

Subsecs. (b) to (e). Pub. L. 117-263, §11610(a)(2), (3), added subsecs. (b) and (c) and redesignated former subsecs. (b) and (c) as (d) and (e), respectively.

2021—Subsec. (a). Pub. L. 116-283 inserted “(including, for purposes of this section, all covered small passenger vessels, as defined in section 3306(n)(5))” after “vessels to which this chapter applies” in introductory provisions.

2010—Subsec. (c). Pub. L. 111-281 added subsec. (c).

2004—Subsec. (b). Pub. L. 108-293 substituted “vessels to which this chapter applies under section 3202(a) of this title” for “vessels engaged on a foreign voyage”.

#### Statutory Notes and Related Subsidiaries

##### FLAG-STATE GUIDANCE AND SUPPLEMENTS

Pub. L. 115-265, title II, §213, Oct. 11, 2018, 132 Stat. 3750, provided that:

“(a) FREIGHT VESSELS; DAMAGE CONTROL INFORMATION.—Within 1 year after the date of the enactment of this Act [Oct. 11, 2018], the Secretary shall issue flag-State guidance for all freight vessels documented under chapter 121 of title 46, United States Code, built before January 1, 1992, regarding the inclusion of comprehensive damage control information in safety management plans required under chapter 32 of title 46, United States Code.

“(b) RECOGNIZED ORGANIZATIONS; UNITED STATES SUPPLEMENT.—The Commandant [of the Coast Guard] shall—

“(1) work with recognized organizations to create a single United States Supplement to rules of such organizations for classification of vessels; and

“(2) by not later than 1 year after the date of the enactment of this Act, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on whether it is necessary to revise part 8 of title 46, Code of Federal Regulations, to authorize only one United States Supplement to such rules.”

[For definitions of “Secretary” and “recognized organizations” as used in section 213 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.]

#### § 3204. Implementation of safety management system

(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

(Added Pub. L. 104-324, title VI, §602(a), Oct. 19, 1996, 110 Stat. 3929.)

#### § 3205. Certification

(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a

vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

(1) periodically, or upon discovery from other sources of information acquired by the Coast Guard, including a discovery made during an audit or systematic review conducted under section 10104(e) of a failure of a responsible person or vessel to comply with a requirement of a safety management system for which a Safety Management Certificate and a Document of compliance<sup>1</sup> has been issued under this section, including a failure to comply with regulations prescribed under section 3203(a)(7) and (8), review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

(2) revoke the Secretary’s approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of Homeland Security shall withhold or revoke the clearance required by section 60105 of this title of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.

(Added Pub. L. 104-324, title VI, §602(a), Oct. 19, 1996, 110 Stat. 3929; amended Pub. L. 109-304, §15(10), Oct. 6, 2006, 120 Stat. 1703; Pub. L. 110-181, div. C, title XXXV, §3529(b)(1)(A), Jan. 28, 2008, 122 Stat. 603; Pub. L. 117-263, div. K, title CXVI, §11610(b), Dec. 23, 2022, 136 Stat. 4155.)

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (c)(1). Pub. L. 117-263 inserted “, or upon discovery from other sources of information acquired by the Coast Guard, including a discovery made during an audit or systematic review conducted under section 10104(e) of a failure of a responsible person or vessel to comply with a requirement of a safety management system for which a Safety Management Certificate and a Document of compliance has been issued under this section, including a failure to comply with regulations prescribed under section 3203(a)(7) and (8),” after “periodically”.

<sup>1</sup> So in original. Probably should be “Compliance”.