

scribed under this section is liable to the United States Government for a civil penalty of not more than \$5,000. The vessel also is liable in rem for the penalty.

(2) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed under this section may be fined not more than \$25,000, imprisoned for not more than 5 years, or both.

(Added Pub. L. 98-557, §22(a)(1), Oct. 30, 1984, 98 Stat. 2871; amended Pub. L. 98-623, title VII, §701(a)(1), Nov. 8, 1984, 98 Stat. 3413; Pub. L. 99-36, §2, May 15, 1985, 99 Stat. 68; Pub. L. 100-424, §8(a)(1), (2), Sept. 9, 1988, 102 Stat. 1592, 1593.)

#### CODIFICATION

Pub. L. 98-557 and Pub. L. 98-623 enacted identical section 3102 of this title. Section 22 of Pub. L. 98-557, which enacted first identical section 3102 of this title, was repealed by section 2 of Pub. L. 99-36, set out below as a Repeal of Duplicate Section note.

#### AMENDMENTS

1988—Pub. L. 100-424 substituted “Immersion” for “Exposure” in section catchline, and “immersion” for “exposure” in subsecs. (a) and (b).

#### REPEAL OF DUPLICATE SECTION 3102; REFERENCES THERETO AND REGULATIONS AND ACTIONS THEREUNDER

Pub. L. 99-36, §2, May 15, 1985, 99 Stat. 68, provided that: “Section 22 of the Coast Guard Authorization Act of 1984 (Public Law 98-557; 98 Stat. 2871), and the amendments made by such section [enacting first identical section 3102 of this title and provisions set out as a note under this section and amending the analysis of chapter 31 of this title], are repealed as of November 8, 1984. Regulations prescribed and actions taken under, and references to, such section and the amendments made by such section are deemed to be regulations prescribed and actions taken under, and references to, section 701 of the Act of November 8, 1984 (Public Law 98-623; 98 Stat. 3413), and the amendments made by such section 701 [enacting second identical section 3102 of this title and provisions set out as a note under this section and amending the analysis of chapter 31 of this title].”

#### REGULATIONS

Pub. L. 98-623, title VII, §701(b), (c), Nov. 8, 1984, 98 Stat. 3413, provided:

“(b) Section 3102 of title 46, United States Code (as added by subsection (a) of this section), does not limit the authority of the Secretary of the department in which the Coast Guard is operating to prescribe regulations requiring exposure suits on vessels not required by section 3102 to have exposure suits.

“(c) The regulations prescribed under section 3102 of title 46, United States Code (as added by subsection (a) of this section), shall be effective not later than 60 days after the date of enactment of this title [Nov. 8, 1984].” [Regulations effective Dec. 30, 1984, see 49 F.R. 50722, Dec. 31, 1984.]

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

Similar provisions were contained in section 22(b), (c) of Pub. L. 98-557, which was repealed by section 2 of Pub. L. 99-36, set out above as a Repeal of Duplicate Section note.

#### § 3103. Use of reports, documents, and records

The Secretary may rely, as evidence of compliance with this subtitle, on—

(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

(2) other methods the Secretary has determined to be reliable.

(Added Pub. L. 104-324, title VI, §603(a), Oct. 19, 1996, 110 Stat. 3930.)

#### § 3104. Survival craft

(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than the date that is 30 months after the date on which the report described in subsection (c) is submitted, if—

(1) it was approved by the Secretary before January 1, 2010; and

(2) it is in serviceable condition.

(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, 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 the carriage of survival craft that ensures no part of an individual is immersed in water, which shall include—

(1) the number of casualties, by vessel type and area of operation, as the result of immersion in water reported to the Coast Guard for each of fiscal years 1991 through 2011;

(2) the effect the carriage of such survival craft has on—

(A) vessel safety, including stability and safe navigation; and

(B) survivability of individuals, including persons with disabilities, children, and the elderly;

(3) the efficacy of alternative safety systems, devices, or measures;

(4) the cost and cost effectiveness of requiring the carriage of such survival craft on vessels; and

(5) the number of small businesses and non-profit entities that would be affected by requiring the carriage of such survival craft on vessels.

(Added Pub. L. 111-281, title VI, §609(a), Oct. 15, 2010, 124 Stat. 2968; amended Pub. L. 112-213, title III, §303, Dec. 20, 2012, 126 Stat. 1563.)

#### REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (c), is the date of enactment of Pub. L. 112-213, which was approved Dec. 20, 2012.

#### AMENDMENTS

2012—Subsec. (b). Pub. L. 112-213, §303(1), substituted “the date that is 30 months after the date on which the report described in subsection (c) is submitted” for “January 1, 2015” in introductory provisions.