

2, 1 shall have recent practical experience on a vessel or offshore unit involved in the offshore mineral and energy industry.

(I) 1 member shall represent national environmental entities.

(J) 1 member shall represent deepwater ports.

(K) 1 member shall represent the general public (but not a specific environmental group).

(Added Pub. L. 115-282, title VI, §601(a), Dec. 4, 2018, 132 Stat. 4284.)

§ 15107. National Navigation Safety Advisory Committee

(a) ESTABLISHMENT.—There is established a National Navigation Safety Advisory Committee (in this section referred to as the “Committee”).

(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to maritime collisions, ramblings, and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, and aids to navigation systems.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of not more than 21 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

(3) REPRESENTATION.—Each member of the Committee shall represent 1 of the following:

- (A) Commercial vessel owners or operators.
- (B) Professional mariners.
- (C) Recreational boaters.
- (D) The recreational boating industry.
- (E) State agencies responsible for vessel or port safety.
- (F) The Maritime Law Association.

(4) DISTRIBUTION.—The Secretary shall, based on the needs of the Coast Guard, determine the number of members of the Committee who represent each entity specified in paragraph (3). Neither this paragraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in paragraph (3).

(Added Pub. L. 115-282, title VI, §601(a), Dec. 4, 2018, 132 Stat. 4285.)

§ 15108. National Towing Safety Advisory Committee

(a) ESTABLISHMENT.—There is established a National Towing Safety Advisory Committee (in this section referred to as the “Committee”).

(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to shallow-draft inland navigation, coastal waterway navigation, and towing safety.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of 18 members appointed by the Secretary

in accordance with this section and section 15109 of this chapter.

(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

(A) 7 members shall represent the barge and towing industry, reflecting a regional geographic balance.

(B) 1 member shall represent the offshore mineral and oil supply vessel industry.

(C) 1 member shall represent masters and pilots of towing vessels who hold active licenses and have experience on the Western Rivers and the Gulf Intracoastal Waterway.

(D) 1 member shall represent masters of towing vessels in offshore service who hold active licenses.

(E) 1 member shall represent masters of active ship-docking or harbor towing vessels.

(F) 1 member shall represent licensed and unlicensed towing vessel engineers with formal training and experience.

(G) 2 members shall represent port districts, authorities, or terminal operators.

(H) 2 members shall represent shippers and, of the 2, 1 shall be engaged in the shipment of oil or hazardous materials by barge.

(I) 2 members shall represent the general public.

(Added Pub. L. 115-282, title VI, §601(a), Dec. 4, 2018, 132 Stat. 4285.)

§ 15109. Administration

(a) MEETINGS.—Each committee established under this chapter shall, at least once each year, meet at the call of the Secretary or a majority of the members of the committee.

(b) EMPLOYEE STATUS.—A member of a committee established under this chapter shall not be considered an employee of the Federal Government by reason of service on such committee, except for the purposes of the following:

(1) Chapter 81 of title 5.

(2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

(c) COMPENSATION.—Notwithstanding subsection (b), a member of a committee established under this chapter, when actually engaged in the performance of the duties of such committee, may—

(1) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5; or

(2) if not compensated in accordance with paragraph (1)—

(A) be reimbursed for actual and reasonable expenses incurred in the performance of such duties; or

(B) be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

(d) ACCEPTANCE OF VOLUNTEER SERVICES.—A member of a committee established under this chapter may serve on such committee on a vol-

untary basis without pay without regard to section 1342 of title 31 or any other law.

(e) STATUS OF MEMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a member of a committee established under this chapter whom the Secretary appoints to represent an entity or group—

(A) the member is authorized to represent the interests of the applicable entity or group; and

(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

(2) EXCEPTION.—Notwithstanding subsection (b), a member of a committee established under this chapter shall be treated as a special Government employee for purposes of the committee service of the member if—

(A) the Secretary appointed the member to represent the general public; or

(B) the member, without regard to service on the committee, is a special Government employee.

(f) SERVICE ON COMMITTEE.—

(1) SOLICITATION OF NOMINATIONS.—Before appointing an individual as a member of a committee established under this chapter, the Secretary shall publish, in the Federal Register, a timely notice soliciting nominations for membership on such committee.

(2) APPOINTMENTS.—

(A) IN GENERAL.—After considering nominations received pursuant to a notice published under paragraph (1), the Secretary may, as necessary, appoint a member to the applicable committee established under this chapter.

(B) PROHIBITION.—The Secretary shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to any committee established under this chapter.

(3) SERVICE AT PLEASURE OF THE SECRETARY.—

(A) IN GENERAL.—Each member of a committee established under this chapter shall serve at the pleasure of the Secretary.

(B) EXCEPTION.—Notwithstanding subparagraph (A), a member of the committee established under section 15102 may only be removed prior to the end of the term of that member for just cause.

(4) SECURITY BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to a committee established under this chapter.

(5) PROHIBITION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a Federal employee may not be appointed as a member of a committee established under this chapter.

(B) SPECIAL RULE FOR NATIONAL MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—

The Secretary may appoint a Federal employee to serve as a member of the National Merchant Marine Personnel Advisory Committee to represent the interests of the United States Merchant Marine Academy and, notwithstanding paragraphs (1) and (2), may do so without soliciting, receiving, or considering nominations for such appointment.

(6) TERMS.—

(A) IN GENERAL.—The term of each member of a committee established under this chapter shall expire on December 31 of the third full year after the effective date of the appointment.

(B) CONTINUED SERVICE AFTER TERM.—When the term of a member of a committee established under this chapter ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

(7) VACANCIES.—A vacancy on a committee established under this chapter shall be filled in the same manner as the original appointment.

(8) SPECIAL RULE FOR REAPPOINTMENTS.—Notwithstanding paragraphs (1) and (2), the Secretary may reappoint a member of a committee established under this chapter for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

(g) STAFF SERVICES.—The Secretary shall furnish to each committee established under this chapter any staff and services considered by the Secretary to be necessary for the conduct of the committee's functions.

(h) CHAIRMAN; VICE CHAIRMAN.—

(1) IN GENERAL.—Each committee established under this chapter shall elect a Chairman and Vice Chairman from among the committee's members.

(2) VICE CHAIRMAN ACTING AS 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.

(i) SUBCOMMITTEES AND WORKING GROUPS.—

(1) IN GENERAL.—The Chairman of a committee established under this chapter may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the committee.

(2) PARTICIPANTS.—Subject to conditions imposed by the Chairman, members of a committee established under this chapter and additional persons drawn from entities or groups designated by this chapter to be represented on the committee or the general public may be assigned to subcommittees and working groups established under paragraph (1).

(3) CHAIR.—Only committee members may chair subcommittees and working groups established under paragraph (1).

(j) CONSULTATION, ADVICE, REPORTS, AND RECOMMENDATIONS.—

(1) CONSULTATION.—

(A) IN GENERAL.—Before taking any significant action, the Secretary shall consult with, and consider the information, advice,

and recommendations of, a committee established under this chapter if the function of the committee is to advise the Secretary on matters related to the significant action.

(B) INCLUSION.—For purposes of this paragraph, regulations proposed under chapter 45 of this title are significant actions.

(2) ADVICE, REPORTS, AND RECOMMENDATIONS.—Each committee established under this chapter shall submit, in writing, to the Secretary its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the committee.

(3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Secretary receives recommendations from a committee under paragraph (2), the Secretary shall—

(A) publish the recommendations on a website accessible at no charge to the public;

(B) if the recommendations are from the committee established under section 15102, establish a mechanism for the submission of public comments on the recommendations; and

(C) respond, in writing, to the committee regarding the recommendations, including by providing an explanation of actions taken regarding the recommendations.

(4) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—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 the advice, reports, and recommendations received from committees under paragraph (2).

(B) ADDITIONAL SUBMISSION.—With respect to a committee established under section 70112 and to which this section applies, the Secretary shall submit the advice, reports, and recommendations received from the committee under paragraph (2) to the Committee on Homeland Security of the House of Representatives in addition to the committees specified in subparagraph (A).

(k) OBSERVERS.—Any Federal agency with matters under such agency’s administrative jurisdiction related to the function of a committee established under this chapter may designate a representative to—

(1) attend any meeting of such committee; and

(2) participate as an observer at meetings of such committee that relate to such a matter.

(l) TERMINATION.—Each committee established under this chapter shall terminate on September 30, 2027.

(Added Pub. L. 115–282, title VI, §601(a), Dec. 4, 2018, 132 Stat. 4286.)

Subtitle III—Maritime Liability

Chapter Sec.
301. General Liability Provisions 30101
303. Death on the High Seas 30301
305. Exoneration and Limitation of Liability 30501

Chapter Sec.
307. Liability of Water Carriers 30701
309. Suits in Admiralty Against the United States 30901
311. Suits Involving Public Vessels 31101
313. Commercial Instruments and Maritime Liens 31301

AMENDMENTS

2006—Pub. L. 109–304, §6(a), Oct. 6, 2006, 120 Stat. 1509, amended subtitle analysis generally, substituting “General Liability Provisions” for “General” in item for chapter 301, striking out “[Chapters 303–311—Reserved]” after item for chapter 301, adding items for chapters 303, 305, 307, 309, and 311, and striking out “[Chapter 315—Reserved]” after item for chapter 313.

CHAPTER 301—GENERAL LIABILITY PROVISIONS

Sec.
30101. Extension of jurisdiction to cases of damage or injury on land.
30102. Liability to passengers.
30103. Liability of master, mate, engineer, and pilot.
30104. Personal injury to or death of seamen.
30105. Restriction on recovery by non-citizens and non-resident aliens for incidents in waters of other countries.
30106. Time limit on bringing maritime action for personal injury or death.

PRIOR PROVISIONS

A prior chapter 301, consisting of section 30101, provided definitions for purposes of this subtitle, prior to repeal by Pub. L. 109–304, §6(b), Oct. 6, 2006, 120 Stat. 1509.

§ 30101. Extension of jurisdiction to cases of damage or injury on land

(a) IN GENERAL.—The admiralty and maritime jurisdiction of the United States extends to and includes cases of injury or damage, to person or property, caused by a vessel on navigable waters, even though the injury or damage is done or consummated on land.

(b) PROCEDURE.—A civil action in a case under subsection (a) may be brought in rem or in personam according to the principles of law and the rules of practice applicable in cases where the injury or damage has been done and consummated on navigable waters.

(c) ACTIONS AGAINST UNITED STATES.—

(1) EXCLUSIVE REMEDY.—In a civil action against the United States for injury or damage done or consummated on land by a vessel on navigable waters, chapter 309 or 311 of this title, as appropriate, provides the exclusive remedy.

(2) ADMINISTRATIVE CLAIM.—A civil action described in paragraph (1) may not be brought until the expiration of the 6-month period after the claim has been presented in writing to the agency owning or operating the vessel causing the injury or damage.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1509.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30101, 46 App.:740, June 19, 1948, ch. 526, 62 Stat. 496.

In subsections (b) and (c), the words “civil action” are substituted for “suit” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).