

**Calendar No. 18**

115TH CONGRESS  
1ST SESSION

**S. 89**

[Report No. 115–5]

To amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

JANUARY 10, 2017

Mrs. McCASKILL (for herself, Mr. BLUNT, Mr. BROWN, Mr. PORTMAN, Mr. CASSIDY, Mr. COTTON, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MARCH 21, 2017

Reported by Mr. THUNE, without amendment

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**A BILL**

To amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials 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. FIRE-RETARDANT MATERIALS EXEMPTION.**

4        Section 3503 of title 46, United States Code, is  
 5 amended to read as follows:

6 **“§ 3503. Fire-retardant materials**

7        “(a)(1) A passenger vessel of the United States hav-  
 8 ing berth or stateroom accommodations for at least 50  
 9 passengers shall be granted a certificate of inspection only  
 10 if—

11            “(A) the vessel is constructed of fire-retardant  
 12 materials; and

13            “(B) the vessel—

14                    “(i) is operating engines, boilers, main  
 15 electrical distribution panels, fuel tanks, oil  
 16 tanks, and generators that meet current Coast  
 17 Guard regulations;

18                    “(ii) is operating boilers and main elec-  
 19 trical generators that are contained within non-  
 20 combustible enclosures equipped with fire sup-  
 21 pression systems; and

22                    “(iii) has multiple forms of egress off the  
 23 vessel’s bow and stern.

1       “(2) Before December 1, 2028, this section does not  
2 apply to any vessel in operation before January 1, 1968,  
3 and operating only within the Boundary Line.

4       “(b)(1) When a vessel is exempted from the fire-re-  
5 tardant standards of subsection (a)—

6           “(A) the owner or managing operator of the  
7 vessel shall—

8           “(i) notify in writing prospective pas-  
9 sengers, prior to the sale of any ticket for  
10 boarding and to be affirmatively recognized by  
11 such passenger prior to purchase, and any crew  
12 member that the vessel does not comply with  
13 applicable fire safety standards due primarily to  
14 the wooden construction of passenger berthing  
15 areas; and

16           “(ii) display in clearly legible font promi-  
17 nently throughout the vessel, including in each  
18 state room the following: ‘THIS VESSEL  
19 FAILS TO COMPLY WITH SAFETY  
20 RULES AND REGULATIONS OF THE U.S.  
21 COAST GUARD.’;

22           “(B) the owner or managing operator of the  
23 vessel—

24           “(i) may not disclaim liability to a pas-  
25 senger or crew member for death, injury, or any

1 other loss caused by fire due to the negligence  
2 of the owner or managing operator; and

3 “(ii) shall acquire prior to entering service,  
4 and maintain, liability insurance in an amount  
5 to be prescribed by the Federal Maritime Com-  
6 mission;

7 “(C) the penalties provided in section 3504(c)  
8 of this title apply to a violation of this subsection;

9 “(D) the owner or managing operator of the  
10 vessel shall—

11 “(i) make annual structural alteration to  
12 not less than 10 percent of the areas of the ves-  
13 sel that are not constructed of fire retardant  
14 materials;

15 “(ii) prioritize alterations in galleys, engi-  
16 neering areas of the vessel, including all spaces  
17 and compartments containing, or adjacent to  
18 spaces and compartments containing, engines,  
19 boilers, main electrical distribution panels, fuel  
20 tanks, oil tanks, and generators;

21 “(iii) ensure, to the satisfaction of the  
22 Coast Guard, that the combustible fire-load has  
23 been reduced pursuant to clause (i) during each  
24 annual inspection for certification; and

1           “(iv) provide advance notice to the Coast  
2           Guard regarding the structural alterations  
3           made pursuant to clause (i) and comply with  
4           any noncombustible material requirements pre-  
5           scribed by the Coast Guard;

6           “(E) the Coast Guard, in making the deter-  
7           mination required in subparagraph (D)(iii), shall  
8           consider, to the extent practicable, the goal of pres-  
9           ervation of the historic integrity of the vessel in  
10          areas carrying or accessible to passengers or gen-  
11          erally visible to the public;

12          “(F) the owner or managing operator of the  
13          vessel shall annually notify all ports of call and State  
14          emergency management offices of jurisdiction that  
15          the vessel does not comply with applicable fire safety  
16          standards due primarily to the wooden construction  
17          of passenger berthing areas;

18          “(G) the crews manning such vessel shall re-  
19          ceive specialized training, above minimum standards,  
20          in regards to shipboard firefighting that is special-  
21          ized for exempted vessels and approved by the Coast  
22          Guard; and

23          “(H) the owner or managing operator of the  
24          vessel shall, to the extent practicable, take all steps  
25          to retain previously trained crew knowledgeable of

1       such vessel or to hire crew trained in operations  
2       aboard exempted vessels.

3       “(2) The Secretary shall conduct an annual audit and  
4 inspection of any vessel exempted from the fire-retardant  
5 standards of subsection (a).

6       “(c) The Secretary shall prescribe regulations to  
7 carry out this section. Such regulations shall include the  
8 manner in which prospective passengers are to be notified.

9       “(d) In addition to other penalties permitted by law,  
10 the Secretary is authorized to immediately withdraw a cer-  
11 tificate of inspection for a passenger vessel that does not  
12 comply with any requirement under this section.”.



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