

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 L. 98-557, which was repealed by section 2 of Pub.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.
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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

in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

(2) “responsible person” means—

(A) the owner of a vessel to which this chapter applies; or

(B) any other person that has—

(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

(3) “vessel engaged on a foreign voyage” means a vessel to which this chapter applies—

(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

(B) making a voyage between places outside the United States; or

(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

(Added Pub. L. 104-324, title VI, § 602(a), Oct. 19, 1996, 110 Stat. 3928.)

SAFETY MANAGEMENT CODE REPORT AND POLICY

Pub. L. 105-383, title III, § 306, Nov. 13, 1998, 112 Stat. 3420, provided that:

“(a) REPORT ON IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.—

“(1) The Secretary of Transportation (in this section referred to as the ‘Secretary’) shall conduct a study—

“(A) reporting on the status of implementation of the International Safety Management Code (hereafter referred to in this section as ‘Code’);

“(B) detailing enforcement actions involving the Code, including the role documents and reports produced pursuant to the Code play in such enforcement actions;

“(C) evaluating the effects the Code has had on marine safety and environmental protection, and identifying actions to further promote marine safety and environmental protection through the Code;

“(D) identifying actions to achieve full compliance with and effective implementation of the Code; and

“(E) evaluating the effectiveness of internal reporting and auditing under the Code, and recommending actions to ensure the accuracy and candidness of such reporting and auditing.

These recommended actions may include proposed limits on the use in legal proceedings of documents produced pursuant to the Code.

“(2) The Secretary shall provide opportunity for the public to participate in and comment on the study conducted under paragraph (1).

“(3) Not later than 18 months after the date of the enactment of this Act [Nov. 13, 1998], the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (1).

“(b) POLICY.—

“(1) Not later than 9 months after submission of the report in subsection (a)(3), the Secretary shall develop a policy to achieve full compliance with and effective implementation of the Code. The policy may include—

“(A) enforcement penalty reductions and waivers, limits on the use in legal proceedings of documents produced pursuant to the Code, or other incentives to ensure accurate and candid reporting and auditing;

“(B) any other measures to achieve full compliance with and effective implementation of the Code; and

“(C) if appropriate, recommendations to Congress for any legislation necessary to implement one or more elements of the policy.

“(2) The Secretary shall provide opportunity for the public to participate in the development of the policy in paragraph (1).

“(3) Upon completion of the policy in paragraph (1), the Secretary shall publish the policy in the Federal Register and provide opportunity for public comment on the policy.”

VESSEL MANAGEMENT METHODS STUDY

Pub. L. 104-324, title VI, § 602(c), Oct. 19, 1996, 110 Stat. 3930, provided that:

“(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

“(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

“(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)[]); or

“(B) the date that is 1 year after the date of enactment of this Act [Oct. 19, 1996].”

INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

For International Conventions for the Safety of Life at Sea to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

§ 3202. Application

(a) FOREIGN VOYAGES AND FOREIGN VESSELS.—This chapter applies to a vessel that—

(1)(A) is transporting more than 12 passengers described in section 2101(21)(A) of this title; or

(B) is of at least 500 gross tons as measured under section 14302 of this title and is a tanker, freight vessel, bulk freight vessel, high speed freight vessel, or self-propelled mobile offshore drilling unit; and

(2)(A) is engaged on a foreign voyage; or

(B) is a foreign vessel departing from a place under the jurisdiction of the United States on a voyage, any part of which is on the high seas.

(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

(1) a passenger vessel or small passenger vessel; and

(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.

(c) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

(d) EXCEPTION.—Except as provided in subsection (c) of this section, this chapter does not apply to—