cluding ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended; and

(2) may order the individual in charge of an uninspected fish processing vessel that does not have on board the certificate required under section 4503(1) of this title to return the vessel to a mooring and to remain there until the vessel is in compliance with that section.

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

§ 4506. Exemptions

(a)[1] The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that—

(1) good cause exists for granting an exemption; and

(2) the safety of the vessel and those on board will not be adversely affected.

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

AMENDMENTS

2010—Subsec. (b). Pub. L. 111–281 struck out subsec. (b) which read as follows: ''A vessel to which this chapter applies is exempt from section 4502(b)(2)(B) of this title if it—

''(1) is less than 36 feet in length; and

''(2) is operating—

''(A) in internal waters of the United States; or

''(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.''

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

1992—Subsec. (b). Pub. L. 102–587 substituted ''4502(b)(2)(B)'' for ''4502(b)(2)''.

TERRITORIAL SEA OF UNITED STATES

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

§ 4507. Penalties

(a) The owner, charterer, managing operator, agent, master, and individual in charge of a vessel to which this chapter applies which is operated in violation of this chapter or a regulation prescribed under this chapter may each be assessed a civil penalty by the Secretary of not more than $5,000. Any vessel with respect to which a penalty is assessed under this subsection is liable in rem for the penalty.

(b) A person willfully violating this chapter or a regulation prescribed under this chapter shall be fined not more than $5,000, imprisoned for not more than one year, or both.

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

[1] So in original. There is no subsec. (b).

§ 4508. Commercial Fishing Safety Advisory Committee

(a) The Secretary shall establish a Commercial Fishing Safety Advisory Committee. The Committee—

(1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to the safe operation of vessels to which this chapter applies, including navigation safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualifications and training;

(2) may review proposed regulations under this chapter;

(3) may make available to Congress any information, advice, and recommendations that the Committee is authorized to give to the Secretary; and

(4) shall meet at the call of the Secretary, who shall call such a meeting at least once during each calendar year.

(b)(1) The Committee shall consist of eighteen members with particular expertise, knowledge, and experience regarding the commercial fishing industry as follows:

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

(i) reflect a regional and representational balance; and

(ii) have experience in the operation of vessels to which this chapter applies or as a crew member or processing line worker on a fish processing vessel;

(B) three members who shall represent the general public, including, whenever possible—

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

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

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

(C) one member each of whom shall represent—

(i) naval architects and marine engineers;

(ii) manufacturers of equipment for vessels to which this chapter applies;

(iii) education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety or personnel qualifications;

(iv) underwriters that insure vessels to which this chapter applies; and

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

(2) At least once each year, the Secretary shall publish a notice in the Federal Register and in newspapers of general circulation in coastal areas soliciting nominations for membership on the Committee, and, after timely notice is published, appoint the members of the Committee. An individual may be appointed to a term as a member of the Committee more than once. The Secretary may not seek or use information concerning the political affiliation of individuals in making appointments to the Committee.

(3)(A) A member of the Committee shall serve a term of three years.