

# Legislative Action regarding the ARF

- Proposal:** Statutory amendments to 46 U.S.C. that will allow the vessels of the Academic Research Fleet (ARF) to function in a favorable and stable regulatory environment.
- Intent:** With a clear set of statutory directives, operators of ARF will not have to depend on interpretations of individual U.S. Coast Guard (USCG) officers, the USCG Commandant, other federal agencies, or the courts.
- Proposed Changes:** The proposed to title 46 of the U.S. Code (46 U.S.C.) should:
  - (1) Have ARF vessels of the participate in the inspection regime administered by the USCG, of subtitle II of title 46 U.S.C.;
  - (2) Exempt ARF vessels from the federal pilotage requirements of 46 U.S.C. § 8502;
  - (3) Ensure, to the extent possible, that ARF vessels are treated as public vessels for purposes of international law by the U.S. Department of State;
  - (4) Allow ARF vessels, their operators, and their operators' employees and agents to take advantage of the protections of the and the Suits in Admiralty Act (SAA), 46 U.S.C. §§ 30901 –18, and the Public Vessels Act (PVA), 46 U.S.C. §§ 31101-13;
  - (5) Ensure that members of a science party, without regard to their employment status on any Oceanographic Research Vessel (ORV) are not able to seek the remedies provided to "seamen." under the Jones Act, and the judge-made general maritime law of the United States; and
  - (6) Ensure that members of the science party, whatever their employment status, on any ORV are not considered "passengers".

# Legislative Action Continued

•**Status:** UNOLS Legal Advisor / Risk Manager Jon Gutoff has drafted proposed changes.

•**To Do:**

- We intend to review & share the proposed changes to 46 U.S.C with Council and the UNOLS Ship Operators with an intent to develop a consensus for the proposed language and moving ahead with pursuit of the changes.
- We will need to develop a strategy with the UNOLS Community, particularly the Operating Institutions, for pursuing Congressional support for making the statutory changes