facts and circumstances involved in the appeal and make a
judgment regarding the merits of the appeal; or
"(2) have a senior staff member who—
"(A) meets the requirements of paragraph (1);
"(B) actively advises the individual adjudicating the
appeal; and
"(C) concurs in writing on the decision on appeal."
(b) CLERICAL AMENDMENT.—The analysis for such chapter is
further amended by adding at the end the following new item:
"102. Appeals and waivers."
SEC. 526. COAST GUARD ACADEMY.
(a) IN GENERAL.—Chapter 9 of title 14, United States Code,
is further amended by adding at the end the following new section:
"§ 206. Marine safety curriculum
"The Commandant of the Coast Guard shall ensure that profes-
sional courses of study in marine safety are provided at the Coast
Guard Academy, and during other officer accession programs, to
give Coast Guard cadets and other officer candidates a background
and understanding of the marine safety program. These courses
may include such topics as program history, vessel design and
construction, vessel inspection, casualty investigation, and adminis-
trative law and regulations."
(b) CLERICAL AMENDMENT.—The analysis for such chapter is
further amended by adding at the end the following new item:
"206. Marine safety curriculum."
SEC. 527. REPORT REGARDING CIVILIAN MARINE INSPECTORS.
Not later than 1 year 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 on Coast Guard's efforts
to recruit and retain civilian marine inspectors and investigators
and the impact of such recruitment and retention efforts on Coast
Guard organizational performance.

TITLE VI—MARINE SAFETY

SEC. 601. SHORT TITLE.
This title may be cited as the "Maritime Safety Act of 2010."
SEC. 602. VESSEL SIZE LIMITS.
(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113a(4)(C)
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); and
(4) by inserting the period at the end of subparagraph (B)
and inserting a semicolon; and
(5) by inserting at the end the following:
"(C) the vessel is either a rebuilt vessel or a replace-
ment vessel under section 208(g) of the American Fisheries
Act (title II of division C of Public Law 105–277; 112
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Stat. 2681–627) and is eligible for a fishery endorsement under this section; or

"(D) the vessel is a fish tender vessel that is not engaged in the harvesting or processing of fish.".

(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 Coast Guard Authorization Act of 2010 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e), 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 or its owner, as necessary to permit such rebuilt or replacement vessel to operate in the same manner as the vessel prior to the rebuilding or the vessel it replaced, respectively.

"(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), or (e) and that qualifies to be documented with a fishery endorsement pursuant to section 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 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 215(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—

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

(2) 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 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 Coast Guard Authorization Act of 2010.

(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) REPEAL OF EXEMPTION OF CERTAIN VESSELS.—Section 205(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–420) is repealed.

(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. 2681–420) is amended—

(A) by moving the matter beginning with “the Secretary shall” in paragraph (1) 2 lines 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 672.62
of title 50, Code of Federal Regulations, as in effect
on the date of enactment of the Coast Guard Authoriza-
tion Act of 2010; 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 partici-
pate 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 Ad (United States official
number 906625), DONA MARTITA (United States offi-
cial number 921761), NORDIC EXPLORER (United
States official number 678334), and PROVIDIAN
(United States official number 1062185) 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 sec-
tion 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. 408. COLD WEATHER SURVIVAL TRAINING.

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

SEC. 404. FISHING VESSEL SAFETY.

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