

(i) the number of civilian and military Coast Guard personnel assigned to marine safety positions; and

(ii) an identification of marine safety positions that are understaffed to meet the workload required to accomplish each activity included in the strategy and plan under subsection (a); and

(C) recommendations on how to improve performance of the program.

(Added Pub. L. 111-281, title V, §522(a), Oct. 15, 2010, 124 Stat. 2956; amended Pub. L. 113-281, title II, §221(b)(1)(A), title III, §307(a), Dec. 18, 2014, 128 Stat. 3037, 3045; Pub. L. 115-232, div. C, title XXXV, §§3541(b)(7), 3546(b), Aug. 13, 2018, 132 Stat. 2323, 2326; Pub. L. 115-265, title II, §214, Oct. 11, 2018, 132 Stat. 3751; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8240(c), Jan. 1, 2021, 134 Stat. 4666.)

Editorial Notes

REFERENCES IN TEXT

Section 93 of title 14, referred to in subsec. (b)(1)(D), was redesignated section 504 of title 14 by Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200, and references to section 93 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

The date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, referred to in subsec. (c), is the date of enactment of div. G of Pub. L. 116-283, which was approved Jan. 1, 2021.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §8240(c)(1), substituted “The 5-year strategy shall include the issuance of a plan” for “The strategy shall include the issuance of a triennial plan” in introductory provisions.

Subsec. (b). Pub. L. 116-283, §8240(c)(2)(A), substituted “5-Year Strategy and Plan” for “Contents of Strategy and Triennial Plans” in heading.

Subsec. (b)(1). Pub. L. 116-283, §8240(c)(2)(B), substituted “5-year strategy and plan” for “strategy and triennial plans” in introductory provisions.

Subsec. (b)(2). Pub. L. 116-283, §8240(c)(2)(C)(i), substituted “5-year strategy and plan” for “strategy and triennial plans” in introductory provisions.

Subsec. (b)(2)(A). Pub. L. 116-283, §8240(c)(2)(C)(ii), substituted “plan” for “plans”.

Subsec. (c). Pub. L. 116-283, §8240(c)(3), substituted “Not later than 5 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, and every 5 years thereafter, the Secretary” for “Beginning with fiscal year 2020 and triennially thereafter, the Secretary” and struck out “triennially” after “the strategy and”.

Subsec. (d)(1). Pub. L. 116-283, §8240(c)(4)(A), substituted “In conjunction with the submission of the 5-year strategy and plan” for “No less frequently than semiannually”.

Subsec. (d)(2). Pub. L. 116-283, §8240(c)(4)(B)(i), (ii), substituted “Periodic briefings” for “Report to congress” in heading and “periodically brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives” for “report triennially to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate” in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 116-283, §8240(c)(4)(B)(iii), struck out “annual” after “safety strategy and” and

substituted “for the period covered by the briefing” for “for the year covered by the report”.

Subsec. (d)(2)(B)(ii). Pub. L. 116-283, §8240(c)(4)(B)(iv), substituted “plan” for “plans”.

2018—Subsec. (a). Pub. L. 115-265, §214(1), substituted “of a triennial” for “each year of an annual” in introductory provisions.

Subsec. (b). Pub. L. 115-265, §214(2), substituted “Triennial” for “Annual” in heading and “triennial” for “annual” in introductory provisions of pars. (1) and (2).

Subsec. (c). Pub. L. 115-265, §214(3)(B), substituted “triennial plan” for “annual plan”.

Pub. L. 115-265, §214(3)(A), which directed substitution of “fiscal year 2020 and triennially” for “fiscal year 2011 and each fiscal year”, was executed by substituting “Beginning with fiscal year 2020 and triennially thereafter, the” for “The”, to reflect the probable intent of Congress and the intervening amendment by Pub. L. 115-232, §3546(b). See below.

Pub. L. 115-232, §3546(b), substituted “The” for “Beginning with fiscal year 2011 and each fiscal year thereafter, the”.

Subsec. (d)(1). Pub. L. 115-232, §3541(b)(7), substituted “the Commandant shall assess” for “the Coast Guard Commandant shall assess”.

Subsec. (d)(2). Pub. L. 115-265, §214(4), substituted “triennially” for “annually” in introductory provisions.

2014—Subsec. (b)(1)(D). Pub. L. 113-281, §307(a), substituted “section 93(c) of title 14” for “section 93(c)”.

Subsec. (d)(2)(B). Pub. L. 113-281, §221(b)(1)(A), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “on the program’s mission performance in achieving numerical measurable goals established under subsection (b); and”.

Statutory Notes and Related Subsidiaries

DOMESTIC VESSEL COMPLIANCE

Pub. L. 115-265, title II, §204, Oct. 11, 2018, 132 Stat. 3745, provided that:

“(a) IN GENERAL.—Not later than 60 days after the date on which the President submits to the Congress a budget each year pursuant to section 1105 of title 31, United States Code, the Commandant [of the Coast Guard] shall publish on a publicly accessible Website information documenting domestic vessel compliance with the requirements of subtitle II of title 46, United States Code.

“(b) CONTENT.—The information required under subsection (a) shall—

“(1) include flag-State detention rates for each type of inspected vessel; and

“(2) identify any recognized organization that inspected or surveyed a vessel that was later subject to a Coast Guard-issued control action attributable to a major nonconformity that the recognized organization failed to identify in such inspection or survey.”

[For definition of “recognized organization” as used in section 204 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.]

§ 2117. Termination for unsafe operation

An individual authorized to enforce this title—

(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

(3) may direct the individual in charge of a vessel to which this title applies to imme-

diately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended.

(Added Pub. L. 111-281, title VI, § 608(a), Oct. 15, 2010, 124 Stat. 2967.)

§ 2118. Establishment of equipment standards

(a) In establishing standards for approved equipment required on vessels subject to part B of this subtitle, the Secretary shall establish standards that are—

- (1) based on performance using the best available technology that is economically achievable; and
(2) operationally practical.

(b) Using the standards established under subsection (a), the Secretary may also certify life-saving equipment that is not required to be carried on vessels subject to part B of this subtitle to ensure that such equipment is suitable for its intended purpose.

(c) At least once every 10 years the Secretary shall review and revise the standards established under subsection (a) to ensure that the standards meet the requirements of this section.

(Added Pub. L. 111-281, title VI, § 608(a), Oct. 15, 2010, 124 Stat. 2968; amended Pub. L. 114-120, title III, § 306(a)(2), Feb. 8, 2016, 130 Stat. 54.)

Editorial Notes

AMENDMENTS

- 2016—Subsec. (a). Pub. L. 114-120, § 306(a)(2)(A), substituted "subtitle," for "title."
Subsec. (b). Pub. L. 114-120, § 306(a)(2)(B), substituted "subtitle" for "title".

CHAPTER 23—OPERATION OF VESSELS GENERALLY

- Sec. 2301. Application.
2302. Penalties for negligent operations and interfering with safe operation.
2303. Duties related to marine casualty assistance and information.
2303a. Post serious marine casualty alcohol testing.
2304. Duty to provide assistance at sea.
2305. Injunctions.
2306. Vessel reporting requirements.
[2307. Repealed.]

HISTORICAL AND REVISION NOTES

Chapter 23 lists requirements that relate to the general operation of all vessels. These include penalties and injunctive relief for negligent operation of a vessel. It also provides penalties for failure to render assistance.

Editorial Notes

AMENDMENTS

- 2018—Pub. L. 115-282, title IV, § 402(d), Dec. 4, 2018, 132 Stat. 4264, struck out item 2307 "Limitation of liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators".
2012—Pub. L. 112-213, title III, § 302(b), Dec. 20, 2012, 126 Stat. 1563, substituted "Limitation of liability for

Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators" for "Limitation of liability for Coast Guard Vessel Traffic Service pilots" in item 2307.

2002—Pub. L. 107-295, title IV, § 431(b), Nov. 25, 2002, 116 Stat. 2128, added item 2307.

1998—Pub. L. 105-383, title III, §§ 302(b), 304(d)(2), Nov. 13, 1998, 112 Stat. 3418, 3420, added item 2302, struck out former item 2302 "Penalties for negligent operations", and added item 2303a.

1984—Pub. L. 98-498, title II, § 212(a)(1), Oct. 19, 1984, 98 Stat. 2305, added item 2306.

§ 2301. Application

Except as provided in sections 2304 and 2306 of this title, this chapter applies to a vessel operated on waters subject to the jurisdiction of the United States (including the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988) and, for a vessel owned in the United States, on the high seas.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 508; Pub. L. 98-498, title II, § 212(a)(2), Oct. 19, 1984, 98 Stat. 2305; Pub. L. 105-383, title III, § 301(b)(2), Nov. 13, 1998, 112 Stat. 3417; Pub. L. 109-304, § 15(7), Oct. 6, 2006, 120 Stat. 1702.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 2301, 46:480

Section 2301 provides that this chapter is applicable to all vessels, including foreign flag vessels, when operating on waters subject to the jurisdiction of the United States. Any vessel owned in the United States while operating on the high seas would be included. By ownership the Committee means those vessels that are documented or numbered under United States laws and those other vessels that are neither documented or numbered but are of national origin and are not documented under the laws of a foreign nation. This chapter is applicable to a foreign flag vessel that is in innocent passage through territorial waters of the United States, presently 3 miles seaward, whether or not it is bound to or from a port subject to the jurisdiction of the United States.

Editorial Notes

REFERENCES IN TEXT

Presidential Proclamation No. 5928, referred to in text, is set out under section 1331 of Title 43, Public Lands.

AMENDMENTS

- 2006—Pub. L. 109-304 substituted "sections 2304 and" for "section".
1998—Pub. L. 105-383 inserted "(including the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988)" after "of the United States".
1984—Pub. L. 98-498 substituted "Except as provided in section 2306 of this title, this chapter" for "This chapter".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-498 effective 180 days after Oct. 19, 1984, see section 214 of Pub. L. 98-498, set out as an Effective Date note under section 2306 of this title.

§ 2302. Penalties for negligent operations and interfering with safe operation

(a) A person operating a vessel in a negligent manner or interfering with the safe operation of