Sec.
3102. Immersion suits.
3103. Use of reports, documents, and records.

AMENDMENTS

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 L. 99–36, § 2, May 15, 1985, 99 Stat. 68, repealed section 22 of Pub.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

Revised section	*Source section (U.S. Code)*
3101	46:82

Section 3101 provides the President with the authority to suspend the inspection laws for a foreign-built reflagged U.S. vessel when the needs of foreign commerce require this. 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 lifesaving 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.)

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.)

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) MANDATORY APPLICATION.—This chapter applies to a vessel that—