

part or a regulation prescribed under this part is liable to the United States Government for a civil penalty of not more than \$20,000 for each false statement or representation. It further provides that the vessel is liable in rem for the penalty. This penalty is increased from \$1,000 in existing law and conforms with the level of similar penalties throughout the subtitle.

PART K—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

CHAPTER 151—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

Sec.	
15101.	National Chemical Transportation Safety Advisory Committee.
15102.	National Commercial Fishing Safety Advisory Committee.
15103.	National Merchant Marine Personnel Advisory Committee.
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15109.	Administration.

Statutory Notes and Related Subsidiaries

TREATMENT OF EXISTING COUNCILS AND COMMITTEES

Pub. L. 115-282, title VI, §601(d), Dec. 4, 2018, 132 Stat. 4290, provided that: "Notwithstanding any other provision of law—

"(1) an advisory council or committee substantially similar to an advisory committee established under chapter 151 of title 46, United States Code, as added by this Act, and that was in force or in effect on the day before the date of enactment of this section [Dec. 4, 2018], including a council or committee the authority for which was repealed under subsection (c) [repealing sections 4508, 7115, 8108, and 13110 of this title and sections 1231a and 2073 of Title 33, Navigation and Navigable Waters], may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the council or committee may remain in force or in effect; and

"(2) during the 2-year period referenced in paragraph (1)—

"(A) requirements relating to the applicable advisory committee established under chapter 151 of title 46, United States Code, shall be treated as satisfied by the substantially similar advisory council or committee; and

"(B) the enactment of this section [see Tables for classification], including the amendments made in this section, shall not be the basis—

"(i) to deem, find, or declare such council or committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

"(ii) to suspend the activities of such council or committee; or

"(iii) to bar the members of such council or committee from meeting."

§ 15101. National Chemical Transportation Safety Advisory Committee

(a) ESTABLISHMENT.—There is established a National Chemical Transportation Safety Advisory Committee (in this section referred to as the "Committee").

(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to the safe and secure marine transportation of hazardous materials.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of not more than 25 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

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

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

(A) Chemical manufacturing entities.

(B) Entities related to marine handling or transportation of chemicals.

(C) Vessel design and construction entities.

(D) Marine safety or security entities.

(E) Marine environmental protection entities.

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

(Added Pub. L. 115-282, title VI, §601(a), Dec. 4, 2018, 132 Stat. 4280.)

§ 15102. National Commercial Fishing Safety Advisory Committee

(a) ESTABLISHMENT.—There is established a National Commercial Fishing Safety Advisory Committee (in this section referred to as the "Committee").

(b) FUNCTION.—The Committee shall—

(1) advise and provide recommendations in writing to the Secretary on matters relating to the safe operation of vessels to which chapter 45 of this title applies, including the matters of—

(A) navigation safety;

(B) safety equipment and procedures;

(C) marine insurance;

(D) vessel design, construction, maintenance, and operation; and

(E) personnel qualifications and training;

(2) review regulations proposed under chapter 45 of this title (during preparation of the regulations); and

(3) review marine casualties and investigations of vessels covered by chapter 45 of this title and make recommendations to the Secretary to improve safety and reduce vessel casualties.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of 18 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

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

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

(A) 10 members shall represent the commercial fishing industry and—

- (i) as a group, shall together reflect a regional and representational balance; and
- (ii) as individuals, shall each have experience—

(I) in the operation of vessels to which chapter 45 of this title applies; or

(II) as a crew member or processing line worker on a fish processing vessel.

(B) 1 member shall represent naval architects and marine engineers.

(C) 1 member shall represent manufacturers of equipment for vessels to which chapter 45 of this title applies.

(D) 1 member shall represent education and training professionals related to fishing vessel, fish processing vessel, and fish tender vessel safety and personnel qualifications.

(E) 1 member shall represent underwriters that insure vessels to which chapter 45 of this title applies.

(F) 1 member shall represent owners of vessels to which chapter 45 of this title applies.

(G) 3 members shall represent the general public and, to the extent possible, shall include—

(i) an independent expert or consultant in maritime safety;

(ii) a marine surveyor who provides services to vessels to which chapter 45 of this title applies; and

(iii) a person familiar with issues affecting fishing communities and the families of fishermen.

(d) QUORUM.—A quorum of 10 members is required to send any written recommendations from the Committee to the Secretary.

(e) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from taking emergency action to ensure safety and preservation of life at sea.

(Added Pub. L. 115-282, title VI, §601(a), Dec. 4, 2018, 132 Stat. 4281; amended Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], §8335(a)(1), Jan. 1, 2021, 134 Stat. 4706.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b)(1). Pub. L. 116-283, §8335(a)(1)(A)(i)(I), inserted “and provide recommendations in writing to” after “advise” in introductory provisions.

Subsec. (b)(3). Pub. L. 116-283, §8335(a)(1)(A)(i)(II), (ii), added par. (3).

Subsecs. (d), (e). Pub. L. 116-283, §8335(a)(1)(B), added subsecs. (d) and (e).

§ 15103. National Merchant Marine Personnel Advisory Committee

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

(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to personnel in

the United States merchant marine, including the training, qualifications, certification, documentation, and fitness of mariners.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of 19 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

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

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

(A) 9 members shall represent mariners and, of the 9—

(i) each shall—

(I) be a citizen of the United States; and

(II) hold an active license or certificate issued under chapter 71 of this title or a merchant mariner document issued under chapter 73 of this title;

(ii) 3 shall be deck officers who represent merchant marine deck officers and, of the 3—

(I) 2 shall be licensed for oceans any gross tons;

(II) 1 shall be licensed for inland river route with a limited or unlimited tonnage;

(III) 2 shall have a master’s license or a master of towing vessels license;

(IV) 1 shall have significant tanker experience; and

(V) to the extent practicable—

(aa) 1 shall represent labor; and

(bb) 1 shall represent management;

(iii) 3 shall be engineering officers who represent merchant marine engineering officers and, of the 3—

(I) 2 shall be licensed as chief engineer any horsepower;

(II) 1 shall be licensed as either a limited chief engineer or a designated duty engineer; and

(III) to the extent practicable—

(aa) 1 shall represent labor; and

(bb) 1 shall represent management;

(iv) 2 shall be unlicensed seamen who represent merchant marine unlicensed seamen and, of the 2—

(I) 1 shall represent able-bodied seamen; and

(II) 1 shall represent qualified members of the engine department; and

(v) 1 shall be a pilot who represents merchant marine pilots.

(B) 6 members shall represent marine educators and, of the 6—

(i) 3 shall be marine educators who represent maritime academies and, of the 3—

(I) 2 shall represent State maritime academies (and are jointly recommended by such academies); and

(II) 1 shall represent either State maritime academies or the United States Merchant Marine Academy; and

(ii) 3 shall be marine educators who represent other maritime training institu-