

MARITIME SAFETY ACT OF 2018

NOVEMBER 13, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 6175]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 6175) to enhance maritime safety, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE OF LEGISLATION

H.R. 6175 directs Coast Guard corrective or remedial actions and makes changes to the shipping authorities found under title 46 of the United States Code to enhance maritime transportation safety,

strengthen internal Coast Guard marine safety competency, and improve oversight of vessel safety inspections.

BACKGROUND AND NEED FOR LEGISLATION

The loss of the U.S. flagged cargo vessel SS *El Faro*, along with its 33-member crew, ranks as one of the worst maritime disasters in U.S. history, and resulted in the highest death toll from a U.S. commercial vessel sinking in almost 40 years. Following a marine casualty investigation authorized under chapter 63 of title 46 United States Code, the Commandant of the Coast Guard issued a final action memorandum detailing actions to be taken to improve maritime transportation safety. H.R. 6175 incorporates several of the actions detailed in that final action memorandum which required legislative action to amend or provide new authority.

HEARINGS

The bill was not subject to a hearing by the Subcommittee on Coast Guard and Maritime Transportation, however, on January 30, 2018, the Subcommittee held a hearing to examine the official Coast Guard and National Transportation Safety Board reports and the Commandant's final action memo on the *El Faro* casualty incident.

LEGISLATIVE HISTORY AND CONSIDERATION

On June 21, 2018, H.R. 6175 was introduced by Congressman Duncan Hunter (R-CA). The bill was referred solely to the Committee on Transportation and Infrastructure.

On June 27, 2018, the Committee on Transportation and Infrastructure met in open session to consider H.R. 6175. No amendments were offered. The Committee ordered the bill reported favorably to the House by voice vote with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 6175. A motion to order H.R. 6175 reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely

submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 6175 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 11, 2018.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6175, the Maritime Safety Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 6175—Maritime Safety Act of 2018

Summary: H.R. 6175 would require the Coast Guard (USCG) to pursue a variety of activities aimed at improving maritime safety. Using information from the agency, CBO estimates that meeting the bill's requirements would cost \$5 million over the 2019–2023 period; any such spending would be subject to the availability of appropriated funds.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 6175 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 6175 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).

H.R. 6175 would impose private-sector mandates on shipping companies that operate freight vessels regulated by the USCG. CBO estimates that the incremental costs of the requirements in H.R. 6175 would be small and would fall below the annual threshold for private-sector mandates established in UMRA (\$160 million in 2018, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 6175 is shown in the following table. The costs of the legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—						
	2018	2019	2020	2021	2022	2023	2019–2023
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Estimated Authorization Level	0	1	1	1	1	1	5
Estimated Outlays	0	1	1	1	1	1	5

Basis of estimate: For this estimate, CBO assumes that H.R. 6175 will be enacted near the start of fiscal year 2019, and that the necessary funds will be available each year.

H.R. 6175 would specify a variety of new regulatory and administrative requirements for the USCG regarding maritime safety. Using information from the USCG, CBO estimates that implementing most provisions of the bill would not significantly affect the agency's costs because they are largely consistent with activities the agency intends to pursue under current law. However, CBO expects that carrying out a proposed program to increase training of USCG personnel involved in safety-related inspections and audits would require additional funding. Based on historical costs of similar training efforts, CBO estimates that implementing that training program would cost about \$1 million annually.

The bill also would direct the Government Accountability Office to conduct an audit of the implementation and effectiveness of safety management plans that the USCG requires of the entities it regulates. CBO estimates that the cost to complete the audit would total less than \$500,000.

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 6175 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

Mandates: H.R. 6175 contains no intergovernmental mandates as defined in UMRA.

H.R. 6175 would impose private-sector mandates on shipping companies that operate freight vessels regulated by the USCG. Specifically, the bill would require those companies to ensure that each vessel they operate is outfitted with equipment to signal distress for every crew member onboard. The bill also would require those companies to track incremental weight changes to vessels over time and to maintain records of those changes for the life of each vessel. Finally, for vessels built prior to 1992, the bill would require shipping companies to include comprehensive information about damage control in the safety management plans that are required by USCG regulations. Using information from the USCG and the shipping industry, CBO estimates that fewer than 200 freight vessels in the United States would be affected by the requirements. Furthermore, because most shipping companies are already complying to some degree with similar requirements under current regulations, CBO estimates that the incremental costs of the requirements in H.R. 6175 would be small and would fall below the annual threshold for private-sector mandates established in UMRA (\$160 million in 2018, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Megan Carroll; Mandates: Jon Sperl.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; Susan Willie, Chief, Mandates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to enhance maritime transportation safety, and includes reforms to Coast Guard authorities, training and safety standards and regulations governing U.S. flag maritime carriers and operators.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 6175 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee finds that enacting H.R. 6175 does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 6175 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No new advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Sec. 1. Short title

This section designates the short title as the “Maritime Safety Act of 2018”.

Sec. 2. Table of contents

This section provides a table of contents for the bill.

Sec. 3. Definitions

This section defines “Commandant” as the Commandant of the Coast Guard, “recognized organization” as defined in title 46 of the Code of Federal Regulations, and “Secretary” as the Secretary of the department in which the Coast Guard is operating.

Sec. 4. Domestic vessel compliance

This section requires the Commandant to annually publish information regarding domestic vessel compliance with safety standards and regulations on a publicly-accessible website.

Sec. 5. Safety management system

This section directs the Comptroller General to conduct an audit of the implementation and effectiveness of safety management plans developed by U.S. flag vessel carriers required under chapter 32 of title 46, United States Code, and to submit a report detailing the results of the audit to the Committees of jurisdiction in the House of Representatives and the Senate.

Sec. 6. Equipment requirements

This section amends section 3306 of title 46, United States Code, to add new subsections (l) and (m).

The new subsection (l) requires that inspected freight vessels be outfitted with distress signaling and locating technologies for the higher of the minimum complement of officers and crew specified on the certificate of inspection, or, the number of persons onboard.

The new subsection (m) directs the Secretary, through regulations, to require companies of inspected freight vessels to maintain records, both onboard the vessel and shore side, of all weight changes made to such vessels and to track weight changes over time to ensure the maintenance of stability during operation of the vessel. This section also directs the Commandant to seek to enter into negotiation through the International Maritime Organization to require high water alarm sensors in vessel cargo holds that con-

nect with audible and visual alarms on the navigation bridge of freight vessels.

Sec. 7. Voyage data recorder; access

This section amends chapter 63 of title 46, United States Code, to require that the Coast Guard have full and timely access to voyage data recorder data and audio recordings held by any Federal agency in all marine casualty investigations.

Sec. 8. Voyage data recorder; requirements

This section requires the Commandant seek to enter into negotiation through the International Maritime Organization to require that all voyage data recorders be installed on vessels in a float-free arrangement and contain an integrated emergency position-indicating radio beacon. The Commandant is required to submit a progress update no later than three years after enactment of this Act.

This section also requires the Commandant to submit a cost-benefit analysis on the possibility of capturing communications on the internal telephone systems installed onboard commercial vessels to the Committees of jurisdiction in the House of Representatives and the Senate.

Sec. 9. Survival and locating equipment

This section requires the Commandant to procure equipment that will allow for search and rescue units to attach a radio, strobe, or beacon to an object that is not immediately retrievable to increase the likelihood of relocating and retrieving the object when it is safe to do so.

Sec. 10. Training of Coast Guard personnel

This section requires the Commandant to establish certain training programs for Coast Guard personnel, including: an Officer in Charge, Marine Inspections segment in the sector commander indoctrination course; steam plant inspection training for Coast Guard marine inspector and, subject to availability, recognized organizations; and, advanced journeyman inspector training to provide instruction on the oversight of recognized organizations.

This section also requires the Commandant to submit a report detailing other options to maintain marine safety knowledge within the Coast Guard to the Committees of jurisdiction in the House of Representatives and the Senate.

In addition, this section requires the Commandant to update Coast Guard policy to utilize risk analysis to target the attendance of Coast Guard personnel during safety management certificate and document of compliance audits, as well as to perform a quality assurance audit of recognized organization representation and performance regarding their third party inspections of U.S. flagged vessels under the Coast Guard's Alternate Compliance Program.

Sec. 11. Major marine casualty

This section amends section 6101(i)(3) of title 46, United States Code, to increase the dollar amount to \$2 million for property damage to qualify a casualty involving a vessel as a "major marine casualty" and thereby trigger a formal investigation.

Sec. 12. Reviews, briefings, and reports

This section requires the Commandant to review policies and procedures for documenting major conversion determinations and to provide a briefing to the Committees of jurisdiction in the House of Representatives and the Senate.

This section also requires the Commandant to review policy regarding vessel ventilators, openings, and stability standards and provide a briefing to the Committees of jurisdiction in the House of Representatives and the Senate.

In addition, this section requires the Commandant to provide a briefing on the reliability of self-locating datum marker buoys and other similar technology to the Committees of jurisdiction in the House of Representatives and the Senate.

This section also directs the Commandant complete an assessment of the effectiveness of the Coast Guard's oversight of recognized organizations and its impact on compliance by and safety of vessels inspected by such organizations, and to submit the results of the assessment to the Committees of jurisdiction in the House of Representative and Senate.

Sec. 13. Flag State guidance and supplements

This section requires the Secretary to issue flag state guidance for freight vessels built prior to January 1, 1992, to include comprehensive damage control information in their safety management plans.

This section also requires the Commandant to work with recognized organizations to create a single U.S. supplement to class rules and to provide a briefing on the costs and benefits of revising the Code of Federal Regulations to authorize only one such supplement to the Committees of jurisdiction in the House of Representatives and Senate.

Sec. 14. Marine safety strategy

This section amends section 2116 of title 46, United States Code, to change the frequency of the submission of the long-term strategy for improving vessel safety and safety of individuals on vessels from annually to triennially.

Sec. 15. Recognized organizations; oversight

This section amends section 3316 of title 46, United States Code, to establish an office within the Coast Guard to conduct comprehensive and targeted oversight of all recognized organizations that act on behalf of the Coast Guard.

Sec. 16. Timely weather forecasts

This section requires the Commandant to seek to enter into negotiations through the International Maritime Organization to amend the International Convention for the Safety of Life at Sea to ensure that parties to the Convention receive timely synoptic and graphical chart weather forecasts to alert vessels at sea.

Sec. 17. Marine safety implementation status

This section requires the Commandant to provide updates on the status of implementation of actions outlined in the Commandant's final action memo regarding the investigation of the sinking of the

vessel SS *El Faro* to the Committees of jurisdiction of the House of Representatives and the Senate annually for three years.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 46, UNITED STATES CODE

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SUBTITLE II—VESSELS AND SEAMEN

* * * * *

PART A—GENERAL PROVISIONS

* * * * *

CHAPTER 21—GENERAL

* * * * *

§ 2116. Marine safety strategy, goals, and performance assessments

(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance [each year of an annual] of a *triennial* plan and schedule for achieving the following goals:

- (1) Reducing the number and rates of marine casualties.
- (2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.
- (3) Identifying and targeting enforcement efforts at high-risk vessels and operators.
- (4) Improving research efforts to enhance and promote vessel and operator safety and performance.

(b) CONTENTS OF STRATEGY AND [ANNUAL] *TRIENNIAL* PLANS.—

(1) MEASURABLE GOALS.—The strategy and [annual] *triennial* plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

- (A) To increase the number of safety examinations on all high-risk vessels.
- (B) To eliminate the backlog of marine safety-related rulemakings.
- (C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast

Guard personnel accurately and effectively report all safety, casualty, and injury information.

(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in section 93(c) of title 14.

(2) RESOURCE NEEDS.—The strategy and [annual] *triennial* plans shall include estimates of—

(A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and

(B) the staff skills and training needed for timely and effective accomplishment of each goal.

(c) SUBMISSION WITH THE PRESIDENT’S BUDGET.—Beginning with [fiscal year 2011 and each fiscal year] *fiscal year 2020 and triennially* thereafter, the Secretary shall submit to Congress the strategy and [annual plan] *triennial plan* not later than 60 days following the transmission of the President’s budget submission under section 1105 of title 31.

(d) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than semi-annually, the Coast Guard Commandant shall assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant shall convey the Commandant’s assessment to the employees of the marine safety workforce and shall identify any deficiencies that should be remedied before the next progress assessment.

(2) REPORT TO CONGRESS.—The Secretary shall report [annually] *triennially* to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;

(B) on the program’s mission performance in achieving numerical measurable goals established under subsection (b), including—

(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 plans under subsection (a); and

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

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PART B—INSPECTION AND REGULATION OF VESSELS

* * * * *

CHAPTER 33—INSPECTION GENERALLY

* * * * *

§ 3306. Regulations

(a) To carry out this part and to secure the safety of individuals and property on board vessels subject to inspection, the Secretary shall prescribe necessary regulations to ensure the proper execution of, and to carry out, this part in the most effective manner for—

- (1) the design, construction, alteration, repair, and operation of those vessels, including superstructures, hulls, fittings, equipment, appliances, propulsion machinery, auxiliary machinery, boilers, unfired pressure vessels, piping, electric installations, and accommodations for passengers and crew, sailing school instructors, and sailing school students;
- (2) lifesaving equipment and its use;
- (3) firefighting equipment, its use, and precautionary measures to guard against fire;
- (4) inspections and tests related to paragraphs (1), (2), and (3) of this subsection; and
- (5) the use of vessel stores and other supplies of a dangerous nature.

(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

- (A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;
- (B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and
- (C) for lifesaving equipment, the foreign government—
 - (i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and
 - (ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.

(c) In prescribing regulations for sailing school vessels, the Secretary shall consult with representatives of the private sector having experience in the operation of vessels likely to be certificated as sailing school vessels. The regulations shall—

- (1) reflect the specialized nature of sailing school vessel operations, and the character, design, and construction of vessels operating as sailing school vessels; and
- (2) include requirements for notice to sailing school instructors and sailing school students about the specialized nature of sailing school vessels and applicable safety regulations.

(d) In prescribing regulations for nautical school vessels operated by the United States Merchant Marine Academy or by a State maritime academy (as defined in section 51102 of this title), the Sec-

retary shall consider the function, purpose, and operation of the vessels, their routes, and the number of individuals who may be carried on the vessels.

(e) When the Secretary finds it in the public interest, the Secretary may suspend or grant exemptions from the requirements of a regulation prescribed under this section related to lifesaving and firefighting equipment, muster lists, ground tackle and hawsers, and bilge systems.

(f) In prescribing regulations for offshore supply vessels, the Secretary shall consider the characteristics, methods of operation, and the nature of the service of offshore supply vessels.

(g) In prescribing regulations for fish processing or fish tender vessels, the Secretary shall consult with representatives of the private sector having experience in the operation of these vessels. The regulations shall reflect the specialized nature and economics of fish processing or fish tender vessel operations and the character, design, and construction of fish processing or fish tender vessels.

(h) The Secretary shall establish appropriate structural fire protection, manning, operating, and equipment requirements for vessels of at least 100 gross tons but less than 300 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 carrying not more than 150 passengers on domestic voyages, which meet the eligibility criteria of section 2113(4) of this title.

(i) The Secretary shall establish appropriate structural fire protection, manning, operating, and equipment requirements for former public vessels of the United States of at least 100 gross tons but less than 500 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 carrying not more than 150 passengers on domestic voyages, which meet the eligibility criteria of section 2113(5) of this title.

(j) The Secretary may establish by regulation a safety management system appropriate for the characteristics, methods of operation, and nature of service of towing vessels.

(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Maritime Safety Act of 2010, or that is delivered after January 1, 2011, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled "Oil Fuel Tank Protection".

(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.

(3) In this subsection the term "oil fuel" means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.

(l)(1) The Secretary shall require that a freight vessel inspected under this chapter be outfitted with distress signaling and location technology for the higher of—

(A) *the minimum complement of officers and crew specified on the certificate of inspection for such vessel; or*

(B) *the number of persons onboard the vessel; and*

(2) *the requirement described in paragraph (1) shall not apply to vessels operating within the baseline from which the territorial sea of the United States is measured.*

(m)(1) *The Secretary shall promulgate regulations requiring companies to maintain records of all incremental weight changes made to freight vessels inspected under this chapter, and to track weight changes over time to facilitate rapid determination of the aggregate total.*

(2) *Records maintained under paragraph (1) shall be stored, in paper or electronic form, onboard such vessels for not less than 3 years and shoreside for the life of the vessel.*

* * * * *

§ 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 Maritime Safety Act of 2018.

[(g)] (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) 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.

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PART D—MARINE CASUALTIES

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CHAPTER 61—REPORTING MARINE CASUALTIES

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§ 6101. Marine casualties and reporting

(a) The Secretary shall prescribe regulations on the marine casualties to be reported and the manner of reporting. The regulations shall require reporting the following marine casualties:

- (1) death of an individual.
- (2) serious injury to an individual.
- (3) material loss of property.
- (4) material damage affecting the seaworthiness or efficiency of the vessel.
- (5) significant harm to the environment.

(b) A marine casualty shall be reported within 5 days as provided in this part and regulations prescribed under this part. Each report filed under this section shall include information as to whether the use of alcohol contributed to the casualty.

(c) NOTICE TO STATE AND TRIBAL GOVERNMENTS.—Not later than 24 hours after receiving a notice of a major marine casualty under this section, the Secretary shall notify each State or federally recognized Indian tribe that is, or may reasonably be expected to be, affected by such marine casualty.

(d)(1) This part applies to a foreign vessel when involved in a marine casualty on the navigable waters of the United States.

(2) This part applies, to the extent consistent with generally recognized principles of international law, to a foreign vessel constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue involved in a marine casualty described under subsection (a)(4) or (5) in waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone.

(e) A marine casualty not resulting in the death of an individual shall be classified according to the gravity of the casualty, as prescribed by regulation, giving consideration to the extent of injuries to individuals, the extent of property damage, the dangers that the casualty creates, and the size, occupation, and means of propulsion of each vessel involved.

(f)(1) This chapter applies to a marine casualty involving a United States citizen on a foreign passenger vessel operating south of 75 degrees north latitude, west of 35 degrees west longitude, and east of the International Date Line; or operating in the area south of 60 degrees south latitude that—

- (A) embarks or disembarks passengers in the United States; or
- (B) transports passengers traveling under any form of air and sea ticket package marketed in the United States.

(2) When there is a marine casualty described in paragraph (1) of this subsection and an investigation is conducted, the Secretary shall ensure that the investigation—

- (A) is thorough and timely; and
- (B) produces findings and recommendations to improve safety on passenger vessels.

(3) When there is a marine casualty described in paragraph (1) of this subsection, the Secretary may—

- (A) seek a multinational investigation of the casualty under auspices of the International Maritime Organization; or

(B) conduct an investigation of the casualty under chapter 63 of this title.

(g) To the extent consistent with generally recognized practices and procedures of international law, this part applies to a foreign vessel involved in a marine casualty or incident, as defined in the International Maritime Organization Code for the Investigation of Marine Casualties and Incidents, where the United States is a Substantially Interested State and is, or has the consent of, the Lead Investigating State under the Code.

(h) The Secretary shall publish all major marine casualty reports prepared in accordance with this section in an electronic form, and shall provide information electronically regarding how other marine casualty reports can be obtained.

(i) For purposes of this section, the term “major marine casualty” means a casualty involving a vessel, other than a public vessel, that results in—

- (1) the loss of 6 or more lives;
- (2) the loss of a mechanically propelled vessel of 100 or more gross tons;
- (3) property damage initially estimated at **[\$500,000]** **\$2,000,000** or more; or
- (4) serious threat, as determined by the Commandant of the Coast Guard with concurrence by the Chairman of the National Transportation Safety Board, to life, property, or the environment by hazardous materials.

(j) The Secretary shall, as soon as possible, and no later than January 1, 2005, publish all marine casualty reports prepared in accordance with this section in an electronic form.

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CHAPTER 63—INVESTIGATING MARINE CASUALTIES

Sec.
6301. Investigation of marine casualties.

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6309. *Voyage data recorder access.*

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§6309. *Voyage data recorder access*

Notwithstanding any other provision of law, the Coast Guard shall have full and timely access to and ability to use voyage data recorder data and audio held by any Federal agency in all marine casualty investigations, regardless of which agency is the investigative lead.

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