

- Sec.
- 3102. Immersion suits.
- 3103. Use of reports, documents, and records.
- 3104. Survival craft.

AMENDMENTS

2010—Pub. L. 111-281, title VI, § 609(b), Oct. 15, 2010, 124 Stat. 2968, added item 3104.

1996—Pub. L. 104-324, title VI, § 603(b), Oct. 19, 1996, 110 Stat. 3930, added item 3103.

1988—Pub. L. 100-424, § 8(a)(3), Sept. 9, 1988, 102 Stat. 1593, substituted “Immersion” for “Exposure” in item 3102.

1985—Pub. L. 99-36, § 2, May 15, 1985, 99 Stat. 68, repealed section 22 of Pub. L. 98-557 and the amendments made by that section, which added first identical item 3102, effective Nov. 8, 1984, thereby leaving Pub. L. 98-623 as the sole authority for the addition of item 3102. See 1984 Amendment note below.

1984—Pub. L. 98-557, § 22(a)(2), Oct. 30, 1984, 98 Stat. 2871, and Pub. L. 98-623, title VII, § 701(a)(2), Nov. 8, 1984, 98 Stat. 3413, added identical item 3102. See 1985 Amendment note above.

§ 3101. Authority to suspend inspection

When the President decides that the needs of foreign commerce require, the President may suspend a provision of this part for a foreign-built vessel registered as a vessel of the United States on conditions the President may specify.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 510.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3101 .....	46:82

Section 3101 provides the President with the authority to suspend the inspection laws for a foreign-built vessel registered as a vessel of the United States on conditions the President may specify. For example, if a foreign-flag vessel is reflagged in the U.S. but does not meet the specific Coast Guard inspection requirements, the President could suspend these requirements.

EFFECTIVE DATE

Pub. L. 98-89, § 2(g)(1), Aug. 26, 1983, 97 Stat. 599, provided that: “Part B [chapters 31 to 43] of subtitle II and sections 7306 (related to able seaman sail) and 7311 of title 46 (as enacted by section 1 of this Act) take effect April 15, 1984, or when regulations for sailing school vessels under part B are effective, whichever is earlier.” [Part B of subtitle II and sections 7306 (related to able seaman sail) and 7311 of title 46 effective Apr. 15, 1984, in absence of regulations for sailing school vessels under part B on that date.]

DELEGATION OF FUNCTIONS

For delegation to Secretary of the Treasury of authority vested in President by this section, see Ex. Ord. No. 10289, Sept. 17, 1951, 16 F.R. 9499, as amended, set out as a note under section 301 of Title 3, The President.

§ 3102. Immersion suits

(a) The Secretary shall by regulation require immersion suits on vessels designated by the Secretary that operate in the Atlantic Ocean north of 32 degrees North latitude or south of 32 degrees South latitude and in all other waters north of 35 degrees North latitude or south of 35 degrees South latitude. The Secretary may not exclude a vessel from designation under this section only because that vessel carries other life-saving equipment.

(b) The Secretary shall establish standards for an immersion suit required by this section, including standards to guarantee adequate thermal protection, buoyance, and flotation stability.

(c)(1) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed 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) REQUIREMENT TO EQUIP.—The Secretary shall require that a passenger vessel be equipped with survival craft that ensures that no part of an individual is immersed in water, if—

- (1) such vessel is built or undergoes a major conversion after January 1, 2016; and
- (2) operates in cold waters as determined by the Secretary.

(b) HIGHER STANDARD OF SAFETY.—The Secretary may revise part 117 or part 180 of title 46, Code of Federal Regulations, as in effect before January 1, 2016, if such revision provides a higher standard of safety than is provided by the regulations in effect on or before the date of the enactment of the Coast Guard Authorization Act of 2016.

(c) INNOVATIVE AND NOVEL DESIGNS.—The Secretary may, in lieu of the requirements set out in part 117 or part 180 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2016, allow a passenger vessel to be equipped with a life-saving appliance or arrangement of an innovative or novel design that—

- (1) ensures no part of an individual is immersed in water; and
- (2) provides an equal or higher standard of safety than is provided by such requirements as in effect before such date of the enactment.

(d) BUILT DEFINED.—In this section, the term “built” has the meaning that term has under section 4503(e).

(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; Pub. L. 114-120, title III, § 301(a), Feb. 8, 2016, 130 Stat. 50; Pub. L. 114-328, div. C, title XXXV, § 3503(a), 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. (b) and (c), is the date of enactment of Pub. L. 114-120, which was approved Feb. 8, 2016.

#### AMENDMENTS

2016—Pub. L. 114-120 amended section generally. Prior to amendment, section related to survival craft.

Subsecs. (b), (c). Pub. L. 114-328 substituted “Coast Guard Authorization Act of 2016” for “Coast Guard Authorization Act of 2015”.

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.

Subsec. (c). Pub. L. 112-213, § 303(2), added subsec. (c).

#### EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective as if included in the enactment of Pub. L. 114-120, see section 3503(e) of Pub. L. 114-328, set out as a note under section 60 of Title 14, Coast Guard.

#### REVIEW; REVISION OF REGULATIONS

Pub. L. 114-120, title III, § 301(b), Feb. 8, 2016, 130 Stat. 50, provided that:

“(1) REVIEW.—Not later than December 31, 2016, the Secretary of the department in which the Coast Guard is operating 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 review of—

“(A) the number of casualties for individuals with disabilities, children, and the elderly as a result of immersion in water, reported to the Coast Guard over the preceding 30-year period, by vessel type and area of operation;

“(B) the risks to individuals with disabilities, children, and the elderly as a result of immersion in water, by passenger vessel type and area of operation;

“(C) the effect that carriage of survival craft that ensure that no part of an individual is immersed in water has on—

“(i) passenger vessel safety, including stability and safe navigation;

“(ii) improving the survivability of individuals, including individuals with disabilities, children, and the elderly; and

“(iii) the costs, the incremental cost difference to vessel operators, and the cost effectiveness of requiring the carriage of such survival craft to address the risks to individuals with disabilities, children, and the elderly;

“(D) the efficacy of alternative safety systems, devices, or measures in improving survivability of individuals with disabilities, children, and the elderly; and

“(E) the number of small businesses and nonprofit vessel operators that would be affected by requiring the carriage of such survival craft on passenger vessels to address the risks to individuals with disabilities, children, and the elderly.

“(2) SCOPE.—In conducting the review under paragraph (1), the Secretary shall include an examination of passenger vessel casualties that have occurred in the waters of other nations.

“(3) UPDATES.—The Secretary shall update the review required under paragraph (1) every 5 years.

“(4) REVISION.—Based on the review conducted under paragraph (1), including updates thereto, the Secretary shall revise regulations concerning the carriage of survival craft under section 3104(c) of title 46, United States Code.”

### CHAPTER 32—MANAGEMENT OF VESSELS

Sec.	
3201.	Definitions.
3202.	Application.
3203.	Safety management system.
3204.	Implementation of safety management system.
3205.	Certification.

#### § 3201. Definitions

In this chapter—

- (1) “International Safety Management Code” has the same meaning given that term