

MARITIME SAFETY ACT OF 2009

DECEMBER 3, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2652]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2652) to amend title 46, United States Code, to improve vessel safety, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Maritime Safety Act of 2009”.

SEC. 2. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113(d)(2) of title 46, United States Code, is amended—

- (1) by inserting “and” after the semicolon at the end of subparagraph (A)(i);
- (2) by striking “and” at the end of subparagraph (A)(ii);
- (3) by striking subparagraph (A)(iii);
- (4) by striking the period at the end of subparagraph (B) and inserting “; or”;

and

- (5) by inserting at the end the following:

“(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627) and is eligible for a fishery endorsement under this section.”

(b) CONFORMING AMENDMENTS.—

(1) VESSEL REBUILDING AND REPLACEMENT.—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627) is amended to read as follows:

“(g) VESSEL REBUILDING AND REPLACEMENT.—

“(1) IN GENERAL.—

“(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and

679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

“(B) SAME REQUIREMENTS.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

“(C) TRANSFER OF PERMITS AND LICENSES.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

“(2) RECOMMENDATIONS OF NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.—The North Pacific Fishery Management Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

“(3) SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.—

“(A) IN GENERAL.—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

“(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

“(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—

“(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any Regional Fishery Management Council (other than the North Pacific Fishery Management Council) established under section 302(a) of the Magnuson-Stevens Act.

“(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

“(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

“(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

“(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

“(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009.

“(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.”

(2) EXEMPTION OF CERTAIN VESSELS.—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–620) is amended—

(A) by inserting “and” after “(United States official number 651041)”;

(B) by striking “, NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)”;

(C) by striking “, in the case of the NORTHERN” and all that follows through “PHOENIX,”.

(3) FISHERY COOPERATIVE EXIT PROVISIONS.—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–629) is amended—

(A) by moving the matter beginning with “the Secretary shall” in paragraph (1) 2 ems to the right; and

(B) by adding at the end the following:

“(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

“(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

“(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009; and

“(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

“(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

“(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

“(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.”.

SEC. 3. COLD WEATHER SURVIVAL TRAINING.

The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the efficacy of cold weather survival training conducted by the Coast Guard in Coast Guard District 17 over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2010 through 2013.

SEC. 4. FISHING VESSEL SAFETY.

(a) SAFETY STANDARDS.—Section 4502 of title 46, United States Code, is amended—

(1) in subsection (a), by—

(A) striking paragraphs (6) and (7) and inserting the following:

“(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”;

(B) redesignating paragraph (8) as paragraph (7);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking “documented”;

(B) in paragraph (1)(A), by striking “the Boundary Line” and inserting “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”;

(C) in paragraph (2)(B), by striking “lifeboats or liferafts” and inserting “a survival craft that ensures that no part of an individual is immersed in water”;

(D) in paragraph (2)(D), by inserting “marine” before “radio”;

(E) in paragraph (2)(E), by striking “radar reflectors, nautical charts, and anchors” and inserting “nautical charts, and publications”;

(F) in paragraph (2)(F), by striking “, including medicine chests” and inserting “and medical supplies sufficient for the size and area of operation of the vessel” and

(G) by amending paragraph (2)(G) to read as follows:

“(G) ground tackle sufficient for the vessel.”;

(3) by amending subsection (f) to read as follows:

“(f) To ensure compliance with the requirements of this chapter, the Secretary—

“(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.”; and

(4) by adding at the end the following:

“(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.

“(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.

“(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

“(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 purchase of safety equipment and training aids for 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 non-profit 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.”

(b) CONFORMING AMENDMENT.—Section 4506(b) of title 46, United States Code, is repealed.

(c) ADVISORY COMMITTEE.—

(1) CHANGE OF NAME.—Section 4508 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§ 4508. Commercial Fishing Safety Advisory Committee”;

and

(B) in subsection (a) by striking “Industry Vessel”.

(2) MEMBERSHIP REQUIREMENTS.—Section 4508(b)(1) of that title is amended—

(A) by striking “seventeen” and inserting “eighteen”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “from the commercial fishing industry who—” and inserting “who shall represent the commercial fishing industry and who—”; and

(ii) in clause (ii), by striking “an uninspected” and inserting “a”;

(C) by striking subparagraph (B) and inserting the following:

“(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;”;

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “representing each of—” and inserting “each of whom shall represent—”;

(ii) in clause (i), by striking “or marine surveyors;” and inserting “and marine engineers;”;

(iii) in clause (iii), by striking “and” after the semicolon at the end;

(iv) in clause (iv), by striking the period at the end and inserting “; and”;

(v) by adding at the end the following new clause:

“(v) owners of vessels to which this chapter applies.”

(3) TERMINATION.—Section 4508(e)(1) of that title is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”

(d) LOADLINES FOR VESSELS 79 FEET OR GREATER IN LENGTH.—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after “vessel” the following “, unless the vessel is built or undergoes a major conversion completed after July 1, 2010”.

(e) CLASSING OF VESSELS.—

(1) IN GENERAL.—Section 4503 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§ 4503. Fishing, fish tender, and fish processing vessel certification”;

- (B) in subsection (a) by striking “fish processing”; and
 (C) by adding at the end the following:
- “(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 major conversion 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.”
- (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:
- “4503. Fishing, fish tender, and fish processing vessel certification.”.
- (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, as amended by this section.

SEC. 5. MARINER RECORDS.

- Section 7502 of title 46, United States Code, is amended—
 (1) by inserting “(a)” before “The”;
 (2) by striking “computerized records” and inserting “records, including electronic records,”; and
 (3) by adding at the end the following:
- “(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.
- “(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than \$5,000.”.

SEC. 6. DELETION OF EXEMPTION OF LICENSE REQUIREMENT FOR OPERATORS OF CERTAIN TOWING VESSELS.

- Section 8905 of title 46, United States Code, is amended—
 (1) by striking subsection (b); and
 (2) by redesignating subsection (c) as subsection (b).

SEC. 7. LOG BOOKS.

- (a) IN GENERAL.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following:

“§ 11304. Additional logbook and entry requirements

- “(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.
- “(b) The log book required by subsection (a) shall include the following entries:
 “(1) The time when each seaman and each officer assumed or relieved the watch.
 “(2) The number of hours in service to the vessels of each seaman and each officer.
 “(3) An account of each accident, illness, and injury that occurs during each watch.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“11304. Additional logbook and entry requirements.”.

SEC. 8. SAFE OPERATIONS AND EQUIPMENT STANDARDS.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new sections:

“§ 2116. Termination for unsafe operation

“An individual authorized to enforce this title—

“(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

“(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

“(3) may direct the individual in charge of a vessel to which this title 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.

“§ 2117. Establishment of equipment standards

“(a) In establishing standards for approved equipment required on vessels subject to part B of this title, the Secretary shall establish standards that are—

“(1) based on performance using the best available technology that is economically achievable; and

“(2) operationally practical.

“(b) Using the standards established under subsection (a), the Secretary may also certify lifesaving equipment that is not required to be carried on vessels subject to part B of this title to ensure that such equipment is suitable for its intended purpose.

“(c) At least once every 10 years the Secretary shall review and revise the standards established under subsection (a) to ensure that the standards meet the requirements of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“2116. Termination for unsafe operation.

“2117. Establishment of equipment standards.”.

SEC. 9. APPROVAL OF SURVIVAL CRAFT.

(a) IN GENERAL.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 3104. Survival craft

“(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

“(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than January 1, 2015, if—

“(1) it was approved by the Secretary before January 1, 2010; and

“(2) it is in serviceable condition.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“3104. Survival craft.”.

SEC. 10. SAFETY MANAGEMENT.

(a) VESSELS TO WHICH REQUIREMENTS APPLY.—Section 3202 of title 46, United States Code, is amended—

(1) in subsection (a) by striking the heading and inserting “FOREIGN VOYAGES AND FOREIGN VESSELS.—”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

“(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

“(1) a passenger vessel or small passenger vessel; and

“(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.”;

(4) in subsection (d), as so redesignated, by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (d)(4), as so redesignated, by inserting “that is not described in subsection (b) of this section” after “waters”.

(b) SAFETY MANAGEMENT SYSTEM.—Section 3203 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider—

“(1) the characteristics, methods of operation, and nature of the service of these vessels; and

“(2) with respect to vessels that are ferries, the sizes of the ferry systems within which the vessels operate.”.

SEC. 11. PROTECTION AGAINST DISCRIMINATION.

(a) IN GENERAL.—Section 2114 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking “or” after the semicolon;

(2) in subsection (a)(1)(B), by striking the period at the end and inserting a semicolon;

(3) by adding at the end of subsection (a)(1) the following new subparagraphs:

“(C) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

“(D) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman;

“(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

“(F) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

“(G) the seaman accurately reported hours of duty under this part.”; and

(4) by amending subsection (b) to read as follows:

“(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman’s request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.”.

(b) EXISTING ACTIONS.—This section shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act, to an action filed under that section before that date.

SEC. 12. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Maritime Safety Act of 2009, or that is delivered after January 1, 2011, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled ‘Oil Fuel Tank Protection.’

“(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.

“(3) In this subsection the term ‘oil fuel’ means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.”.

SEC. 13. OATHS.

Sections 7105 and 7305 of title 46, United States Code, and the items relating to such sections in the analysis for chapters 71 and 73 of such title, are repealed.

SEC. 14. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER’S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

“(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS’ DOCUMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner’s document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

“(2) ADVANCE RENEWALS.—A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

“§ 7106. Duration of licenses

“(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

“(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

“§ 7107. Duration of certificates of registry

“(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

“(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

SEC. 15. FINGERPRINTING.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 7507. Fingerprinting

“The Secretary of the Department in which the Coast Guard is operating may not require an individual to be fingerprinted for the issuance or renewal of a license, a certificate of registry, or a merchant mariner’s document under chapter 71 or 73 if the individual was fingerprinted when the individual applied for a transportation security card under section 70105.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“7507. Fingerprinting.”.

SEC. 16. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, as amended by section 15(a) of this Act, is further amended by adding at the end the following:

“§ 7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

“(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may—

“(1) extend for not more than one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

“(2) issue for not more than five years an expiring license or certificate of registry issued for an individual under chapter 71 for the exclusive purpose of aligning the expiration date of such license or certificate of registry with the expiration date of a merchant mariner’s document.

“(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may—

“(1) extend for not more than one year an expiring merchant mariner’s document issued for an individual under chapter 71 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

“(2) issue for not more than five years an expiring merchant mariner’s document issued for an individual under chapter 71 for the exclusive purpose of aligning the expiration date of such merchant mariner’s document with the expiration date of a merchant mariner’s document.

“(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter, as amended by section 15(b), is further amended by adding at the end the following:

“7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

SEC. 17. MERCHANT MARINER DOCUMENTATION.

(a) INTERIM CLEARANCE PROCESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop an interim clearance process for issuance of a merchant mariner document to enable a newly hired seaman to begin working on an offshore supply vessel or towing vessel if the Secretary makes an initial determination that the seaman does not pose a safety and security risk.

(b) CONTENTS OF PROCESS.—The process under subsection (a) shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government, review of the seaman’s criminal record, and review of the results of testing the seaman for use of a dangerous drug (as defined in section 2101 of title 46, United States Code) in violation of law or Federal regulation.

SEC. 18. MERCHANT MARINER ASSISTANCE REPORT.

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard 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 regarding the feasibility of—

(1) expanding the streamlined evaluation process program that was affiliated with the Houston Regional Examination Center of the Coast Guard to all processing centers of the Coast Guard nationwide;

(2) including proposals to simplify the application process for a license as an officer, staff officer, or operator and for a merchant mariner’s document to help eliminate errors by merchant mariners when completing the application form (CG–719B), including instructions attached to the application form and a modified application form for renewals with questions pertaining only to the period of time since the previous application;

(3) providing notice to an applicant of the status of the pending application, including a process to allow the applicant to check on the status of the application by electronic means; and

(4) ensuring that all information collected with respect to applications for new or renewed licenses, merchant mariner documents, and certificates of registry is retained in a secure electronic format.

SEC. 19. OFFSHORE SUPPLY VESSELS.

(a) DEFINITION.—Section 2101(19) of title 46, United States Code, is amended by striking “of more than 15 gross tons but less 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”.

(b) EXEMPTION.—Section 5209(b)(1) of the Oceans Act of 1992 (Public Law 102–587; 46 U.S.C. 2101 note) is amended by inserting before the period at the end the following: “of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”.

(c) REMOVAL OF TONNAGE LIMITS.—

(1) ABLE SEAMEN-OFFSHORE SUPPLY VESSELS.—Section 7310 of title 46, United States Code, is amended by striking “of less 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”.

(2) SCALE OF EMPLOYMENT: ABLE SEAMEN.—Section 7312(d) of title 46, United States Code, is amended by striking “of less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under sec-

tion 14302 of this title as prescribed by the Secretary under section 14104 of this title”.

(d) WATCHES.—Section 8104 of title 46, United States Code, is amended—

(1) in subsection (g), by inserting after “offshore supply vessel” the following: “of less than 500 gross tons as measured under section 14502 of this title, or less than 6,000 gross tons as measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”;

(2) in subsection (d), by inserting “(1)” after “(d)”, and by adding at the end the following:

“(2) Paragraph (1) does not apply to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.”; and

(3) in subsection (e), by striking “subsection (d)” and inserting “subsection (d)(1)”.

(e) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(b) of title 46, United States Code, is amended to read as follows:

“(b)(1) An offshore supply vessel of less than 6,000 gross tons, as measured under section 14302 of this title, on a voyage of less than 600 miles shall have at least one licensed mate. Such a vessel on a voyage of 600 miles or more shall have two licensed mates.

“(2) An offshore supply vessel of more than 200 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, may not be operated without a licensed engineer.

“(3) An offshore supply vessel shall have at least one mate. Additional mates on an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title shall be prescribe in accordance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.”.

(f) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall promulgate regulations to implement the amendments enacted by this section and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, before January 1, 2010.

(2) INTERIM FINAL RULE AUTHORITY.—The Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section), and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(3) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section), and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

(4) INTERIM PERIOD.—After the date of enactment of this Act and prior to the effective date of the regulations promulgated to implement the amendments enacted by this section under paragraph (2), and notwithstanding the tonnage limits of applicable regulations promulgated prior to the date of enactment of this Act, the Secretary may—

(A) issue a certificate of inspection under section 3309 of title 46, United States Code, to an offshore supply vessel of at least 500 gross tons as measured under section 14502 of title 46, United States Code, or of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, if the Secretary determines that such vessel’s arrangements, equipment, classification, and certifications provide for the safe carriage of individuals in addition to the crew and oil and hazardous substances, taking into consideration the characteristics of offshore supply vessels, their methods of operation, and their service in support of exploration, exploitation, or production of offshore mineral or energy resources;

(B) for the purpose of enforcing chapter 37 of title 46, United States Code, use tank vessel standards for offshore supply vessels of at least 6,000 gross tons after considering the characteristics, methods of operation, and nature of the service of the vessel; and

(C) authorize a master, mate, or engineer whom the Secretary decides possesses the experience on an offshore supply vessel under 6,000 gross tons to serve on an offshore supply vessel over at least 6,000 gross tons.

SEC. 20. ASSOCIATED EQUIPMENT.

Section 2101(1)(B) of title 46, United States Code, is amended by inserting “with the exception of emergency locator beacons,” before “does”.

SEC. 21. LIFESAVING DEVICES ON UNINSPECTED VESSELS.

Section 4102(b) of title 46, United States Code, is amended to read as follows:

“(b) The Secretary shall prescribe regulations requiring the installation, maintenance, and use of life preservers and other lifesaving devices for individuals on board uninspected vessels.”

SEC. 22. STUDY OF BLENDED FUELS IN MARINE APPLICATION.

(a) SURVEY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall submit a survey of published data and reports, pertaining to the use, safety, and performance of blended fuels in marine applications, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate.

(2) INCLUDED INFORMATION.—To the extent possible, the survey required in subsection (a), shall include data and reports on—

(A) the impact of blended fuel on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) to the extent available, fires and explosions on board vessels propelled by engines using blended fuels.

(b) STUDY.—

(1) IN GENERAL.—Not later than 36 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall conduct a comprehensive study on the use, safety, and performance of blended fuels in marine applications. The Secretary is authorized to conduct such study in conjunction with—

(A) any other Federal agency;

(B) any State government or agency;

(C) any local government or agency, including local police and fire departments; and

(D) any private entity, including engine and vessel manufacturers.

(2) EVALUATION.—The study shall include an evaluation of—

(A) the impact of blended fuel on the operation, durability and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) fires and explosions on board vessels propelled by engines using blended fuels.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security to carry out the survey and study under this section \$1,000,000.

SEC. 23. RENEWAL OF ADVISORY COMMITTEES.

(a) GREAT LAKES PILOTAGE ADVISORY COMMITTEE.—Section 9307(f)(1) of title 46, United States Code, is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”

(b) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—Section 13110 of title 46, United States Code, is amended—

(1) in subsection (d), by striking the first sentence; and

(2) in subsection (e), by striking “September 30, 2010.” and inserting “September 30, 2020.”

(c) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102–241 as amended by Public Law 104–324) is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”

(d) LOWER MISSISSIPPI RIVER WATERWAY SAFETY ADVISORY COMMITTEE.—Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “twenty-four” and inserting “twenty-five”; and

(B) by adding at the end the following new paragraph:

“(12) One member representing the Associated Federal Pilots and Docking Masters of Louisiana.”; and

(2) in subsection (g), by striking “September 30, 2010.” and inserting “September 30, 2020.”.

(e) TOWING SAFETY ADVISORY COMMITTEE.—The Act to Establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) There is established a Towing Safety Advisory Committee (hereinafter referred to as the ‘Committee’). The Committee shall consist of eighteen members with particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety as follows:

“(1) Seven members representing the barge and towing industry, reflecting a regional geographic balance.

“(2) One member representing the offshore mineral and oil supply vessel industry.

“(3) One member representing holders of active licensed Masters or Pilots of towing vessels with experience on the Western Rivers and the Gulf Intracoastal Waterway.

“(4) One member representing the holders of active licensed Masters of towing vessels in offshore service.

“(5) One member representing Masters who are active ship-docking or harbor towing vessel.

“(6) One member representing licensed or unlicensed towing vessel engineers with formal training and experience.

“(7) Two members representing each of the following groups:

“(A) Port districts, authorities, or terminal operators.

“(B) Shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge).

“(8) Two members representing the general public.”; and

(2) in subsection (e), by striking “September 30, 2010.” and inserting “September 30, 2020.”.

(f) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) ESTABLISHMENT OF COUNCIL.—

“(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall establish a Navigation Safety Advisory Council (hereinafter referred to as the ‘Council’), consisting of not more than 21 members. All members shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, port safety, or commercial diving safety. Upon appointment, all non-Federal members shall be designated as representative members to represent the viewpoints and interests of one of the following groups or organizations:

“(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.

“(2) PANELS.—Additional persons may be appointed to panels of the Council to assist the Council in performance of its functions.

“(3) NOMINATIONS.—The Secretary, through the Coast Guard Commandant, shall not less often than once a year publish a notice in the Federal Register soliciting nominations for membership on the Council.

“(b) FUNCTIONS.—The Council shall advise, consult with, and make recommendations to the Secretary, through the Coast Guard Commandant, on matters relating to maritime collisions, rammings, groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice and recommendations made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet

at the call of the Coast Guard Commandant, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.”; and

(2) in subsection (d), by striking “September 30, 2010.” and inserting “September 30, 2020.”.

PURPOSE OF LEGISLATION

H.R. 2652, the “Maritime Safety Act of 2009”, as amended, makes improvements to the marine safety laws that apply to commercial vessels.

BACKGROUND AND NEED FOR LEGISLATION

Most marine safety laws are contained in subtitle II of title 46, United States Code. These laws provide the framework and authority for the Coast Guard’s enforcement of regulations regarding the design, construction, and operation of commercial and recreational vessels. H.R. 2652 makes improvements to the safety requirements for many types of vessels such as fishing vessels, offshore supply vessels, and vessels transporting passengers. In addition, H.R. 2652 makes improvements to safety equipment standards, procedures for the licensing of mariners, pilotage, and imposes a requirement that cargo vessels have double hulls around their fuel tanks.

SUMMARY OF THE LEGISLATION

Section. 1. Short title

Section 1 states that the legislation may be referred to as the “Maritime Safety Act of 2009”.

Sec. 2. Vessel size limits

Section 2 provides that fishing vessels in the rationalized Bering Sea/Aleutian Islands pollock fishery may be documented with a fishery endorsement if a vessel is a rebuilt or a replacement vessel of a vessel that is authorized to hold a Federal fishery permit under the American Fisheries Act, notwithstanding current limits on length, tonnage, and horsepower. This section does not alter the fishery quotas established through the Federal fisheries management process.

Sec. 3. Cold weather survival training

Section 3 requires the Coast Guard to submit a report to Congress on the efficacy of cold water survival training in Coast Guard District 17 (Alaska) during the preceding five years.

Sec. 4. Fishing vessel safety

Section 4 establishes safety equipment standards for all commercial fishing, fish tender, and fish processing vessels operating beyond three nautical miles of the coast and clarifies the equipment requirements for these vessels. In addition, section 4 establishes design and construction standards for all new vessels. New fishing and fish tender vessels, and fishing or fish tender vessels that undergo a “major conversion” as defined in 46 U.S.C. § 2101(14a), operating beyond three nautical miles of the coast, and over 50 feet in length, will need to be “classed” by the American Bureau of Shipping or an equivalent classification society. “Classification”

provides evidence that a vessel is mechanically and structurally fit for its intended service. New fishing and fish tender vessels that operate beyond three nautical miles of the coast and less than 50 feet in length are required under this section to meet standards required of recreational vessels under 46 U.S.C. § 4302 that provide an equivalent level of safety. New fishing vessels over 79 feet in length are required to have a “load line”. Section 4 also authorizes the Secretary to examine vessels that operate beyond three nautical miles of the coast to ensure compliance with safety regulations.

Existing fishing vessels are not required to meet any classification requirement until January 1, 2020. After that date, 25-year-old fishing vessels will be required to meet an alternate compliance program established by the Secretary of Homeland Security (Secretary). The Secretary is required to prescribe the alternate compliance program standards by January 1, 2017.

The section also authorizes and requires a training program for the operators of fishing vessels that operate beyond three miles of the coast. The program is to be based on professional knowledge and hands-on training and will give credit for recent past experience. Operators who successfully complete the program will receive a certificate and will need to complete refresher training at least once every five years to keep the certificate current. Individuals who hold a Coast Guard issued license and can demonstrate equivalent training, while encouraged to obtain the training described, will not be required to do so.

The requirements developed by the Coast Guard for the approval of the structured training course must include specific elements listed in this section, and a suitable rigorous test covering each of these enumerated elements must be administered. The student must pass an examination for each of the items addressed, as well as a final test and skill demonstration covering the elements of each of the areas specified. Upon successful completion of the Coast Guard approved training program, the training provider will issue a certificate of completion in the format prescribed in the Coast Guard course approval regulations or associated guidance documents. The training program developed by the Coast Guard should include an oversight and audit program to assure that the courses delivered by the approved training providers meet the stated approval requirements.

While section 4 does not address fishermen’s physical condition nor drug and alcohol testing, drug and alcohol testing is critical to a safe working environment, and the Committee believes that responsible vessel operators should make it part of their normal business practice. The protocols for such a program are well-established and successful in the other commercial maritime shipping communities. Similarly, workplace injury and operational accidents from slips, falls and man overboard accidents need to be addressed in an operator’s safety program.

Section 4 also establishes two grant programs. This section authorizes the Secretary to establish Fishing Vessel Safety Grants to fund training of operators and crew of commercial fishing vessels. It is the intent of the Committee that these grants be available to programs and individuals who provide training for both operators and crewmembers of commercial fishing vessels. The grants are to

be awarded on a competitive basis to organizations or individuals that are approved by the Secretary and that provide hands-on, skills-based training. This section further authorizes the Secretary to establish Fishing Safety Research Grants, to provide funding for research on methods to improve the safety of commercial fishing, specifically including investigation of enhanced vessel monitoring systems.

Sec. 5. Mariner records

Section 5 authorizes the Secretary to require vessel owners or managing operators of commercial vessels to maintain employment records of seamen for a period of not less than five years after the completion of employment and to make the records available to the individual or the Coast Guard on request.

Sec. 6. Deletion of exemption of license requirement for operators of certain towing vessels

Section 6 deletes an exemption for licensing of operators of vessels engaged in the offshore mineral and oil industry where the vessel has, as its place of destination or departure, an offshore mineral and oil industry site. The exemption created by section 8905(b) of title 46, United States Code, exempting operators of certain vessels from Coast Guard licensing requirements, is no longer needed and creates a potentially serious threat to navigational safety.

Sec. 7. Log books

Section 7 requires log books on all manned inspected vessels, in addition to those on foreign or coastwise voyages already required to maintain logbooks, and specifies new circumstances when information must be added to the log book.

Sec. 8. Safe operations and equipment standards

Section 8 adds two new sections to chapter 21 of title 46, United States Code. The first new section authorizes the Coast Guard to “terminate for unsafe operation” all vessels subject to the title. Currently, there are similar provisions for “recreational vessels” and “uninspected commercial fishing industry vessels”. This new provision permits an individual authorized to enforce the title to remove and terminate a voyage when the vessel is not in compliance with an issued certificate or is being operated in an unsafe condition that creates an especially hazardous condition.

The second new section authorizes the Coast Guard to establish standards for required marine safety equipment based on performance, best available technology, and operational practicality. Section 8 also authorizes the Coast Guard to establish similar standards for safety equipment that is not required to be carried, and requires that the Coast Guard review and revise the standards every 10 years.

Sec. 9. Approval of survival craft

Section 9 prohibits the Secretary from approving as a “survival craft” a device that does not keep the individuals in the survival craft out of the water. For instance, a six-person device must be able to support six individuals out of the water, while a 25-person device must be able to support 25 individuals out of the water.

This section does not mandate the vessels that must carry survival craft and does not require that all survival craft be inflatable, since designs may be developed in the future for rigid survival craft that are capable of supporting individuals out of the water.

It is very important for survival craft to support individuals out of the water, particularly for infants, the elderly, and the disabled. The Federal Aviation Administration currently requires that aircraft operating over-water be equipped with life-rafts that provide out-of-the-water protection.

This section allows the use of existing approved survival craft that do not provide out-of-the-water protection for up to five years provided the equipment is in good and serviceable condition.

Sec. 10. Safety management

Section 10 authorizes the Secretary to require “Safety Management Systems” on passenger vessels and small passenger vessels based on the number of passengers that could be killed or injured in a marine casualty. A “Safety Management System” requires vessel owners to document operational policy, chain of authority, and operational and emergency procedures that specify responsibilities of the owner or operator, managers, and masters. Such systems also outline procedures for management review, internal audits, and correction of problems. This section does not require the Coast Guard to apply the International Safety Management System to these vessels. Instead, the Coast Guard is required to consider the characteristics, methods of operation, and nature of the service of these vessels when prescribing the safety management regulations.

Sec. 11. Protection against discrimination

Section 11 allows maritime workers who lose their jobs or are discriminated against because they report safety violations to the Coast Guard to use the same Department of Labor complaint process that is currently available to commercial drivers, railroad workers, and aviation workers. The section also clarifies the whistleblower protections provided in the Coast Guard Authorization Act of 2002. This section expands these protections to cover a broader scope of work-related issues, such as cooperating with a safety investigation of the National Transportation Safety Board.

Sec. 12. Oil fuel tank protection

Section 12 requires that new U.S.-flag vessels built after the date of enactment be constructed with double enclosures surrounding the fuel oil tanks in accordance with international standards. The Committee anticipates that most vessels will be fitted with double hulls to meet the requirements of this section.

Sec. 13. Oaths

Section 13 repeals 46 U.S.C. §§ 7105 and 7305, which require the applicant for a license or a merchant mariners’ document to appear in person to take an oath.

Sec. 14. Duration of credentials

Section 14 permits the holder of a merchant mariner document or license to renew the document in advance of the expiration of

an existing document, but delays the effective date of the renewed document or license until the previous document expires.

Sec. 15. Fingerprinting

Section 15 eliminates duplicate fingerprinting requirements for merchant mariners who have already been fingerprinted in connection with obtaining a Transportation Worker Identification Card.

Sec. 16. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents

Section 16 permits the Secretary to extend for up to one year a License or Certificate of Registry or a merchant mariners document if the Secretary determines that such extension would eliminate a backlog in processing applications.

Sec. 17. Merchant mariner documentation

Section 17 requires the Secretary of the department in which the Coast Guard is operating to develop an interim clearance procedure that will allow the issuance of a merchant mariner document to a new-hire or an off-shore supply or towing vessel provided the Secretary makes a preliminary determination that the individual does not pose a safety and security risk.

Sec. 18. Merchant mariner assistance report

Section 18 requires the Coast Guard to report to the appropriate committees of the House and Senate, not later than 180 days after enactment of this Act, on plans to: (1) expand the streamlined evaluation affiliated with the Houston Regional Exam Center to all processing centers of the Coast Guard nationwide; (2) simplify the application process of seamen and merchant mariner documents; (3) provide notice to an applicant of the status of a pending application; and (4) ensure that information collected from applicants is retained in a secure electronic format.

Sec. 19. Offshore supply vessels

Section 19 eliminates the tonnage cap that limits the size of offshore supply vessels that support offshore oil and gas exploration and production. This provision will allow for the construction of larger offshore supply vessels to meet the needs of the industry that is moving farther offshore and into harsher environments; establishes an hours-of-service watch system for large offshore supply vessels; and requires a minimum of one mate on all offshore supply vessels. To expedite the regulatory process, this section allows the Coast Guard to prescribe interim final regulations to implement the changes made by this section and those interim final regulations may be in effect for up to one year after the date of enactment of this Act.

Sec. 20. Associated equipment

Section 20 amends the definition of "associated equipment" to provide the Coast Guard with the authority to require that recreational vessels be equipped with emergency locator beacons.

Sec. 21. Lifesaving devices on uninspected vessels

Section 21 amends the existing requirements for lifesaving devices on uninspected vessels to require the Coast Guard to prescribe regulations requiring the installation, maintenance, and use of life preservers and other lifesaving devices for individuals on all uninspected vessels. The current statute applies only to uninspected vessels propelled by machinery. Therefore, non-self-propelled vessels such as barges and dredges are currently exempt from any lifesaving equipment requirement.

Sec. 22. Study of blended fuels in marine applications

Section 22 authorizes the Coast Guard to conduct a study and report to Congress on safety and performance issues involving the use of blended fuels in marine applications. There are a number of reports of both recreational and commercial vessels using blended gasoline as a fuel and suffering failure of critical fuel system components, and there appears to be an increase in fire and explosions on recreational and commercial vessels. The study authorized by this section will examine the extent to which blended fuel has contributed to component failures, fires, and explosions.

Sec. 23. Renewal of Advisory Committees

Section 23 extends the authorization for several existing advisory committees. These Committees are the Great Lakes Pilotage Advisory Committee, the National Boating Safety Advisory Committee, the Houston-Galveston Navigation Safety Advisory Committee, the Lower Mississippi River Waterway Safety Advisory Committee, the Towing Safety Advisory Committee, and the Navigation Safety Advisory Council.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On Wednesday, April 25, 2007, the Subcommittee on Coast Guard and Maritime Transportation held a hearing, “Commercial Fishing Vessel Safety”, to examine the safety of U.S. commercial fishing vessels and the extent to which laws adopted in 1988 have led to improved safety. In addition, the hearing explored the strategies that permit the industry and the Coast Guard to implement changes that: prevent casualties on commercial fishing vessels from occurring; minimize the effect of the casualty, given that it has occurred; and maximize lives saved, given that the vessel must be abandoned.

On August 2, 2007, the Subcommittee held a hearing on the “Challenges Facing the Coast Guard’s Marine Safety Program” at which it heard from a number of industry witnesses about the deteriorating state of the Coast Guard’s marine safety program, including the lack of continuity and expertise of Coast Guard personnel who are responsible for the public safety.

On November 19, 2008, the Subcommittee held a field hearing to receive testimony on the San Francisco oil spill. The hearing was held to consider both the circumstances leading to the allision of the M/V COSCO BUSAN with the San Francisco-Oakland Bay Bridge (Bay Bridge) on Wednesday, November 7, 2007, and the response of the Coast Guard and other Federal agencies to the subse-

quent spill of approximately 58,000 gallons of fuel oil into San Francisco Bay waters.

On April 10, 2008, the Subcommittee held a hearing regarding the “Allision of the M/V COSCO BUSAN with the San Francisco-Oakland Bay Bridge”. The testimony revealed significant lapses in the Coast Guard’s casualty investigation program.

On April 24, 2008, the House passed H.R. 2830, the “Coast Guard Authorization Act of 2008”, by a vote of 395–7. The Senate did not complete action on the bill.

In the 111th Congress, on June 2, 2009, Chairman James L. Oberstar introduced H.R. 2652, the “Maritime Safety Act of 2009”. H.R. 2652 includes many of the same provisions that were contained in Title III of H.R. 2830 of the 110th Congress.

On June 4, 2009, the Committee on Transportation and Infrastructure met in open session to consider H.R. 2650. A manager’s amendment was offered and agreed to by voice vote with a quorum present. The Committee ordered H.R. 2650, as amended, reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. During consideration of H.R. 2652, a manager’s amendment was offered and agreed to by voice vote with a quorum present. There were no recorded votes taken in connection with consideration of H.R. 2652 or ordering the bill reported. A motion to order H.R. 2652, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals

and objectives of this legislation are to improve maritime safety on our nation's waterways.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 2652 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 23, 2009.

Hon. JAMES L. OBERSTAR,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2652, the Maritime Safety Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 2652—Maritime Safety Act of 2009

Summary: H.R. 2652 would amend various statutes governing marine safety programs carried out by the U.S. Coast Guard and would authorize appropriations for new grants and studies on safety topics. Assuming appropriation of the amounts specifically authorized or estimated to be necessary, CBO estimates that implementing the legislation would cost about \$40 million over the 2010–2014 period. Enacting H.R. 2652 could reduce offsetting receipts from commercial fees charged by the Coast Guard, but CBO estimates that any such reductions would be minimal and would be partially offset by reductions in direct spending. Enacting H.R. 2652 could increase revenues by establishing civil fines for violations of certain Coast Guard regulations, but CBO estimates that any such increase would be minimal.

H.R. 2652 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) because it would preempt state laws and impose new requirements that affect certain public and private vessels and others in the maritime industry. The aggregate costs to public and private entities of complying with those mandates are uncertain and would depend, in part, on future regulations. Consequently, CBO cannot determine whether those costs would exceed the annual threshold established in UMRA for private-sector mandates (\$139 million in 2009, adjusted annually for inflation). CBO estimates, however, that those costs would not exceed the annual threshold established in UMRA for intergovernmental mandates (\$69 million in 2009, adjusted annually for inflation) because of the small number of public entities involved.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2652 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2009–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Specified Amounts for Grants and Studies:						
Authorization Level	7	6	6	6	6	31
Estimated Outlays	5	6	7	7	6	31
Estimated Amounts for Studies and Rulemakings:						
Estimated Authorization Level	1	2	2	2	2	9
Estimated Outlays	1	2	2	2	2	9
Total Spending Under H.R. 2652:						
Estimated Authorization Level	8	8	8	8	8	40
Estimated Outlays	6	8	9	9	8	40

Note: Enacting H.R. 2652 also could result in small increases in revenues from civil penalties and reductions in offsetting receipts from commercial fees, but CBO estimates that those changes would be insignificant.

Basis of estimate: For this estimate, CBO assumes that H.R. 2652 will be enacted in fiscal year 2009 and that the amounts specifically authorized by the legislation or estimated to be necessary will be appropriated for each year. Estimated outlays are based on historical spending patterns for similar programs.

Spending subject to appropriation

Specified Authorization Levels. Section 4 of the bill would authorize the appropriation of \$3 million annually (through 2014) for each of two programs to fund grants to state, local, or other non-federal entities. The grants would be awarded by the Coast Guard for research and training on fishing safety. In addition, sections 3 and 23 would authorize a total of \$1.15 million for studies on cold-weather survival training and on the use of blended fuels by marine vessels. Assuming appropriation of the specified amounts, CBO estimates that implementing the authorized grant programs and studies would cost \$31 million over the 2010–2014 period.

Estimated Authorizations. Several provisions of the legislation would require the Coast Guard to promulgate new rules and regulations addressing marine safety issues, including recordkeeping, safety equipment, and spill protection for vessels that carry over 600 cubic meters of fuel oil. In addition, the bill would require the Coast Guard to enforce new regulations and prepare various annual and one-time reports. Finally, the bill would extend the life of several advisory committees, some of which receive financial support from the Coast Guard. Based on information provided by the agency, CBO estimates that carrying out the required studies and rulemakings and supporting advisory committees would cost about \$9 million over the 2010–2014 period.

Direct spending

Section 16 would authorize the Coast Guard to extend for one year certain expiring marine licenses, certificates of registry, and merchant mariner documents. Because the extension could delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts (an offset against direct spending) over the next year or two. Some of those receipts may be spent without further appropriation, however, to cover collection expenses. CBO estimates that the net effect on direct spending from enacting this provision would be small in each of fiscal years 2010 and 2011.

Intergovernmental and private-sector impact: H.R. 2652 contains intergovernmental and private-sector mandates as defined in UMRA because it would impose new requirements that affect public and private vessels and others in the maritime industry. The bill also contains provisions that would preempt state and local laws. The aggregate costs of the mandates in the bill are uncertain because many of them would depend on regulations to be developed under the bill. Consequently, CBO cannot determine whether those costs would exceed the annual threshold established in UMRA for private-sector mandates (\$139 million in 2009, adjusted annually for inflation). CBO estimates, however, that those costs would not exceed the annual threshold established in UMRA for intergovernmental mandates (\$69 million in 2009, adjusted annually for inflation) because of the small number of public entities involved.

Mandates that apply to both public and private entities

Safety Equipment and Management Requirements. H.R. 2652 would require certain commercial and public vessels to carry approved survival craft that ensure that no part of an individual is immersed in water. All survival craft would have to meet this standard by January 1, 2015. The costs to comply with this mandate would depend on how the Coast Guard would implement the new standard. However, based on information about the range in costs of survival crafts, CBO expects that the cost of replacing hundreds of survival craft on private vessels would likely be small relative to UMRA's threshold for the private sector. Further, because most public vessels do not use survival craft that immerse individuals in water, CBO estimates that additional costs to public entities would be minimal.

The bill also would require owners and operators of certain domestic passenger vessels to implement safety management procedures as determined by the Secretary of Homeland Security. According to the Coast Guard and industry sources, the costs to public and private entities could vary widely depending on the coverage and scope of those procedures. However, only a small number of public entities would be affected by those requirements. CBO cannot estimate the total cost of this mandate to private entities because it would depend on future regulations.

Other Mandates on the Maritime Industry. The bill also would impose new requirements on public entities and businesses in the maritime industry. For example, the bill would require owners and operators of public and commercial vessels to comply with new recordkeeping requirements and provide whistleblower protections for maritime employees. CBO estimates that the additional costs to comply with those mandates would be small because compliance likely would involve only small adjustments, if any, in current procedures.

Mandates that apply to public entities only

The bill would preempt state and local laws that would be inconsistent or conflict with the new federal requirements. CBO estimates that the additional costs to comply with that mandate would be small because compliance likely would involve only a small adjustment in current procedures.

Mandates that apply to private entities only

Safety Requirements for Commercial Fishing Vessels. H.R. 2652 would impose new safety requirements on owners and operators of commercial fishing vessels. The bill also would require the individuals in charge of commercial fishing vessels operating beyond three nautical miles of the U.S. coast to keep a record of equipment maintenance and to pass a safety training program and a refresher training once every five years. The cost of recordkeeping would be minimal. The new safety training program, however, would have to include training in collision prevention, personal survival, and emergency medical care. According to industry sources, similar training programs currently available cost between \$100 and \$500 per person. Those sources also indicate that thousands of U.S. commercial fishing captains nationwide and others would have to comply with the training requirement. The bill also would establish a grant program to provide funding for training on commercial fishing safety.

The bill would establish safety equipment standards for certain commercial fishing vessels operating beyond three nautical miles of the coast. In addition, beginning in 2010, the bill would require that such vessels that are less than 50 feet in length be constructed in a manner that provides a level of safety equivalent to the minimum safety standards established by the Coast Guard that apply to recreational vessels. The cost to comply with those mandates would depend on the standards to be set by the Coast Guard.

Safety Requirements for Other Vessels. The bill would authorize the Coast Guard to establish standards for the use of emergency locator beacons on recreational vessels and for the installation and use of lifesaving devices on nonpropelled vessels such as barges. If the Coast Guard establishes either of those standards, it would impose a private-sector mandate. CBO cannot estimate the cost of complying with the mandate because it would depend on future regulations.

Provision excluded from UMRA review

UMRA excludes from the application of that act any legislative provision that is necessary for the ratification or implementation of international treaty obligations. CBO has determined that section 12 of H.R. 2652 falls within that exclusion; therefore, we have not reviewed it for intergovernmental or private-sector mandates.

Previous CBO estimate: On June 10, 2009, CBO transmitted a cost estimate for S. 685, the Oil Spill Prevention Act of 2009, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 20, 2009. The Senate bill contains several provisions that are similar to those contained in H.R. 2652, including extensions on licensing of seamen and requirements for vessels carrying large amounts of fuel oil. The estimated costs of those provisions are the same.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Ryan Miller; Impact on the Private Sector: Amy Petz and Jacob Kuipers.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2652 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), and 9(f) of rule XXI of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (P.L. 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 2652 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

This legislation extends the termination dates for several advisory committees, as defined by section 3 of the Federal Advisory Committee Act, including the: Great Lakes Pilotage Advisory Committee, National Boating Safety Advisory Committee, Houston-Galveston Navigation Safety Advisory Committee, Lower Mississippi River Waterway Safety Advisory Committee, Towing Safety Advisory Committee, and Navigation Safety Advisory Council. The Committee finds pursuant to section 5 of the Federal Advisory Committee Act that none of the functions of the proposed advisory committees are being or could be performed by one or more agencies or by an advisory committee already in existence. The Committee also determines that these advisory committees have a clearly defined purpose, fairly balanced membership, and meets all of the other requirements of section 5(b) of the Federal Advisory Committee Act.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (P.L. 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 46, UNITED STATES CODE

Subtitle II—Vessels and Seamen

* * * * *

PART A—GENERAL PROVISIONS

CHAPTER 21—GENERAL

Sec.

2101. General definitions.

* * * * *

2116. *Termination for unsafe operation.*

2117. *Establishment of equipment standards.*

§ 2101. General definitions

In this subtitle—

(1) “associated equipment”—

(A) * * *

(B) *with the exception of emergency locator beacons, does not include radio equipment.*

* * * * *

(19) “offshore supply vessel” means a motor vessel [of more than 15 gross tons but less 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 regularly carries goods, supplies, individuals in addition to the crew, or equipment in support of exploration, exploitation, or production of offshore mineral or energy.

* * * * *

§ 2114. Protection of seamen against discrimination

(a)(1) A person may not discharge or in any manner discriminate against a seaman because—

(A) the seaman in good faith has reported or is about to report to the Coast Guard or other appropriate Federal agency or department that the seaman believes that a violation of a maritime safety law or regulation prescribed under that law or regulation has occurred; [or]

(B) the seaman has refused to perform duties ordered by the seaman’s employer because the seaman has a reasonable apprehension or expectation that performing such duties would result in serious injury to the seaman, other seamen, or the public[.];

(C) *the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;*

(D) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman;

(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

(F) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

(G) the seaman accurately reported hours of duty under this part.

* * * * *

[(b) A seaman discharged or otherwise discriminated against in violation of this section may bring an action in an appropriate district court of the United States. In that action, the court may order any appropriate relief, including—

[(1) restraining violations of this section;

[(2) reinstatement to the seaman's former position with back pay;

[(3) an award of costs and reasonable attorney's fees to a prevailing plaintiff not exceeding \$1,000; and

[(4) an award of costs and reasonable attorney's fees to a prevailing employer not exceeding \$1,000 if the court finds that a complaint filed under this section is frivolous or has been brought in bad faith.]

(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman's request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.

* * * * *

§2116. Termination for unsafe operation

An individual authorized to enforce this title—

(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

(3) may direct the individual in charge of a vessel to which this title 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.

§2117. Establishment of equipment standards

(a) In establishing standards for approved equipment required on vessels subject to part B of this title, the Secretary shall establish standards that are—

- (1) based on performance using the best available technology that is economically achievable; and*
- (2) operationally practical.*

(b) Using the standards established under subsection (a), the Secretary may also certify lifesaving equipment that is not required to be carried on vessels subject to part B of this title to ensure that such equipment is suitable for its intended purpose.

(c) At least once every 10 years the Secretary shall review and revise the standards established under subsection (a) to ensure that the standards meet the requirements of this section.

* * * * *

PART B—INSPECTION AND REGULATIONS OF VESSELS

CHAPTER 31—GENERAL

Sec.

3101. Authority to suspend inspection.

* * * * *

3104. *Survival craft.*

* * * * *

§3104. Survival craft

(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than January 1, 2015, if—

- (1) it was approved by the Secretary before January 1, 2010; and*
- (2) it is in serviceable condition.*

CHAPTER 32—MANAGEMENT OF VESSELS

* * * * *

§ 3202. Application

(a) [MANDATORY APPLICATION] FOREIGN VOYAGES AND FOREIGN VESSELS.—This chapter applies to a vessel that—

- (1) * * ***

* * * * *

(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

- (1) a passenger vessel or small passenger vessel; and**

(2) *is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.*

[(b)] (c) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

[(c)] (d) EXCEPTION.—Except as provided in [subsection (b)] subsection (c) of this section, this chapter does not apply to—

(1) * * *

* * * * *

(4) a vessel operating on the Great Lakes or its tributary and connecting waters *that is not described in subsection (b) of this section*; or

* * * * *

§ 3203. Safety management system

(a) * * *

* * * * *

(c) *In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider—*

(1) *the characteristics, methods of operation, and nature of the service of these vessels; and*

(2) *with respect to vessels that are ferries, the sizes of the ferry systems within which the vessels operate.*

* * * * *

CHAPTER 33—INSPECTION GENERALLY

* * * * *

§ 3306. Regulations

(a) * * *

* * * * *

(k)(1) *Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Maritime Safety Act of 2009, or that is delivered after January 1, 2011, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex 1 to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled “Oil Fuel Tank Protection.”*

(2) *The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.*

(3) *In this subsection the term “oil fuel” means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.*

* * * * *

CHAPTER 41—UNINSPECTED VESSELS GENERALLY

* * * * *

§ 4102. Safety equipment

(a) * * *

[(b) Each uninspected vessel propelled by machinery shall carry at least one readily accessible life preserver or other lifesaving device, of the type prescribed by regulation, for each individual on board.]

(b) *The Secretary shall prescribe regulations requiring the installation, maintenance, and use of life preservers and other lifesaving devices for individuals on board uninspected vessels.*

* * * * *

CHAPTER 45—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

Sec.

4501. Application.

* * * * *

[4503. Fish processing vessel certification.]

4503. *Fishing, fish tender, and fish processing vessel certification.*

* * * * *

[4508. Commercial Fishing Industry Vessel Safety Advisory Committee.]

4508. *Commercial Fishing Safety Advisory Committee.*

* * * * *

§ 4502. Safety standards

(a) The Secretary shall prescribe regulations which require that each vessel to which this chapter applies shall be equipped with—

(1) * * *

* * * * *

[(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;

* * * * *

(2) The equipment to be required is as follows:

(A) * * *

(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;*

* * * * *

(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.

* * * * *

[(f) To ensure compliance with the requirements of this chapter, at least once every 2 years the Secretary shall examine—

[(1) a fish processing vessel; and

[(2) a fish tender vessel engaged in the Aleutian trade.]

(f) To ensure compliance with the requirements of this chapter, the Secretary—

(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.*

(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.*

(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*
- (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 purchase of safety equipment and training aids for 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 non-profit 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 year 2010 through 2014 for activities under this subsection.*

[§ 4503. Fish processing vessel certification]

§ 4503. 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) * * *

* * * * *

(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 major conversion 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.

* * * * *

§ 4506. Exemptions

(a) * * *

[(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.]

* * * * *

[§ 4508. Commercial Fishing Industry Vessel Advisory Safety Committee]

§ 4508. Commercial Fishing Safety Advisory Committee

(a) The Secretary shall establish a Commercial Fishing [Industry Vessel] Safety Advisory Committee. The Committee—

(1) * * *

* * * * *

(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) * * *

(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;]

(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 [representing each of] *each of whom shall represent—*

(i) naval architects [or marine surveyors;] *and marine engineers;*

* * * * *

(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.

* * * * *

(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.*

* * * * *

PART C—LOAD LINES OF VESSELS

CHAPTER 51—LOAD LINES

* * * * *

§ 5102. Application

(a) * * *

(b) This chapter does not apply to the following:

(1) * * *

* * * * *

(3) a fishing vessel, *unless the vessel is built or undergoes a major conversion completed after July 1, 2010.*

* * * * *

PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

CHAPTER 71—LICENSES AND CERTIFICATES OF REGISTRY

Sec.						
7101.	Issuing and classifying licenses and certificates of registry.	*	*	*	*	*
[7105.	Oaths.]	*	*	*	*	*

[§ 7105. Oaths

[An applicant for a license or certificate of registry shall take, before the issuance of the license or certificate, an oath before a designated official, without concealment or reservation, that the applicant will perform faithfully and honestly, according to the best skill and judgment of the applicant, all the duties required by law.

[§ 7106. Duration of licenses

[A license issued under this part is valid for 5 years and may be renewed for additional 5-year periods. However, the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

[§ 7107. Duration of certificates of registry

[A certificate of registry issued under this part is valid for 5 years and may be renewed for additional 5-year periods. However, the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.]

§ 7106. Duration of licenses

(a) *IN GENERAL.*—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(b) *ADVANCE RENEWALS.*—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.

§ 7107. Duration of certificates of registry

(a) *IN GENERAL.*—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

(b) *ADVANCE RENEWALS.*—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.

* * * * *

CHAPTER 73—MERCHANT MARINERS’ DOCUMENTS

Sec.
7301. General.

* * * * *

[7305. Oaths for holders of merchant mariners’ documents.]

* * * * *

§ 7302. Issuing merchant mariners’ documents and continuous discharge books

(a) * * *

* * * * *

[(f) Except as provided in subsection (g), a merchant mariner’s document issued under this chapter is valid for 5 years and may be renewed for additional 5-year periods.]

(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS’ DOCUMENTS.—

(1) IN GENERAL.—*Except as provided in subsection (g), a merchant mariner’s document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.*

(2) ADVANCE RENEWALS.—*A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.*

* * * * *

[§ 7305. Oaths for holders of merchant mariners’ documents

[An applicant for a merchant mariner’s document shall take, before issuance of the document, an oath that the applicant will perform faithfully and honestly all the duties required by law, and will carry out the lawful orders of superior officers.]

* * * * *

§ 7310. Able seamen—offshore supply vessels

For service on a vessel [of less 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] engaged in support of exploration, exploitation, or production of offshore mineral or energy resources, an individual may be rated as able seaman—offshore supply vessels if the individual has at least 6 months’ service on deck on

board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

* * * * *

§ 7312. Scale of employment

(a) * * *

* * * * *

(d) Individuals qualified as able seamen—offshore supply vessels under section 7310 of this title may constitute all of the able seamen required on board a vessel [of less 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] engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.

* * * * *

CHAPTER 75—GENERAL PROCEDURES FOR LICENSING, CERTIFICATION, AND DOCUMENTATION

Sec.

7501. Duplicates.

* * * * *

7507. *Fingerprinting.*

7508. *Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.*

* * * * *

§ 7502. Records

(a) The Secretary shall maintain [computerized records] records, including electronic records, on the issuances, denials, suspensions, and revocations of licenses, certificates of registry, merchant mariners' documents, and endorsements on those licenses, certificates, and documents.

(b) *The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.*

(c) *A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than \$5,000.*

* * * * *

§ 7507. Fingerprinting

The Secretary of the Department in which the Coast Guard is operating may not require an individual to be fingerprinted for the issuance or renewal of a license, a certificate of registry, or a merchant mariner's document under chapter 71 or 73 if the individual

was fingerprinted when the individual applied for a transportation security card under section 70105.

§ 7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

(a) *LICENSES AND CERTIFICATES OF REGISTRY.*—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may—

(1) extend for not more than one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

(2) issue for not more than five years an expiring license or certificate of registry issued for an individual under chapter 71 for the exclusive purpose of aligning the expiration date of such license or certificate of registry with the expiration date of a merchant mariner's document.

(b) *MERCHANT MARINER DOCUMENTS.*—Notwithstanding section 7302(g), the Secretary may—

(1) extend for not more than one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

(2) issue for not more than five years an expiring merchant mariner's document issued for an individual under chapter 71 for the exclusive purpose of aligning the expiration date of such merchant mariner's document with the expiration date of a merchant mariner's document.

(c) *MANNER OF EXTENSION.*—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

PART F—MANNING OF VESSELS

CHAPTER 81—GENERAL

* * * * *

§ 8104. Watches

(a) * * *

* * * * *

(d)(1) On a merchant vessel of more than 100 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 (except a vessel only operating on rivers, harbors, lakes (except the Great Lakes), bays, sounds, bayous, and canals, a fishing, fish tender, or whaling vessel, 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, yacht, or vessel engaged in salvage operations), the licensed individuals, sailors, coal passers, firemen, oilers, and water tenders shall be divided, when at sea, into at least 3 watches, and shall be kept on duty successively to perform ordinary work incident to the operation and management of the vessel. The requirement of this subsection applies to radio officers only when at least 3 radio officers are employed. A licensed individual or seaman in the deck or engine department may not be required to work more than 8 hours in one day.

(2) Paragraph (1) does not apply to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.

(e) On a vessel designated by [subsection (d)] subsection (d)(1) of this section—

(1) * * *

* * * * *

(g) On a towing vessel, an offshore supply vessel of less than 500 gross tons as measured under section 14502 of this title, or less than 6,000 gross tons as measured under section 14302 of this title, or a barge to which this section applies, that is engaged on a voyage of less than 600 miles, the licensed individuals and crewmembers (except the coal passers, firemen, oilers, and water tenders) may be divided, when at sea, into at least 2 watches.

* * * * *

CHAPTER 83—MASTERS AND OFFICERS

* * * * *

§ 8301. Minimum number of licensed individuals

(a) * * *

[(b) An offshore supply vessel on a voyage of less than 600 miles shall have a licensed mate. However, if the vessel is on a voyage of at least 600 miles, the vessel shall have 2 licensed mates. An offshore supply vessel of more than 200 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 may not be operated without a licensed engineer.]

(b)(1) An offshore supply vessel of less than 6,000 gross tons, as measured under section 14302 of this title, on a voyage of less than 600 miles shall have at least one licensed mate. Such a vessel on a voyage of 600 miles or more shall have two licensed mates.

(2) An offshore supply vessel of more than 200 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, may not be operated without a licensed engineer.

(3) An offshore supply vessel shall have at least one mate. Additional mates on an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title shall be prescribe in

accordance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.

* * * * *

CHAPTER 89—SMALL VESSEL MANNING

* * * * *

§ 8905. Exemptions

(a) * * *

[(b) Section 8904 of this title does not apply to a vessel of less than 200 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 engaged in the offshore mineral and oil industry if the vessel has offshore mineral and oil industry sites or equipment as its ultimate destination or place of departure.]

[(c) (b) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.

* * * * *

CHAPTER 93—GREAT LAKES PILOTAGE

* * * * *

§ 9307. Great Lakes Pilotage Advisory Committee

(a) * * *

* * * * *

(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on [September 30, 2010.] *September 30, 2020.*

* * * * *

CHAPTER 113—OFFICIAL LOGBOOKS

Sec.

11301. Logbook and entry requirements.

* * * * *

11304. *Additional logbook and entry requirements.*

* * * * *

§ 11304. Additional logbook and entry requirements

(a) *A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.*

(b) *The log book required by subsection (a) shall include the following entries:*

(1) *The time when each seaman and each officer assumed or relieved the watch.*

(2) *The number of hours in service to the vessels of each seaman and each officer.*

(3) *An account of each accident, illness, and injury that occurs during each watch.*

* * * * *

PART H—IDENTIFICATION OF VESSELS

* * * * *

CHAPTER 121—DOCUMENTATION OF VESSELS

* * * * *

SUBCHAPTER II—ENDORSEMENTS AND SPECIAL DOCUMENTATION

* * * * *

§ 12113. Fishery endorsement

(a) * * *

* * * * *

(d) REQUIREMENTS BASED ON LENGTH, TONNAGE, OR HORSE-POWER.—

(1) * * *

(2) REQUIREMENTS.—A vessel subject to this subsection is not eligible for a fishery endorsement unless—

(A)(i) a certificate of documentation was issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997; *and*

(ii) the vessel is not placed under foreign registry after October 21, 1998; **[and]**

[(iii) if the fishery endorsement is invalidated after October 21, 1998, application is made for a new fishery endorsement within 15 business days of the invalidation; **or]**

(B) the owner of the vessel demonstrates to the Secretary that the regional fishery management council of jurisdiction established under section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)) has recommended after October 21, 1998, and the Secretary of Commerce has approved, conservation and management measures in accordance with the American Fisheries Act (Public Law 105–277, div. C, title II) (16 U.S.C. 1851 note) to allow the vessel to be used in fisheries under the council’s authority**[,]**; *or*

(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) and is eligible for a fishery endorsement under this section.

* * * * *

PART I—STATE BOATING SAFETY PROGRAMS

CHAPTER 131—RECREATIONAL BOATING SAFETY

* * * * *

§ 13110. National Boating Safety Advisory Council

(a) * * *

* * * * *

(d) **When attending meetings of the Council, a member of the Council or a panel may be paid at a rate not more than the rate for GS-18.** When serving away from home or regular place of business, the member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5 for individuals employed intermittently in the Government service. A payment under this section does not make a member of the Council an officer or employee of the United States Government for any purpose.

(e) The Council shall terminate on **September 30, 2010.** *September 30, 2020.*

AMERICAN FISHERIES ACT

TITLE II—FISHERIES

Subtitle I—Fishery Endorsements

* * * * *

SEC. 203. ENFORCEMENT OF STANDARD.

(a) * * *

* * * * *

(g) **CERTAIN VESSELS.**—The vessels **EXCELLENCE** (United States official number 967502), **GOLDEN ALASKA** (United States official number 651041) *and*, **OCEAN PHOENIX** (United States official number 296779)**],** **NORTHERN TRAVELER** (United States official number 635986), and **NORTHERN VOYAGER** (United States official number 637398) (or a replacement vessel for the **NORTHERN VOYAGER** that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act**])** shall be exempt from section 12102(c), as amended by this Act, until such time after October 1, 2001 as more than 50 percent of the interest owned and controlled in the vessel changes, provided that the vessel maintains eligibility for a fishery endorsement under the federal law that was in effect the day before the date of the enactment of this Act, and unless**],** in the case of the **NORTHERN TRAVELER** or the **NORTHERN VOYAGER** (or such replacement), the vessel is used in any fishery under the authority of a regional fishery management council other than the New England Fishery Management Council or Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1) (A) and (B)), or in the case of the **EXCELLENCE**, **GOLDEN ALASKA**, or **OCEAN PHOENIX,****]** the vessel is used to harvest any fish.

* * * * *

Subtitle II—Bering Sea Pollock Fishery

* * * * *

SEC. 208. ELIGIBLE VESSELS AND PROCESSORS.

(a) * * *

* * * * *

[(g) **REPLACEMENT VESSELS.**—In the event of the actual total loss or constructive total loss of a vessel eligible under subsections (a), (b), (c), (d), or (e), the owner of such vessel may replace such vessel with a vessel which shall be eligible in the same manner under that subsection as the eligible vessel, provided that—

[(1) such loss was caused by an act of God, an act of war, a collision, an act or omission of a party other than the owner or agent of the vessel, or any other event not caused by the willful misconduct of the owner or agent;

[(2) the replacement vessel was built in the United States and if ever rebuilt, was rebuilt in the United States;

[(3) the fishery endorsement for the replacement vessel is issued within 36 months of the end of the last year in which the eligible vessel harvested or processed pollock in the directed pollock fishery;

[(4) if the eligible vessel is greater than 165 feet in registered length, of more than 750 gross registered tons (as measured under chapter 145 of title 46) or 1,900 gross registered tons as measured under chapter 143 of that title), or has engines capable of producing more than 3,000 shaft horsepower, the replacement vessel is of the same or lesser registered length, gross registered tons, and shaft horsepower;

[(5) if the eligible vessel is less than 165 feet in registered length, of fewer than 750 gross registered tons, and has engines incapable of producing less than 3,000 shaft horsepower, the replacement vessel is less than each of such thresholds and does not exceed by more than 10 percent the registered length, gross registered tons or shaft horsepower of the eligible vessel; and

[(6) the replacement vessel otherwise qualifies under federal law for a fishery endorsement, including under section 12102(c) of title 46, United States Code, as amended by this Act.]

(g) **VESSEL REBUILDING AND REPLACEMENT.**—(1) **IN GENERAL.**—

(A) **REBUILD OR REPLACE.**—*Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.*

(B) **SAME REQUIREMENTS.**—*The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.*

(C) *TRANSFER OF PERMITS AND LICENSES.*—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

(2) *RECOMMENDATIONS OF NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.*—The North Pacific Fishery Management Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

(3) *SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.*—

(A) *IN GENERAL.*—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

(B) *APPLICABILITY.*—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

(4) *SPECIAL RULES FOR CERTAIN CATCHER VESSELS.*—

(A) *IN GENERAL.*—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery managed under the authority of any Regional Fishery Management Council (other than the North Pacific Fishery Management Council) established under section 302(a) of the Magnuson-Stevens Act.

(B) *COVERED VESSELS.*—A covered vessel referred to in subparagraph (A) is—

(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

(5) *LIMITATION ON FISHERY ENDORSEMENTS.*—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

(6) *GULF OF ALASKA LIMITATION.*—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes

fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009.

(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.

* * * * *

SEC. 210. FISHERY COOPERATIVE LIMITATIONS.

(a) * * *

(b) CATCHER VESSELS ONSHORE.—

(1) CATCHER VESSEL COOPERATIVES.—Effective January 1, 2000, upon the filing of a contract implementing a fishery cooperative under subsection (a) which—

(A) * * *

* * * * *

the Secretary shall allow only such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) to harvest the aggregate percentage of the directed fishing allowance under section 206(b)(1) in the year in which the fishery cooperative will be in effect that is equivalent to the aggregate total amount of pollock harvested by such catcher vessels (and by such catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) in the directed pollock fishery for processing by the inshore component during 1995, 1996, and 1997 relative to the aggregate total amount of pollock harvested in the directed pollock fishery for processing by the inshore component during such years and shall prevent such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) from harvesting in aggregate in excess of such percentage of such directed fishing allowance.

* * * * *

(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

(A) FISHING ALLOWANCE DETERMINATION.—*For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—*

(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009; and

(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which

the vessel being removed leaves the directed pollock fishery.

(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.

* * * * *

SECTION 5209 OF THE OCEANS ACT OF 1992

SEC. 5209. TANK VESSEL DEFINITION CLARIFICATION.

(a) * * *

(b) The following vessels are deemed not to be a tank vessel for the purposes of any law:

(1) An offshore supply vessel of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

* * * * *

COAST GUARD AUTHORIZATION ACT OF 1991

* * * * *

SEC. 18. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

(a) * * *

* * * * *

(h) The Committee shall terminate on **September 30, 2010** *September 30, 2020*.

SEC. 19. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

(a) * * *

(b) The Committee shall consist of **twenty-four** *twenty-five* members who have expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels on the Lower Mississippi River and its connecting navigable waterways including the Gulf of Mexico:

(1) * * *

* * * * *

(12) One member representing the Associated Federal Pilots and Docking Masters of Louisiana.

* * * * *

(g) The Committee shall terminate on **September 30, 2010** *September 30, 2020*.

* * * * *

ACT OF OCTOBER 6, 1980

(Public Law 96-380)

An Act To establish a Towing Safety Advisory Committee in the in the Department of Transportation.

Be it enacted by the Sentate and House of Representatives of the United States of America in Congress assembled, That [(a) there is established a Towing Safety Advisory Committee (hereinafter referred to as the "Committee"). The Committee shall consist of sixteen members with particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety as follows:

[(1) seven members from the barge and towing industry, reflecting a regional geographic balance;

[(2) one member from the offshore mineral and oil supply vessel industry; and

[(3) two members from each of the following—

[(A) port districts, authorities, or terminal operators;

[(B) maritime labor;

[(C) shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge); and

[(D) the general public.]

(a) There is established a Towing Safety Advisory Committee (hereinafter referred to as the "Committee"). The Committee shall consist of eighteen members with particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety as follows:

(1) Seven members representing the barge and towing industry, reflecting a regional geographic balance.

(2) One member representing the offshore mineral and oil supply vessel industry.

(3) *One member representing holders of active licensed Masters or Pilots of towing vessels with experience on the Western Rivers and the Gulf Intracoastal Waterway.*

(4) *One member representing the holders of active licensed Masters of towing vessels in offshore service.*

(5) *One member representing Masters who are active ship-docking or harbor towing vessel.*

(6) *One member representing licensed or unlicensed towing vessel engineers with formal training and experience.*

(7) *Two members representing each of the following groups:*

(A) *Port districts, authorities, or terminal operators.*

(B) *Shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge).*

(8) *Two members representing the general public.*

* * * * *

(e) Unless extended by subsequent Act of Congress the Committee shall terminate on **September 30, 2010** *September 30, 2020.*

SECTION 5 OF THE INLAND NAVIGATIONAL RULES ACT OF 1980

SEC. 5. [(a) The Secretary shall establish a Navigation Safety Advisory Council (hereinafter referred to as the Council) not exceeding 21 members. To assure balanced representation, members shall be chosen, insofar as practical, from the following groups: (1) recognized experts and leaders in organizations having an active interest in the Rules of the Road and vessel and port safety, (2) representatives of owners and operators of vessels, professional mariners, recreational boaters, and the recreational boating industry, (3) individuals with an interest in maritime law, and (4) Federal and State officials with responsibility for vessel and port safety. Additional persons may be appointed to panels of the Council to assist the Council in the performance of its functions. The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Council.

[(b) The Council shall advise, consult with, and make recommendations to the Secretary on matters relating to the prevention of collisions, rammings, and groundings, including the Inland Rules of the Road, the International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice or recommendation made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Secretary, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.]

(a) *ESTABLISHMENT OF COUNCIL.—*

(1) *IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall establish a Navigation Safety Advisory Council (hereinafter referred to as the “Council”), consisting of not more than 21 members. All members shall*

have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, port safety, or commercial diving safety. Upon appointment, all non-Federal members shall be designated as representative members to represent the viewpoints and interests of one of the following groups or organizations:

- (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.*

(2) PANELS.—Additional persons may be appointed to panels of the Council to assist the Council in performance of its functions.

(3) NOMINATIONS.—The Secretary, through the Coast Guard Commandant, shall not less often than once a year publish a notice in the Federal Register soliciting nominations for membership on the Council.

(b) FUNCTIONS.—The Council shall advise, consult with, and make recommendations to the Secretary, through the Coast Guard Commandant, on matters relating to maritime collisions, rammings, groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice and recommendations made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Coast Guard Commandant, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.

* * * * *

(d) Unless extended by subsequent Act of Congress, the Council shall terminate on [September 30, 2010] September 30, 2020.

COMMITTEE CORRESPONDENCE



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Hejrasfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

December 3, 2009

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman Thompson:

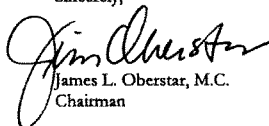
I write to you regarding H.R. 2652, the "Maritime Safety Act of 2009".

I agree that provisions in H.R. 2652 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 2652.

This exchange of letters will be inserted in the Committee Report on H.R. 2652 and in the *Congressional Record* as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,


James L. Oberstar, M.C.
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable John L. Mica, Ranking Member
✓ The Honorable Peter T. King, Ranking Member, Committee on Homeland Security
The Honorable John Sullivan, Parliamentarian

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN



PETER T. KING, NEW YORK
RANKING MEMBER

**One Hundred Eleventh Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515**

December 3, 2009

The Honorable James L. Oberstar
Chairman
Committee on Transportation and
Infrastructure
2165 Rayburn Bldg.
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Oberstar:

I write to you regarding H.R. 2652, the "Maritime Safety Act of 2009."

H.R. 2652 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 2652 or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 2652 and in the *Congressional Record* during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson".

Bennie G. Thompson
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Peter T. King, Ranking Member
The Honorable John Sullivan, Parliamentarian

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