE SAFETY COMPLIANCE PROGRAM.**— No later than January 1, 2017, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d) of the title 46, United States Code, 23 as amended by this section. *[JAK note: these subsections should read (e), (f), and (g).]*

(g) **PROHIBITION ON EARMARKS.**—None of the funds appropriated for the Fishing Safety Training Grants Program pursuant to section 4502(i) of title 46, United States Code, as amended by this section, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

Sec. 4504. Prohibited Acts

A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

Sec. 4505. Termination of unsafe operations

An official authorized to enforce this chapter-

- (1) may direct the individual in charge of a vessel to which this chapter applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and remain there until the situation creating the hazard is corrected or ended; and
- (2) may order the individual in charge of an uninspected fish processing vessel that does not have on board the certificate required under section 4503(1) of this title to return the vessel to a mooring and to remain there until the vessel is in compliance with that section.

Sec. 4506. Exemptions

~~(a)~~ The Secretary may exempt a vessel from any part of this chapter if, under the regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that-

- (1) good cause exists for granting an exemption; and
- (2) the safety of the vessel and those on board will not be adversely affected.

~~(b)~~ A vessel to which this chapter applies is exempt from section 4502(b)(2)(B) of this title if it-

- ~~(1) is less than 36 feet in length; and~~
- ~~(2) is operating-~~
 - ~~(A) in internal waters of the United States; or~~
 - ~~(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.~~

Sec. 4507. Penalties

- (a) The owner, charter, managing operator, agent, master, and individual in charge of a vessel to which this chapter applies which is operated in violation of this chapter or a regulation prescribed under this chapter may each be assessed a civil penalty by the Secretary of not more than \$5,000. Any vessel with respect to which a penalty is assessed under this subsection is liable in rem for the penalty.
- (b) A person willfully violating this chapter or a regulation prescribed under this chapter shall be fined not more than \$5,000, imprisoned for not more than one year, or both.

Sec. 4508. ~~Commercial Fishing Industry Vessel Safety Advisory Committee~~ **Commercial Fishing Safety Advisory Committee**

- (a) The Secretary shall establish a Commercial Fishing ~~Industry Vessel Safety Advisory~~ Committee. The Committee -
 - (1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to the safe operation of vessels to which this chapter applies, including navigation safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualifications and training;
 - (2) may review proposed regulations under this chapter;
 - (3) may make available to Congress any information, advice, and recommendations that the Committee is authorized to give to the Secretary; and
 - (4) shall meet at the call of the Secretary, who shall call such a meeting at least once during each calendar year.
- (b)(1) The Committee shall consist of ~~seventeen~~ **eighteen** members with particular expertise, knowledge, and experience regarding the commercial fishing industry as follows:
 - (A) ~~ten members from the commercial fishing industry who~~ **who shall represent the commercial fishing industry and who—**
 - (i) reflect a regional and representational balance; and
 - (ii) have experience in the operation of vessels to which this chapter applies or as a crew member or processing line worker on ~~an uninspected~~ **a** fish processing vessel;
 - (B) ~~three members from the general public, including, whenever possible, an independent expert or consultant in maritime safety and a member of a national organization composed of persons representing owners of vessels to which this chapter applies and persons representing the marine insurance industry;~~ **three members who shall represent the general public, including, whenever possible—**
 - (i) **an independent expert or consultant in maritime safety;**
 - (ii) **a marine surveyor who provides services to vessels to which this chapter applies; and**
 - (iii) **a person familiar with issues affecting fishing communities and families of fishermen.**
 - (C) ~~one member representing each of~~ **each of whom shall represent—**
 - (i) ~~naval architects or marine~~ **surveyors and marine engineers;**
 - (ii) ~~manufacturers of equipment for vessels to which this chapter applies;~~
 - (iii) ~~education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety or personnel qualifications; and~~
 - (iv) ~~underwriters that insure vessels to which this chapter applies; and~~

- (v) **owners of vessels to which this chapter applies.**
 - (2) At least once each year, the Secretary shall publish a notice in the Federal Register and in newspapers of general circulation in coastal areas soliciting nominations for membership on the Committee, and, after timely notice is published, appoint the members of the Committee. An individual may be appointed to a term as a member of the Committee more than once. The Secretary may not seek or use information concerning the political affiliation of individuals in making appointments to the Committee.
 - (3)(A) A member of the Committee shall serve a term of three years.
(B) If a vacancy occurs in the membership of the Committee, the Secretary shall appoint a member to fill the remainder of the vacated term.
 - (4) 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, or in the event of a vacancy in the office of, the Chairman.
 - (5) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. These representatives shall, as appropriate, report to and advise the Committee on matters relating to vessels to which this chapter applies which are under the jurisdiction of their respective agencies. The Secretary's designated representative shall act as executive secretary for the Committee and perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 App. USC).
- (c)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to the safe operation of vessels to which this chapter applies.
- (2) The Secretary shall consider the information, advice, and recommendations of the Committee in consulting with other agencies and the public or in formulating policy regarding the safe operation of vessels to which this chapter applies.
- (d)(1) A member of the Committee who is not an officer or employee of the United States or a member of the Armed Forces, 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. Payments under this section do not render a member of the Committee an officer or employee of the United States or a member of the Armed Forces for any purpose.
- (2) Payments under this section do not render a member of the Committee an officer or employee of the United States or a member of the Armed Forces for any purpose.
- (3) A member of the Committee who is an officer or employee of the United States or a member of the Armed Forces may not receive additional pay based on the member's service to the Committee.
- (4) The provisions of this section relating to an officer or employee of the United States or a member of the Armed Forces do not apply to a member of a reserve component of the Armed Forces unless that member is in an active status.
- (e)(1) The Federal Advisory Committee Act (5 App. U.S.C.) applies to the Committee, except that the Committee terminates on ~~September 30, 2010~~ **September 30, 2020**.

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

Chapter 51 (Title 46 USC) – Load Lines

Sec. 5102. Application

- (a) Except as provided in subsection (b) of this section, this chapter applies to the following:
- (1) a vessel of the United States.
 - (2) a vessel on the navigable waters of the United States.
 - (3) a vessel-
 - (A) owned by a citizen of the United States or a corporation established by or under the laws of the United States or a State; and
 - (B) not registered in a foreign country.
 - (4) a public vessel of the United States.
 - (5) a vessel otherwise subject to the jurisdiction of the United States.
- (b) This chapter does not apply to the following:
- (1) a vessel of war.
 - (2) a recreational vessel when operated only for pleasure.
 - (3) a fishing vessel **unless the vessel is built or undergoes a substantial change to the dimension of or type of the vessel completed after July 1, 2010**
 - (4) a fish processing vessel of not more than 5,000 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 that-
 - (A)(i) was constructed as a fish processing vessel before August 16, 1974; or
 - (ii) was converted for use as a fish processing vessel before January 1, 1983; and
 - (B) is not on a foreign voyage.
 - (5) a fish tender vessel of not more than 500 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 that--
 - (A)(i) was constructed, under construction, or under contract to be constructed as a fish tender vessel before January 1, 1980; or
 - (ii) was converted for use as a fish tender vessel before January 1, 1983; and
 - (B)(i) is not on a foreign voyage; or
 - (ii) is not engaged in the Aleutian trade (except a vessel in that trade assigned a load line at any time before June 1, 1992).
 - (6) a vessel of the United States on a domestic voyage that does not cross the Boundary Line, except a voyage on the Great Lakes.
 - (7) a vessel of less than 24 meters (79 feet) overall in length.
 - (8) a public vessel of the United States on a domestic voyage.
 - (9) a vessel excluded from the application of this chapter by an international agreement to which the United States Government is a party.
 - (10) an existing vessel of not more than 150 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 that is on a domestic voyage.
 - (11) a small passenger vessel on a domestic voyage.
 - (12) a vessel of the working fleet of the Panama Canal Commission not on a foreign voyage.

- (c) On application by the owner and after a survey under section 5105 of this title, the Secretary may assign load lines for a vessel excluded from the application of this chapter under subsection (b) of this section. A vessel assigned load lines under this subsection is subject to this chapter until the surrender of its load line certificate and the removal of its load line marks.
- (d) This chapter does not affect an international agreement to which the Government is a party that is not in conflict with the International Convention on Load Lines currently in force for the United States.