

Act of 2016, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides an analysis of the adequacy of the requirements under subsection (e) in maintaining the safety of the fishing vessels and fish tender vessels which are described in subsection (c)(2) and which comply with the requirements of subsection (e).

(2) If the report required under this subsection includes a determination that the safety requirements under subsection (e) are not adequate or that additional safety measures are necessary, then the Secretary may establish an alternative safety compliance program for fishing vessels or fish tender vessels (or both) which are described in subsection (c)(2) and which comply with the requirements of subsection (e).

(3) The alternative safety compliance program established under this subsection shall include requirements for—

- (A) vessel construction;
- (B) a vessel stability test;
- (C) vessel stability and loading instructions;
- (D) an assigned vessel loading mark;
- (E) a vessel condition survey at least twice in 5 years, not to exceed 3 years between surveys;
- (F) an out-of-water vessel survey at least once every 5 years;
- (G) maintenance of records to demonstrate compliance with the program, and the availability of such records for inspection; and
- (H) such other aspects of vessel safety as the Secretary considers appropriate.

(g) For the purposes of this section, the term “built” means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

- (1) The vessel’s keel is laid.
- (2) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

(Added Pub. L. 98-364, title IV, §402(7)(C), July 17, 1984, 98 Stat. 447; amended Pub. L. 98-557, §33(b), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1587; Pub. L. 111-281, title VI, §604(e)(1), Oct. 15, 2010, 124 Stat. 2966; Pub. L. 112-213, title III, §305(c), Dec. 20, 2012, 126 Stat. 1564; Pub. L. 114-120, title III, §318(a), Feb. 8, 2016, 130 Stat. 63; Pub. L. 114-328, div. C, title XXXV, §3503(a), (b)(2), Dec. 23, 2016, 130 Stat. 2775.)

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2016, referred to in subssecs. (c)(2)(B)(i) and (f)(1), is the date of enactment of Pub. L. 114-120, which was approved Feb. 8, 2016.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-120, §318(a)(1), substituted “this subsection” for “this section” in introductory provisions.

Subsec. (b). Pub. L. 114-120, §318(a)(2), substituted “Except as provided in subsection (d), subsection (a)” for “This section” in introductory provisions.

Subsec. (c). Pub. L. 114-120, §318(a)(3), designated existing provisions as par. (1), substituted “Except as pro-

vided in paragraph (2), subsection (a)” for “This section”, and added par. (2).

Subsec. (c)(2)(B)(i). Pub. L. 114-328, §3503(a), substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Subsec. (e). Pub. L. 114-120, §318(a)(4), added subsec. (e). Former subsec. (e) redesignated (g).

Subsec. (f). Pub. L. 114-120, §318(a)(4), added subsec. (f).

Subsec. (f)(1). Pub. L. 114-328, §3503(a), substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

Subsec. (f)(2). Pub. L. 114-328, §3503(b)(2), substituted “, then” for “, that”.

Subsec. (g). Pub. L. 114-120, §318(a)(4), redesignated subsec. (e) as (g).

2012—Subsec. (c). Pub. L. 112-213, §305(c)(1), substituted “July 1, 2013,” for “July 1, 2012.”

Subsec. (d)(1)(B). Pub. L. 112-213, §305(c)(2)(A), substituted “July 1, 2013;” for “July 1, 2012;”.

Subsec. (d)(2). Pub. L. 112-213, §305(c)(2)(B), substituted “July 1, 2013,” for “July 1, 2012,” in two places and substituted “major conversion” for “substantial change to the dimension of or type of vessel”.

Subsec. (e). Pub. L. 112-213, §305(c)(3), added subsec. (e).

2010—Pub. L. 111-281, §604(e)(1)(A), substituted “Fishing, fish tender, and fish processing vessel certification” for “Fish processing vessel certification” in section catchline.

Subsec. (a). Pub. L. 111-281, §604(e)(1)(B), struck out “fish processing” before “vessel to which this section applies” in introductory provisions.

Subsecs. (c), (d). Pub. L. 111-281, §604(e)(1)(C), added subssecs. (c) and (d).

1988—Pub. L. 100-424 amended section generally, substituting “Fish processing vessel certification” for “Equivalency” in section catchline, and provisions which require certification issued by American Bureau of Shipping or similar organization for fish processing vessel built after July 27, 1990, or undergoes major conversion completed after that date, for provisions which deemed compliance with this chapter if vessel has unexpired certificate of inspection issued by foreign country that is party to International Convention for Safety of Life at Sea to which United States is party.

1984—Pub. L. 98-557 substituted “is deemed” for “shall be deemed”.

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective as if included in the enactment of Pub. L. 114-120, see section 3503(e) of Pub. L. 114-328, set out as a note under section 60 of Title 14, Coast Guard.

ALTERNATIVE SAFETY COMPLIANCE PROGRAM

Pub. L. 111-281, title VI, §604(f), Oct. 15, 2010, 124 Stat. 2967, provided that: “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)(1) of the title 46, United States Code, as amended by this section.”

§ 4504. Prohibited acts

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

(Added Pub. L. 98-364, title IV, §402(7)(C), July 17, 1984, 98 Stat. 447; amended Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1587.)

AMENDMENTS

1988—Pub. L. 100-424 amended section generally, substituting “Prohibited acts” for “Penalties” in section catchline, and provisions prohibiting operation of vessel in violation of this chapter, for provisions which im-

posed civil penalty not more than \$1,000 for operation of vessel in violation of chapter, and liability in rem for penalty.

§ 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 to 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)¹ of this title to return the vessel to a mooring and to remain there until the vessel is in compliance with that section.

(Added Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1587.)

§ 4506. Exemptions

The Secretary may exempt a vessel from any part of this chapter if, under 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.

(Added Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1587; amended Pub. L. 102-587, title V, §5222, Nov. 4, 1992, 106 Stat. 5081; Pub. L. 105-383, title III, §301(b)(6), Nov. 13, 1998, 112 Stat. 3417; Pub. L. 111-281, title VI, §604(b), Oct. 15, 2010, 124 Stat. 2964; Pub. L. 114-120, title III, §306(a)(5), Feb. 8, 2016, 130 Stat. 54.)

AMENDMENTS

2016—Pub. L. 114-120 struck out subsec. (a) designation before “The Secretary may”.

2010—Subsec. (b). Pub. L. 111-281 struck out subsec. (b) which read as follows: “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.”

1998—Subsec. (b)(2). Pub. L. 105-383 added par. (2) and struck out former par. (2) which read as follows: “is not operating on the high seas.”

1992—Subsec. (b). Pub. L. 102-587 substituted “4502(b)(2)(B)” for “4502(b)(2)”.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

¹ So in original. Probably should be section “4503(a)”.

§ 4507. Penalties

(a) The owner, charterer, 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.

(Added Pub. L. 100-424, §2(a), Sept. 9, 1988, 102 Stat. 1588.)

§ 4508. Commercial Fishing Safety Advisory Committee

(a) The Secretary shall establish a Commercial Fishing 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 eighteen members with particular expertise, knowledge, and experience regarding the commercial fishing industry as follows:

(A) ten members 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 a fish processing vessel;

(B) 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 each of whom shall represent—

(i) naval architects 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,