

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4959

To reduce the economic burden on United States-flagged merchant vessels by streamlining certain regulatory requirements, by expanding the delegation of the performance of marine safety functions to third parties, and by broadening the Coast Guard's marine safety authority, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 12, 1994

Mr. TAUZIN (for himself, Mr. STUDDS, Mr. LIPINSKI, Mr. FIELDS of Texas, and Mr. COBLE) (all by request) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

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## A BILL

To reduce the economic burden on United States-flagged merchant vessels by streamlining certain regulatory requirements, by expanding the delegation of the performance of marine safety functions to third parties, and by broadening the Coast Guard's marine safety authority, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Maritime Regulatory  
5 Reform Act of 1994".

1 **SEC. 2. SAFETY MANAGEMENT AND ALTERNATIVE COM-**  
2 **PLIANCE.**

3 (a) Chapter 21 of title 46, United States Code, is  
4 amended by adding a new section 2103a to read as fol-  
5 lows:

6 **“SEC. 2103a. SAFETY MANAGEMENT AND ALTERNATIVE**  
7 **COMPLIANCE.**

8 “(a) To implement the International Management  
9 Code for the Safe Operation of Ships and for Pollution  
10 Prevention adopted by the International Maritime Organi-  
11 zation and to establish voluntary alternative compliance  
12 programs, the Secretary may prescribe regulations govern-  
13 ing the merchant marine of the United States, merchant  
14 marine personnel, and shore-based management of vessels  
15 that affect the safety of vessels and personnel subject to  
16 this subtitle and marine pollution prevention. Compliance  
17 with regulations implementing the International Manage-  
18 ment Code for the Safe Operation of Ships and for Pollu-  
19 tion Prevention shall be voluntary until the dates for man-  
20 datory compliance provided for in the International Con-  
21 vention for the Safety of life at Sea.

22 “(b) In implementing the International Management  
23 Code for the Safe Operation of Ships and for Pollution  
24 Prevention and alternative compliance programs estab-  
25 lished pursuant to this section, the Secretary may estab-  
26 lish optional regulatory requirements commensurate with

1 the level of quality control adopted by the shipowner or  
2 operator, provided that an equivalent level of safety is  
3 maintained.

4 “(c) The Secretary may require vessel owners and op-  
5 erators to maintain records and submit reports and other  
6 information which the Secretary deems necessary to carry  
7 out the objectives of this section.”.

8 (b) The table of sections for chapter 21 of title 46,  
9 United States Code, is amended by inserting between the  
10 items relating to section 2103 and section 2104 the follow-  
11 ing:

“Sec. 2103a. Safety management and alternative compliance.”.

12 **SEC. 3. USE OF REPORTS, DOCUMENTS, AND CERTIFI-**  
13 **CATES.**

14 (a) Chapter 31 of title 46, United States Code, is  
15 amended by adding a new section 3103 to read as follows:

16 **“SEC. 3103. USE OF REPORTS, DOCUMENTS, AND CERTIFI-**  
17 **CATES.**

18 “In carrying out this part, the Secretary may utilize  
19 reports, documents, and certificates issued by persons who  
20 the Secretary determines may be relied upon with regard  
21 to marine safety, security, and environmental protection.”.

22 (b) The table of sections for chapter 31 of title 46,  
23 United States Code, is amended by adding at the end the  
24 following:

“Sec. 3103. Use of reports, documents, and certificates.”.

1 **SEC. 4. EQUIPMENT APPROVAL.**

2 Section 3306(b) of title 46, United States Code, is  
3 amended to read as follows:

4 “(b)(1) Equipment subject to regulation under this  
5 section may not be used on any vessel without prior ap-  
6 proval as prescribed by regulation.

7 “(2) Except as otherwise provided in paragraph (3)  
8 of this subsection, the Secretary may accept approvals of  
9 fire and life safety equipment and materials by foreign  
10 governments which the Secretary determines utilize design  
11 and testing standards that meet the requirements of the  
12 International Convention for the Safety of Life at Sea to  
13 which the United States is a party, and its associated  
14 International Maritime Organization guidance documents.

15 “(3) In determining whether to accept approvals is-  
16 sued by foreign governments, the Secretary shall give due  
17 regard to whether adherence to standards promulgated by  
18 regulation under this subsection is necessary in order to  
19 preserve higher levels of safety.”.

20 **SEC. 5. FREQUENCY OF INSPECTION.**

21 (a) Section 3307 of title 46, United States Code, is  
22 amended as follows:

23 (1) In paragraph (1)—

24 (A) by striking “and” and inserting a  
25 comma in its place;

1 (B) by inserting after “nautical school ves-  
2 sel”, “, and small passenger vessel carrying  
3 more than 12 passengers on an international  
4 voyage”; and

5 (C) by adding “and” at the end.

6 (2) By striking paragraph (2).

7 (3) In paragraph (3)—

8 (A) by changing the designation of para-  
9 graph (3) to paragraph (2); and

10 (B) by striking “2 years” and inserting “5  
11 years” in its place.

12 (b) Section 3710(b) of title 46, United States Code,  
13 is amended by striking “24 months” and substituting “5  
14 years”.

15 **SEC. 6. CERTIFICATE OF INSPECTION.**

16 Section 3309(c) of title 46, United States Code, is  
17 amended by deleting the words “(but not more than 60  
18 days)” after the words “At least 30 days”.

19 **SEC. 7. CLASSIFICATION SOCIETIES.**

20 (a) Section 3316 of title 46, United States Code, is  
21 amended as follows:

22 (1) Subsection (a) is amended to read as fol-  
23 lows:

24 “(a) In carrying out this part, the Secretary may rely  
25 on reports, documents, and certificates issued by the

1 American Bureau of Shipping or other classification soci-  
2 ety recognized by the Secretary as meeting acceptable  
3 standards for such a society, or an agent of the Bureau  
4 or society.”.

5 (2) Subsection (c)(1) is amended to read as fol-  
6 lows:

7 “(c)(1) To the maximum extent practicable, the Sec-  
8 retary may delegate to the Bureau or other classification  
9 society recognized by the Secretary as meeting acceptable  
10 standards for such a society, or an agent of the Bureau  
11 or society, the inspection or examination, in the United  
12 States or in a foreign country, of a vessel documented or  
13 to be documented as a vessel of the United States. The  
14 Bureau, society, or agent may issue the certificate of in-  
15 spection required by this part and other certificates essen-  
16 tial to documentation.”.

17 (3) Subsection (d) is amended to read as fol-  
18 lows:

19 “(d) The Secretary also may make an agreement with  
20 or use the Bureau or other classification society recognized  
21 by the Secretary as meeting acceptable standards for such  
22 a society, or an agent of the Bureau or society, for review-  
23 ing and approving plans required for issuing a certificate  
24 of inspection.”.

1           (b) The item for section 3316 of the table of sections  
2 for chapter 33 of title 46, United States Code, is amended  
3 to read as follows:

“Sec. 3316. Classification societies.”.

