

prohibiting any government official from disclosing the identity or source of the information except as authorized by the Secretary.

EFFECTIVE DATE

Section effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

ANONYMOUS SAFETY ALERT SYSTEM

Pub. L. 115-265, title II, §217, Oct. 11, 2018, 132 Stat. 3752, provided that:

“(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act [Oct. 11, 2018], the Commandant [of the Coast Guard] shall establish an anonymous safety alert pilot program.

“(b) REQUIREMENTS.—The pilot program established under subsection (a) shall provide an anonymous reporting mechanism to allow crew members to communicate urgent and dire safety concerns directly and in a timely manner with the Coast Guard.”

§ 3316. Classification societies

(a) Each department, agency, and instrumentality of the United States Government shall recognize the American Bureau of Shipping as its agent in classifying vessels owned by the Government and in matters related to classification, as long as the Bureau is maintained as an organization having no capital stock and paying no dividends. The Secretary and the Secretary of Transportation each shall appoint one representative (except when the Secretary is the Secretary of Transportation, in which case the Secretary shall appoint both representatives) who shall represent the Government on the executive committee of the Bureau. The Bureau shall agree that the representatives shall be accepted by it as active members of the committee. The representatives shall serve without compensation, except for necessary traveling expenses.

(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

(A) review and approve plans required for issuing a certificate of inspection required by this part;

(B) conduct inspections and examinations; and

(C) issue a certificate of inspection required by this part and other related documents.

(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country;

(B) if the foreign classification society has offices and maintains records in the United States; and

(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.

(3) When an inspection or examination has been delegated under this subsection, the Secretary's delegate—

(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the vessel ceases to be certified; and

(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

(i) as a marine inspector and serving in a position as a marine inspector; or

(ii) in writing by the Secretary to have access to those files.

(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2).

(2) The Secretary may approve a person for purposes of paragraph (1) only if the Secretary determines that—

(A) the vessels surveyed by the person while acting as a classification society have an adequate safety record; and

(B) the person has an adequate program to—

(i) develop and implement safety standards for vessels surveyed by the person;

(ii) make the safety records of the person available to the Secretary in an electronic format;

(iii) provide the safety records of a vessel surveyed by the person to any other classification society that requests those records for the purpose of conducting a survey of the vessel; and

(iv) request the safety records of a vessel the person will survey from any classification society that previously surveyed the vessel.

(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

(A) review and approve plans required for issuing a certificate of inspection, a certificate of compliance, or any other certification and related documents issued by the Coast Guard pursuant to regulations issued under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356); and

(B) conduct inspections and examinations.

(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if—

(A) the foreign society has offices and maintains records in the United States;

(B)(i) the government of the foreign country in which the foreign society is headquartered delegates that authority to the American Bureau of Shipping; or

(ii) the Secretary has entered into an agreement with the government of the foreign

country in which the foreign society is headquartered that—

(I) ensures the government of the foreign country will accept plan review, inspections, or examinations conducted by the American Bureau of Shipping and provide equivalent access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country; and

(II) is in full accord with principles of reciprocity in regards to any delegation contemplated by the Secretary under paragraph (1); and

(C) the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.

(3) If an inspection or examination is conducted under authority delegated under this subsection, the person to which the authority was delegated—

(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

(i) as a marine inspector and serving in a position as a marine inspector; or

(ii) in writing by the Secretary to have access to those files.

(4) For purposes of this subsection—

(A) the term “offshore facility” means any installation, structure, or other device (including any vessel not documented under chapter 121 of this title or the laws of another country), fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea; and

(B) the term “United States offshore facility” means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), including any vessel, rig, platform, or other vehicle or structure subject to regulation under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356).

(e) The Secretary shall revoke a delegation made to a classification society under subsection (b) or (d) if the Secretary of State determines that the classification society provides comparable services in or for a state sponsor of terrorism.

(f)(1) Upon request of an owner or operator of an offshore supply vessel, the Secretary shall delegate the authorities set forth in paragraph (1) of subsection (b) with respect to such vessel to a classification society to which a delegation is authorized under that paragraph. A delegation by the Secretary under this subsection shall be

used for any vessel inspection and examination function carried out by the Secretary, including the issuance of certificates of inspection and all other related documents.

(2) If the Secretary determines that a certificate of inspection or related document issued under authority delegated under paragraph (1) of this subsection with respect to a vessel has reduced the operational safety of that vessel, the Secretary may terminate the certificate or document, respectively.

(3) Not later than 2 years after the date of the enactment of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, and for each year of the subsequent 2-year period, the Secretary shall provide 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 describing—

(A) the number of vessels for which a delegation was made under paragraph (1);

(B) any savings in personnel and operational costs incurred by the Coast Guard that resulted from the delegations; and

(C) based on measurable marine casualty and other data, any impacts of the delegations on the operational safety of vessels for which the delegations were made, and on the crew on those vessels.

(g)(1) There shall be within the Coast Guard an office that conducts comprehensive and targeted oversight of all recognized organizations that act on behalf of the Coast Guard.

(2) The staff of the office shall include subject matter experts, including inspectors, investigators, and auditors, who possess the capability and authority to audit all aspects of such recognized organizations.

(3) In this subsection the term “recognized organization” has the meaning given that term in section 2.45-1 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Hamm Alert Maritime Safety Act of 2018.

(h) In this section, the term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j)¹ of the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 516; Pub. L. 104-324, title VI, §607(a), (b)(1), Oct. 19, 1996, 110 Stat. 3931, 3932; Pub. L. 108-293, title IV, §413(a), Aug. 9, 2004, 118 Stat. 1046; Pub. L. 111-281, title VI, §622, Oct. 15, 2010, 124 Stat. 2978; Pub. L. 112-213, title III, §304, Dec. 20, 2012, 126 Stat. 1563; Pub. L. 113-281, title III, §315, Dec. 18, 2014, 128 Stat. 3050; Pub. L. 115-265, title II, §215(a), Oct. 11, 2018, 132 Stat. 3751.)

¹ See References in Text note below.

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3316	46:9 (less (c)) 46:369 46:881

Section 3316 prescribes the relationship between certain classification societies and the Federal Government with respect to the promotion of maritime safety and the security of life and property at sea. Briefly stated, a classification society, like the American Bureau of Shipping (ABS), establishes and administers standards for the design, construction, and periodic survey of commercial vessels, yachts, and other marine structures. Classification certifies adherence to these standards, thus representing that a vessel or structure possesses the structural and mechanical fitness required for its intended service.

The section requires that a Federal department, agency, or instrumentality recognize the American Bureau of Shipping as its agent for classing vessels owned by the Federal Government and in any matters related to classification. In effect, the ABS has a statutory monopoly on classing vessels of the United States Government. Additionally, the section contains the authority to permit the Secretary to rely on reports, documents, and certificates issued by a classification society that is similar to the American Bureau of Shipping. However, a "similar classification society" continues to mean one that is organized like the American Bureau of Shipping with attendant governmental representation.

REFERENCES IN TEXT

The date of the enactment of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, referred to in subsec. (f)(3), is the date of enactment of Pub. L. 113-281, which was approved Dec. 18, 2014.

The date of the enactment of the Hamm Alert Maritime Safety Act of 2018, referred to in subsec. (g)(3), is the date of enactment of Pub. L. 115-265, which was approved Oct. 11, 2018.

Section 6(j) of the Export Administration Act of 1979, referred to in subsec. (h), was classified to section 4605(j) of Title 50, War and National Defense, prior to repeal by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

The International Emergency Economic Powers Act, referred to in subsec. (h), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

Section 620A of the Foreign Assistance Act of 1961, referred to in subsec. (h), is classified to section 2371 of Title 22, Foreign Relations and Intercourse.

Section 40 of the Arms Export Control Act, referred to in subsec. (h), is classified to section 2780 of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

2018—Subsecs. (g), (h). Pub. L. 115-265 added subsec. (g) and redesignated former subsec. (g) as (h).

2014—Subsecs. (f), (g). Pub. L. 113-281 added subsec. (f) and redesignated former subsec. (f) as (g).

2012—Subsec. (b)(2)(C). Pub. L. 112-213, §304(1), added subpar. (C).

Subsec. (d)(2)(C). Pub. L. 112-213, §304(2), added subpar. (C).

Subsecs. (e), (f). Pub. L. 112-213, §304(3), added subsecs. (e) and (f).

2010—Subsec. (c). Pub. L. 111-281, §622(b), added par. (1) and struck out former par. (1) which read as follows: "A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless—

"(A) the society has applied for approval under this subsection and the Secretary has reviewed and ap-

proved that society with respect to the conduct of that society under paragraph (2); or

"(B) the society is a full member of the International Association of Classification Societies." Subsec. (d). Pub. L. 111-281, §622(a), added subsec. (d). 2004—Subsec. (c). Pub. L. 108-293 added subsec. (c). 1996—Pub. L. 104-324, §607(b)(1), substituted "Classification societies" for "United States classification societies" in section catchline.

Subsec. (a). Pub. L. 104-324, §607(a)(3), which directed the substitution of "American Bureau of Shipping" for "Bureau", was executed by making the substitution the first place appearing, to reflect the probable intent of Congress.

Pub. L. 104-324, §607(a)(1), (2), redesignated subsec. (b) as (a) and struck out former subsec. (a) which read as follows: "In carrying out this part, the Secretary may rely on reports, documents, and certificates issued by the American Bureau of Shipping or a similar United States classification society, or an agent of the Bureau or society."

Subsec. (b). Pub. L. 104-324, §607(a)(2), (4), redesignated subsec. (c) as (b), added pars. (1) and (2), redesignated former par. (2) as (3), and struck out former par. (1) which read as follows: "To the maximum extent practicable, the Secretary may delegate to the Bureau or a similar United States classification society, or an agent of the Bureau or society, the inspection or examination, in the United States or in a foreign country, of a vessel documented or to be documented as a vessel of the United States. The Bureau, society, or agent may issue the certificate of inspection required by this part and other certificates essential to documentation." Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 104-324, §607(a)(2), redesignated subsec. (c) as (b).

Subsec. (d). Pub. L. 104-324, §607(a)(1), struck out subsec. (d) which read as follows: "The Secretary also may make an agreement with or use the Bureau or a similar United States classification society, or an agent of the Bureau or society, for reviewing and approving plans required for issuing a certificate of inspection."

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-293, title IV, §413(b), Aug. 9, 2004, 118 Stat. 1046, provided that: "Section 3316(c)(1) of title 46, United States Code, shall apply with respect to operation as a classification society on or after January 1, 2005."

EFFECTIVE DATE

Section effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

TRANSFER OF FUNCTIONS

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.

DEADLINE FOR ESTABLISHMENT OF RECOGNIZED ORGANIZATION OVERSIGHT OFFICE

Pub. L. 115-265, title II, §215(b), Oct. 11, 2018, 132 Stat. 3751, provided that: "The Commandant of the Coast Guard shall establish the office required by the amendment made by subsection (a) [amending this section] by not later than 2 years after the date of the enactment of this Act [Oct. 11, 2018]."

REVIEW OF AUTHORITIES DELEGATED TO RECOGNIZED ORGANIZATIONS FOR ALTERNATIVE COMPLIANCE PROGRAM

Pub. L. 115-265, title II, §219, Oct. 11, 2018, 132 Stat. 3752, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Oct. 11, 2018], the Commandant [of the Coast Guard] shall review the authorities that have been delegated to recognized organizations for the alternative compliance program as described in subpart D of part 8 of title 46, Code of Federal Regulations, and, if necessary, revise or establish policies and procedures to ensure those delegated authorities are being conducted in a manner to ensure safe maritime transportation.

“(b) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the implementation of subsection (a).”

[For definition of “recognized organizations” as used in section 219 of Pub. L. 115-265, set out above, see section 203 of Pub. L. 115-265, set out as a note under section 2101 of this title.]

§ 3317. Fees

(a) The Secretary may prescribe by regulation fees for inspecting or examining a small passenger vessel or a sailing school vessel.

(b) When an inspection or examination under this part of a documented vessel or a foreign vessel is conducted at a foreign port or place at the request of the owner or managing operator of the vessel, the owner or operator shall reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the inspection or examination. Amounts received as reimbursement for these expenses shall be credited to the appropriation for operating expenses of the Coast Guard.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 517; Pub. L. 102-587, title V, § 5211, Nov. 4, 1992, 106 Stat. 5076.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3317	46:390a(b) 46:382b-1

Section 3317 provides the regulatory authority for prescribing fees for the inspection of small passenger vessels and sailing school vessels. Although section 2110 generally prohibits fees of this nature, this provision is consistent with the exception that permits specific statutory authorization for fee collection. Subsection (b) requires the reimbursement of expenses for the conduct of an inspection or examination at a foreign port or place when done there for the convenience of the owner or operator of the vessel.

AMENDMENTS

1992—Subsec. (b). Pub. L. 102-587 substituted “under this part of a documented vessel or a foreign vessel” for “under this chapter of a documented vessel”.

EFFECTIVE DATE

Section effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

TRANSFER OF FUNCTIONS

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 Reor-

ganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 3318. Penalties

(a) Except as otherwise provided in this part, the owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this part or a regulation prescribed under this part, and a person violating a regulation that applies to a small passenger vessel, freight vessel of less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, or sailing school vessel, are 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.

(b)(1) A person that knowingly manufactures, sells, offers for sale, or possesses with intent to sell, any equipment subject to this part, and the equipment is so defective as to be insufficient to accomplish the purpose for which it is intended, commits a class D felony.

(2) A person commits a class D felony if the person—

(A) alters or services lifesaving, fire safety, or any other equipment subject to this part for compensation; and

(B) by that alteration or servicing, intentionally renders that equipment unsafe and unfit for the purpose for which it is intended.

(c) A person that employs a means or device whereby a boiler may be subjected to a pressure greater than allowed by the terms of the vessel’s certificate of inspection commits a class D felony.

(d) A person that deranges or hinders the operation of any machinery or device employed on a vessel to denote the state of steam or water in any boiler or to give warning of approaching danger, or permits the water level of any boiler when in operation of a vessel to fall below its prescribed low-water line, commits a class D felony.

(e) A person that alters, defaces, obliterates, removes, or destroys any plans or specifications required by and approved under a regulation prescribed under section 3306 of this title, with intent to deceive or impede any official of the United States in carrying out that official’s duties, commits a class A misdemeanor.

(f) A person commits a class D felony if the person—

(1) forges or counterfeits with intent to make it appear genuine any mark or stamp prescribed for material to be tested and approved under section 3306 of this title or a regulation prescribed under section 3306;

(2) knowingly uses, affixes, or causes to be used or affixed, any such forged or counterfeited mark or stamp to or on material of any description;

(3) with fraudulent intent, possesses any such mark, stamp, or other device knowing it to be forged or counterfeited; or

(4) with fraudulent intent, marks or causes to be marked with the trademark or name of another, material required to be tested and approved under section 3306 of this title or a regulation prescribed under section 3306.