

2009) implementing this subsection with respect to those tankers) shall apply to double hulled tankers over 5,000 gross tons transporting oil in bulk in Prince William Sound, Alaska.

“(B) IMPLEMENTATION OF REQUIREMENTS.—The Secretary of the department in which the Coast Guard is operating shall prescribe interim final regulations to carry out subparagraph (A) as soon as practicable without notice and hearing pursuant to section 553 of title 5 of the United States Code.”

“(d) TANKER DEFINED.—In this section [amending section 8502 of this title] the term ‘tanker’ has the same meaning the term has in section 2101 of title 46, United States Code.”

[Pub. L. 111-281, title VII, §711(b)(2), Oct. 15, 2010, 124 Stat. 2987, provided that: “The amendments made by subsection (b) [amending section 4116(c) of Pub. L. 101-380, set out above] take effect on the date that is 90 days after the date of enactment of this Act [Oct. 15, 2010].”]

§ 3703a. Tank vessel construction standards

(a) Except as otherwise provided in this section, a vessel to which this chapter applies shall be equipped with a double hull—

(1) if it is constructed or adapted to carry, or carries, oil in bulk as cargo or cargo residue; and

(2) when operating on the waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone.

(b) This section does not apply to—

(1) a vessel used only to respond to a discharge of oil or a hazardous substance;

(2) a vessel of less than 5,000 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 equipped with a double containment system determined by the Secretary to be as effective as a double hull for the prevention of a discharge of oil;

(3) a vessel documented under chapter 121 of this title that was equipped with a double hull before August 12, 1992;

(4) a barge of less than 1,500 gross tons (as measured under chapter 145 of this title) carrying refined petroleum product in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

(5) a vessel in the National Defense Reserve Fleet pursuant to section 57100.

(c)(1) In this subsection, the age of a vessel is determined from the later of the date on which the vessel—

(A) is delivered after original construction;

(B) is delivered after completion of a major conversion; or

(C) had its appraised salvage value determined by the Coast Guard and is qualified for documentation as a wrecked vessel under section 12112 of this title.

(2) A vessel of less than 5,000 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 for which a building contract or contract for major conversion was

placed before June 30, 1990, and that was delivered under that contract before January 1, 1994, and a vessel of less than 5,000 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 that had its appraised salvage value determined by the Coast Guard before June 30, 1990, and that qualified for documentation as a wrecked vessel under section 12112 of this title before January 1, 1994, may not operate in the navigable waters or the Exclusive Economic Zone of the United States unless the vessel is equipped with a double hull or with a double containment system determined by the Secretary to be as effective as a double hull for the prevention of a discharge of oil.

(3) A vessel for which a building contract or contract for major conversion was placed before June 30, 1990, and that was delivered under that contract before January 1, 1994, and a vessel that had its appraised salvage value determined by the Coast Guard before June 30, 1990, and that qualified for documentation as a wrecked vessel under section 12112 of this title before January 1, 1994, may not operate in the navigable waters or Exclusive Economic Zone of the United States unless equipped with a double hull—

(A) in the case of a vessel of at least 5,000 gross tons but less than 15,000 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, if the vessel is 25 years old or older and has a single hull, or is 30 years old or older and has a double bottom or double sides;

(B) in the case of a vessel of at least 15,000 gross tons but less than 30,000 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, if the vessel is 25 years old or older and has a single hull, or is 30 years old or older and has a double bottom or double sides; and

(C) in the case of a vessel of at least 30,000 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, if the vessel is 23 years old or older and has a single hull, or is 28 years old or older and has a double bottom or double sides.

(4) Except as provided in subsection (b) of this section—

(A) a vessel that has a single hull may not operate after January 1, 2010; and

(B) a vessel that has a double bottom or double sides may not operate after January 1, 2015.

(d) The operation of barges described in subsection (b)(5) outside waters described in that subsection shall be on any conditions as the Secretary may require.

(e)(1) For the purposes of this section, the gross tonnage of a vessel shall be the gross tonnage that would have been recognized by the Secretary on July 1, 1997, as the tonnage measured under section 14502 of this title, or as an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

(2) This subsection does not apply to a tank vessel that, before July 1, 1997, had undergone, or was the subject of a contract for, alterations that reduce the gross tonnage of the tank vessel, as shown by reliable evidence acceptable to the Secretary.

(Added Pub. L. 101-380, title IV, § 4115(a), Aug. 18, 1990, 104 Stat. 517; amended Pub. L. 104-324, title VII, § 715, title XI, § 1103, Oct. 19, 1996, 110 Stat. 3937, 3966; Pub. L. 105-85, div. C, title XXXVI, § 3606, Nov. 18, 1997, 111 Stat. 2077; Pub. L. 109-304, § 15(15), Oct. 6, 2006, 120 Stat. 1703; Pub. L. 115-91, div. C, title XXXV, § 3502(b)(3), Dec. 12, 2017, 131 Stat. 1910; Pub. L. 115-232, div. C, title XXXV, § 3544(a), Aug. 13, 2018, 132 Stat. 2324.)

AMENDMENTS

2018—Subsec. (b)(3) to (6). Pub. L. 115-232, § 3544(a)(1), redesignated pars. (4) to (6) as (3) to (5), respectively, and struck out former par. (3) which related to certain vessels before January 1, 2015, unloading oil in bulk or offloading in lightering activities.

Subsec. (c)(2). Pub. L. 115-232, § 3544(a)(2), substituted “that was delivered” for “that is delivered” and “that qualified” for “that qualifies” and struck out “after January 1, 2015,” after “the United States”.

Subsec. (c)(3). Pub. L. 115-232, § 3544(a)(3), in introductory provisions, substituted “that was delivered” for “that is delivered” and “that qualified” for “that qualifies”.

Subsec. (c)(3)(A). Pub. L. 115-232, § 3544(a)(4), added subpar. (A) and struck out former subpar. (A) which set various age limits for vessels between 5,000 and 15,000 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title.

Subsec. (c)(3)(B). Pub. L. 115-232, § 3544(a)(5), added subpar. (B) and struck out former subpar. (B) which set various age limits for vessels between 15,000 and 30,000 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title.

Subsec. (c)(3)(C). Pub. L. 115-232, § 3544(a)(6), added subpar. (C) and struck out former subpar. (C) which set various age limits for vessels of at least 30,000 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title.

Subsec. (e)(1). Pub. L. 115-232, § 3544(a)(7)(A), struck out “and except as otherwise provided in paragraphs (2) and (3) of this subsection” after “purposes of this section”.

Subsec. (e)(2), (3). Pub. L. 115-232, § 3544(a)(7)(B), redesignated par. (3) as (2) and struck out former par. (2) which related to waiver of the application of paragraph (1) to certain tank vessels.

2017—Subsec. (b)(6). Pub. L. 115-91 substituted “section 57100” for “section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744)”.

2006—Subsec. (c)(1)(C), (2), (3). Pub. L. 109-304 substituted “documentation as a wrecked vessel under section 12112 of this title” for “documentation under section 4136 of the Revised Statutes of the United States (46 App. U.S.C. 14)”.

1997—Subsec. (e). Pub. L. 105-85 added subsec. (e).

1996—Subsec. (b)(2). Pub. L. 104-324, § 715(1), inserted “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” after “5,000 gross tons”.

Subsec. (b)(4) to (6). Pub. L. 104-324, § 1103(1), added pars. (4) to (6).

Subsec. (c)(2). Pub. L. 104-324, § 715(2), inserted “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” after “5,000 gross tons” in two places.

Subsec. (c)(3)(A). Pub. L. 104-324, § 715(3), inserted “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” after “15,000 gross tons”.

Subsec. (c)(3)(B). Pub. L. 104-324, § 715(4), inserted “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” after “30,000 gross tons”.

Subsec. (c)(3)(C). Pub. L. 104-324, § 715(5), inserted “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” after “30,000 gross tons”.

Subsec. (d). Pub. L. 104-324, § 1103(2), added subsec. (d).

EFFECTIVE DATE

Section applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as a note under section 2701 of Title 33, Navigation and Navigable Waters.

TRANSFER OF FUNCTIONS

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.

TANK VESSELS OVER 5,000 GROSS TONS TO COMPLY UNTIL JANUARY 1, 2015, WITH ENVIRONMENTALLY PROTECTIVE STRUCTURAL AND OPERATIONAL REQUIREMENTS

Pub. L. 101-380, title IV, § 4115(b), Aug. 18, 1990, 104 Stat. 520, provided that: “The Secretary shall, within 12 months after the date of the enactment of this Act [Aug. 18, 1990], complete a rulemaking proceeding and issue a final rule to require that tank vessels over 5,000 gross tons affected by section 3703a of title 46, United States Code, as added by this section, comply until January 1, 2015, with structural and operational requirements that the Secretary determines will provide as substantial protection to the environment as is economically and technologically feasible.”

STUDY ON OTHER STRUCTURAL AND OPERATIONAL TANK VESSEL REQUIREMENTS

Pub. L. 101-380, title IV, § 4115(e), Aug. 18, 1990, 104 Stat. 520, as amended by Pub. L. 105-383, title IV, § 423, Nov. 13, 1998, 112 Stat. 3440; Pub. L. 108-293, title VII, § 705, Aug. 9, 2004, 118 Stat. 1075; Pub. L. 109-241, title IX, § 901(n), July 11, 2006, 120 Stat. 565, provided that:

“(1) OTHER REQUIREMENTS.—Not later than 6 months after the date of enactment of this Act [Aug. 18, 1990], the Secretary shall determine, based on recommendations from the National Academy of Sciences or other qualified organizations, whether other structural and operational tank vessel requirements will provide protection to the marine environment equal to or greater than that provided by double hulls, and shall report to the Congress that determination and recommendations for legislative action.

“(2) REVIEW AND ASSESSMENT.—The Secretary shall—

“(A) periodically review recommendations from the National Academy of Sciences and other qualified organizations on methods for further increasing the environmental and operational safety of tank vessels;

“(B) not later than 5 years after the date of enactment of this Act [Aug. 18, 1990], assess the impact of this section on the safety of the marine environment and the economic viability and operational makeup of the maritime oil transportation industry; and

“(C) report the results of the review and assessment to the Congress with recommendations for legislative or other action.

“(3) No later than one year after the date of enactment of the Coast Guard and Maritime Transportation Act of 2004 [Aug. 9, 2004], the Secretary shall, taking into account the recommendations contained in the report by the Marine Board of the National Research Council entitled ‘Environmental Performance of Tanker Design in Collision and Grounding’ and dated 2001, establish and publish an environmental equivalency evaluation index (including the methodology to develop that index) to assess overall outflow performance due to collisions and groundings for double hull tank vessels and alternative designs.”

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 3704. Coastwise trade vessels

A segregated ballast tank, a crude oil washing system, or an inert gas system, required by this chapter or a regulation prescribed under this chapter, on a vessel entitled to engage in the coastwise trade under chapter 551 of this title shall be installed in the United States (except the trust territories). A vessel failing to comply with this section may not engage in the coastwise trade.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 522; Pub. L. 109–304, §15(16), Oct. 6, 2006, 120 Stat. 1703.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 3704 46:391a(7)

Section 3704 requires any tank vessel that is entitled to engage in the coastwise trade to install certain equipment in the United States under the penalty of losing coastwise trading privileges if the installation work is done in a foreign country.

AMENDMENTS

2006—Pub. L. 109–304 substituted “chapter 551 of this title” for “section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883),”.

§ 3705. Crude oil tanker minimum standards

(a) A new crude oil tanker of at least 20,000 deadweight tons shall be equipped with—

- (1) protectively located segregated ballast tanks;
(2) a crude oil washing system; and
(3) a cargo tank protection system consisting of a fixed deck froth system and a fixed inert gas system.

(b) An existing crude oil tanker of at least 40,000 deadweight tons shall be equipped with—

- (1) segregated ballast tanks; or
(2) a crude oil washing system.

(c) An existing crude oil tanker of at least 20,000 deadweight tons but less than 40,000 deadweight tons, and at least 15 years of age, shall be equipped with segregated ballast tanks or a crude oil washing system.

(d) An existing crude oil tanker of at least 20,000 deadweight tons shall be equipped with an inert gas system. However, for a crude oil tanker of less than 40,000 deadweight tons not fitted with high capacity tank washing machines, the Secretary may grant an exemption if the vessel’s owner can show clearly that compliance

would be unreasonable and impracticable due to the vessel’s design characteristics.

(e) A crude oil tanker engaged in transferring oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States shall be equipped with segregated ballast tanks, or may operate with dedicated clean ballast tanks or special ballast arrangements. However, the tanker shall comply with other applicable minimum standards of this section.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 523; Pub. L. 115–232, div. C, title XXXV, §3544(b), Aug. 13, 2018, 132 Stat. 2325.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Rows: 3705(a) 46:391a(7)(A); 3705(b) 46:391a(7)(D); 3705(c) 46:391a(7)(E); 3705(d) 46:391a(7)(F); 3705(e) 46:391a(7)(M)

Section 3705 requires compliance with certain minimum standards by a crude oil tanker, which is self-propelled. In general, the minimum required standards are consistent with those international standards that have been adopted as Protocols to the 1974 Safety of Life at Sea Convention and the 1973 Marine Pollution Convention.

Section 3705(a) requires new crude oil tankers of 20,000 deadweight tons or above to have protectively located segregated ballast tanks, a crude oil washing system, and a specified cargo tank protection system.

Section 3705(b) requires existing crude oil tankers of 40,000 deadweight tons or above to have segregated ballast tanks or a crude oil washing system. Compliance may be delayed until June 1, 1985 for smaller tankers that have dedicated clean ballast tanks.

Section 3705(c) requires existing crude oil tankers of 20,000 deadweight tons or above, but less than 40,000 deadweight tons, that are 15 years or older, to have segregated ballast tanks or a crude oil washing system by January 1, 1985 or if less than 15 years old, by the date on which it reaches 15 years of age.

Section 3705(d) requires existing crude oil tankers of 20,000 deadweight tons or above, to install an inert gas system. An exemption for crude oil tankers of less than 40,000 deadweight tons not fitted with high-capacity tank washing machines may be granted by the Secretary, only if it is demonstrated that compliance would be unreasonable and impracticable due to the vessel’s design characteristics.

Section 3705(e) requires existing crude oil tankers of 20,000 deadweight tons or above, engaged in the transfer of oil from Outer Continental Shelf oil exploitation or production facilities, to have segregated ballast tanks or be operated with dedicated clean ballast tanks or special ballast arrangements.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–232, §3544(b)(1), struck out par. (1) designation after “(b)”, redesignated subpars. (A) and (B) of former par. (1) as pars. (1) and (2), respectively, and struck out former par. (2) which read as follows: “Compliance with paragraph (1) of this subsection may be delayed until June 1, 1985, for any tanker of less than 70,000 deadweight tons that has dedicated clean ballast tanks.”

Subsec. (c). Pub. L. 115–232, §3544(b)(2), struck out “before January 2, 1986, or the date on which the tanker reaches 15 years of age, whichever is later” before period at end.

§ 3706. Product carrier minimum standards

(a) A new product carrier of at least 30,000 deadweight tons shall be equipped with protectively located segregated ballast tanks.