

that date and the vessel owner is meeting that schedule.

(5) 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, 2012, 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.

(e) The requirements referred to in subsection (c)(2)(B)(ii)(I) are the following:

(1) The vessel is designed by an individual licensed by a State as a naval architect or marine engineer, and the design incorporates standards equivalent to those prescribed by a classification society to which the Secretary has delegated authority under section 3316 or another qualified organization approved by the Secretary for purposes of this paragraph.

(2) Construction of the vessel is overseen and certified as being in accordance with its design by a marine surveyor of an organization accepted by the Secretary.

(3) The vessel—

(A) completes a stability test performed by a qualified individual;

(B) has written stability and loading instructions from a qualified individual that are provided to the owner or operator; and

(C) has an assigned loading mark.

(4) The vessel is not substantially altered without the review and approval of an individual licensed by a State as a naval architect or marine engineer before the beginning of such substantial alteration.

(5) The vessel undergoes a condition survey at least twice in 5 years, not to exceed 3 years between surveys, to the satisfaction of a marine surveyor of an organization accepted by the Secretary.

(6) The vessel undergoes an out-of-water survey at least once every 5 years to the satisfaction of a certified marine surveyor of an organization accepted by the Secretary.

(7) Once every 5 years and at the time of a substantial alteration to such vessel, compliance of the vessel with the requirements of paragraph (3) is reviewed and updated as necessary.

(8) For the life of the vessel, the owner of the vessel maintains records to demonstrate compliance with this subsection and makes such records readily available for inspection by an official authorized to enforce this chapter.

(f)(1) Not later than 10 years after the date of the enactment of the Coast Guard Authorization Act of 2016, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides an analysis of the adequacy of the requirements under subsection (e) in maintaining the safety of the fishing vessels and fish tender vessels which are described in subsection (c)(2) and which comply with the requirements of subsection (e).

(2) If the report required under this subsection includes a determination that the safety re-

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

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

(A) vessel construction;

(B) a vessel stability test;

(C) vessel stability and loading instructions;

(D) an assigned vessel loading mark;

(E) a vessel condition survey at least twice in 5 years, not to exceed 3 years between surveys;

(F) an out-of-water vessel survey at least once every 5 years;

(G) maintenance of records to demonstrate compliance with the program, and the availability of such records for inspection; and

(H) such other aspects of vessel safety as the Secretary considers appropriate.

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

(1) The vessel’s keel is laid.

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

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

REFERENCES IN TEXT

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

AMENDMENTS

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

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

Subsec. (c). Pub. L. 114-120, §318(a)(3), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), subsection (a)” for “This section”, and added par. (2).

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

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

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

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

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