

(A) A self-propelled commercial vessel of at least 65 feet in overall length.

(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.

(2) EXEMPTIONS AND WAIVERS.—The Secretary may—

(A) exempt a vessel from paragraph (1), if the Secretary finds that electronic charts are not necessary for the safe navigation of the vessel on the waters on which the vessel operates;

(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary, if the Secretary finds that electronic charts are not needed for safe navigation on those waters; and

(C) permit vessels described in subparagraphs (A) through (D) of paragraph (1) that operate solely landward of the baseline from which the territorial sea of the United States is measured to utilize software-based, platform-independent electronic chart systems that the Secretary determines are capable of displaying electronic navigational charts with necessary scale and detail to ensure safe navigation for the intended voyage.

(b) LIMITATION ON APPLICATION.—Except pursuant to an international treaty, convention, or agreement, to which the United States is a party, this section shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

(1) innocent passage through the territorial sea of the United States; or

(2) transit through the navigable waters of the United States that form a part of an international strait.

(Added and amended Pub. L. 115-282, title IV, § 402(a)(1), Dec. 4, 2018, 132 Stat. 4263, 4264; Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], § 8301, Jan. 1, 2021, 134 Stat. 4691.)

Editorial Notes

CODIFICATION

Section, as added and amended by Pub. L. 115-282, is based on Pub. L. 92-340, § 4A, as added Pub. L. 108-293, title IV, § 410, Aug. 9, 2004, 118 Stat. 1045, which was formerly classified to section 1223a of Title 33, Navigation and Navigable Waters, before being transferred to this chapter and renumbered as this section.

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116-283, § 8301(a), amended par. (1) generally. Prior to amendment, text read as follows: “Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate electronic charts under regulations prescribed by the Secretary of the department in which the Coast Guard is operating:

“(A) A self-propelled commercial vessel of at least 65 feet overall length.

“(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

“(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

“(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.”

Subsec. (a)(2)(C). Pub. L. 116-283, § 8301(b), added subpar. (C).

2018—Pub. L. 115-282, § 402(a)(1)(A), transferred section 4A of Pub. L. 92-340 to this chapter and renumbered it as this section. See Codification note above.

Subsec. (b). Pub. L. 115-282, § 402(a)(1)(B), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The Secretary of the department in which the Coast Guard is operating shall prescribe regulations implementing subsection (a) before January 1, 2007, including requirements for the operation and maintenance of the electronic charts required under subsection (a).”

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 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.)

Statutory Notes and Related Subsidiaries

SAFETY MANAGEMENT SYSTEM

Pub. L. 115-265, title II, § 205, Oct. 11, 2018, 132 Stat. 3745, provided that:

“(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit regarding the implementation and effectiveness of the Coast Guard’s oversight and enforcement of safety management plans required under chapter 32 of title 46, United States Code.

“(b) SCOPE.—The audit conducted under subsection (a) shall include an evaluation of—

“(1) the effectiveness and implementation of safety management plans, including such plans for—

“(A) a range of vessel types and sizes; and

“(B) vessels that operate in a cross-section of regional operating areas; and

“(2) the effectiveness and implementation of safety management plans in addressing the impact of heavy weather.

“(c) REPORT.—Not later than 18 months after the date of enactment of this Act [Oct. 11, 2018], the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the audit and providing recommendations related to such results, including ways to streamline and focus such plans on ship safety.

“(d) MARINE SAFETY ALERT.—Not later than 60 days after the date the report is submitted under subsection (c), the Commandant [of the Coast Guard] shall publish a Marine Safety Alert providing notification of the completion of the report and including a link to the report on a publicly accessible website.

“(e) ADDITIONAL ACTIONS.—

“(1) IN GENERAL.—Upon completion of the report under subsection (c), the Commandant shall consider additional guidance or a rulemaking to address any deficiencies identified, and any additional actions recommended, in the report.

“(2) REPORT.—Not later than 1 year after the date the report is submitted under subsection (c), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions the Commandant has taken to address any deficiencies identified, and any additional actions recommended, in the report submitted under subsection (c).”

TIMELY WEATHER FORECASTS AND HAZARD ADVISORIES FOR MERCHANT MARINERS

Pub. L. 115-265, title II, §216, Oct. 11, 2018, 132 Stat. 3751, provided that: “Not later than 1 year after the date of enactment of this Act [Oct. 11, 2018], the Commandant [of the Coast Guard] shall seek to enter into negotiations through the International Maritime Organization to amend the International Convention for the Safety of Life at Sea to require that vessels subject to the requirements of such Convention receive—

“(1) timely synoptic and graphical chart weather forecasts; and

“(2) where available, timely hazard advisories for merchant mariners, including broadcasts of tropical cyclone forecasts and advisories, intermediate public advisories, and tropical cyclone updates to mariners via appropriate technologies.”

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(29)(A) of this title; or

(B) is of at least 500 gross tons as measured under section 14302 of this title and is a tank-