

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 3306. Regulations

(a) To carry out this part and to secure the safety of individuals and property on board vessels subject to inspection, including covered small passenger vessels (as defined in subsection (n)(5)), 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, including rechargeable devices utilized for personal or commercial electronic equipment.

(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 Secretary 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 life-saving 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(4) 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.

(1)(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.

(n) COVERED SMALL PASSENGER VESSELS.—

(1) REGULATIONS.—The Secretary shall prescribe additional regulations to secure the safety of individuals and property on board covered small passenger vessels.

(2) COMPREHENSIVE REVIEW.—In order to prescribe the regulations under paragraph (1), the Secretary shall conduct a comprehensive review of all requirements (including calculations), in existence on the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, that apply to covered small passenger vessels, with respect to fire detection, protection, and suppression systems, and avenues of egress, on board such vessels.

(3) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the regulations prescribed under paragraph (1) shall include, with respect to covered small passenger vessels, regulations for—

(i) marine firefighting training programs to improve crewmember training and proficiency, including emergency egress training for each member of the crew, to occur for all members on the crew—

(I) at least monthly while such members are employed on board the vessel; and

(II) each time a new crewmember joins the crew of such vessel;

(ii) in all areas on board the vessel where passengers and crew have access, including dining areas, sleeping quarters, and lounges—

(I) interconnected fire detection equipment, including audible and visual alarms; and

(II) additional fire extinguishers and other firefighting equipment;

(iii) the installation and use of monitoring devices to ensure the wakefulness of the required night watch;

(iv) increased fire detection and suppression systems (including additional fire extinguishers) on board such vessels in unmanned areas with machinery or areas with other potential heat sources;

(v) all general areas accessible to passengers to have no less than 2 independent avenues of escape that are—

(I) constructed and arranged to allow for free and unobstructed egress from such areas;

(II) located so that if one avenue of escape is not available, another avenue of escape is available; and

(III) not located directly above, or dependent on, a berth;

(vi) the handling, storage, and operation of flammable items, such as rechargeable batteries, including lithium ion batteries utilized for commercial purposes on board such vessels;

(vii) passenger emergency egress drills for all areas on the vessel to which passengers have access, which shall occur prior to the vessel beginning each excursion; and

(viii) all passengers to be provided a copy of the emergency egress plan for the vessel.

(B) APPLICABILITY TO CERTAIN COVERED SMALL PASSENGER VESSELS.—The requirements described in clauses (iii), (v), (vii), and (viii) of subparagraph (A) shall only apply to a covered small passenger vessel that has overnight passenger accommodations.

(4) INTERIM REQUIREMENTS.—

(A) INTERIM REQUIREMENTS.—The Secretary shall, prior to issuing final regulations under paragraph (1), implement interim requirements to enforce the requirements under paragraph (3).

(B) IMPLEMENTATION.—The Secretary shall implement the interim requirements under subparagraph (A) without regard to chapters 5 and 6 of title 5 and Executive Order Nos. 12866 and 13563 (5 U.S.C. 601 note; relating to regulatory planning and review and relating to improving regulation and regulatory review).

(5) DEFINITION OF COVERED SMALL PASSENGER VESSEL.—In this subsection, the term “covered small passenger vessel”—

(A) except as provided in subparagraph (B), means a small passenger vessel (as defined in section 2101) that—

(i) has overnight passenger accommodations; or

(ii) is operating on a coastwise or oceans route; and

(B) does not include a ferry (as defined in section 2101) or fishing vessel (as defined in section 2101).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 513; Pub. L. 98-364, title IV, § 402(5), July 17, 1984, 98 Stat. 446; Pub. L. 103-206, title V, § 512(a), Dec. 20, 1993, 107

Stat. 2442; Pub. L. 104-324, title VI, § 604(a), (c), title VII, § 712, Oct. 19, 1996, 110 Stat. 3930, 3931, 3936; Pub. L. 108-293, title IV, § 415(b), Aug. 9, 2004, 118 Stat. 1047; Pub. L. 109-304, § 15(12), Oct. 6, 2006, 120 Stat. 1703; Pub. L. 111-281, title VI, § 612, Oct. 15, 2010, 124 Stat. 2970; Pub. L. 115-232, div. C, title XXXV, § 3542(b), Aug. 13, 2018, 132 Stat. 2324; Pub. L. 115-265, title II, § 206(a)(1), Oct. 11, 2018, 132 Stat. 3746; Pub. L. 116-283, div. G, title LVXXXIV [LXXXIV], § 8441(a), Jan. 1, 2021, 134 Stat. 4742.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3306	46:366
	46:369
	46:375
	46:390b
	46:392
	46:404
	46:406
	46:411
	46:412
	46:416
	46:420
	46:445
	46:459
	46:473
	46:477
	46:478
	46:479
	46:481
	46:482
	46:483
	46:489
	46:526p
	46:1295f(c)

Section 3306 contains broad authority to prescribe regulations for the proper inspection and certification of vessels. It provides regulatory flexibility for meeting technological changes. The section also permits flexibility in prescribing regulations for nautical school vessels operated by the United States Merchant Marine Academy or by a State maritime academy. The Secretary may suspend or grant exemptions to certain limited inspection requirements when the Secretary finds that this is necessary in the public interest. It also contains the requirement that in regulating offshore supply vessels consideration must be given to the special nature of their operations.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Maritime Safety Act of 2010, referred to in subsec. (k)(1), is the date of enactment of title VI of Pub. L. 111-281, which was approved Oct. 15, 2010.

The date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, referred to in subsec. (n)(2), is the date of enactment of div. G of Pub. L. 116-283, which was approved Jan. 1, 2021.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, § 8441(a)(1)(A), inserted “, including covered small passenger vessels (as defined in subsection (n)(5))” after “vessels subject to inspection” in introductory provisions.

Subsec. (a)(5). Pub. L. 116-283, § 8441(a)(1)(B), inserted “, including rechargeable devices utilized for personal or commercial electronic equipment” before period at end.

Subsec. (n). Pub. L. 116-283, § 8441(a)(2), added subsec. (n).

2018—Subsec. (i). Pub. L. 115-232 substituted “section 2113(4)” for “section 2113(5)”.

Subsecs. (l), (m). Pub. L. 115-265 added subsecs. (l) and (m).

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

2006—Subsec. (d). Pub. L. 109-304 substituted “section 51102 of this title” for “section 1302(3) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295a(3))”.

2004—Subsec. (j). Pub. L. 108-293 added subsec. (j).

1996—Subsec. (a)(4). Pub. L. 104-324, § 604(c), substituted “paragraphs (1), (2), and (3)” for “clauses (1)–(3)”.

Subsec. (b). Pub. L. 104-324, § 604(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Equipment subject to regulation under this section may not be used on any vessel without prior approval as prescribed by regulation.”

Subsec. (h). Pub. L. 104-324, § 712(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 “300 gross tons”.

Subsec. (i). Pub. L. 104-324, § 712(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 “500 gross tons”.

1993—Subsecs. (h), (i). Pub. L. 103-206 added subsecs. (h) and (i).

1984—Subsec. (g). Pub. L. 98-364 added subsec. (g).

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EFFECTIVE DATE

Section effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

SMALL PASSENGER VESSELS WITH OVERNIGHT ACCOMMODATIONS

Pub. L. 118-31, div. C, title XXXV, § 3531(b), Dec. 22, 2023, 137 Stat. 826, provided that:

“(1) EXTENSION AUTHORITY.—

“(A) IN GENERAL.—The Commandant of the Coast Guard shall not enforce the requirements of section 3306(n)(3)(A)(v) of title 46, United States Code, against an operator of an overnight fishing charter before April 1, 2024.

“(B) PLAN REQUIRED.—Not later than April 1, 2024, an operator of an overnight fishing charter not in compliance with such section 3306(n)(3)(A)(v) shall submit to the Commandant a plan for complying with such requirements.

“(C) EXTENSION.—On and after April 1, 2024, with respect to an operator of an overnight fishing charter which has submitted a plan for compliance in accordance with subparagraph (B), a captain of the port may extend the period described under subparagraph (A) until a date not later than January 1, 2026.

“(2) LIMITATION.—Without further Congressional action, a captain of the port may not extend the period of nonenforcement of the requirements of section 3306(n)(3)(A)(v) of title 46, United States Code, with respect to an overnight fishing charter, to a date later than January 1, 2026.

“(3) NOTICE TO PASSENGERS.—Beginning on the date on which the requirements under section 3306(n)(3)(A)(v) of title 46, United States Code, take effect, the owner or operator of a vessel for which an extension is granted under paragraph (1)(C) shall provide on the website of such owner or operator of the vessel, the vessel, and each ticket for a passenger a prominently displayed notice that the vessel is exempt from meeting the Coast Guard safety compliance standards concerning egress as described in such section.

“(4) OVERNIGHT FISHING CHARTER DEFINED.—In this section, the term ‘overnight fishing charter’ means a vessel that—

“(A) is engaged in ‘charter fishing’ as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802); and

“(B) has overnight accommodations for passengers.”

REGULATIONS

Pub. L. 103-206, title V, § 512(b), (c), Dec. 20, 1993, 107 Stat. 2442, provided that:

“(b) The Secretary of Transportation shall, within twenty-four months of the date of enactment of this Act [Dec. 20, 1993], prescribe regulations establishing the structural fire protection, manning, operating, and equipment requirements for vessels which meet the requirements of subsections (h) and (i) of section 3306 of title 46, United States Code, as amended by this Act.

“(c) Before the Secretary of Transportation prescribes regulations under subsections (h) and (i) of section 3306 of title 46, United States Code, as amended by this Act, the Secretary may prescribe the route, service, manning, and equipment for those vessels based on existing passenger vessel and small passenger vessel regulations.”

DEADLINES FOR IMPLEMENTATION OF DISTRESS SIGNALING AND LOCATION TECHNOLOGY REQUIREMENT AND PROMULGATION OF INCREMENTAL WEIGHT CHANGE RECORDS REGULATIONS

Pub. L. 115-265, title II, §206(a)(2), Oct. 11, 2018, 132 Stat. 3746, provided that: “The Secretary shall—

“(A) begin implementing the requirement under section 3306(l) of title 46, United States Code, as amended by this subsection, by not later than 1 year after the date of the enactment of this Act [Oct. 11, 2018]; and

“(B) promulgate the regulations required under section 3306(m) of title 46, United States Code, as amended by this subsection, by not later than 1 year after the date of the enactment of this Act.”

[For definition of “Secretary” as used in section 206(a)(2) 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.]

OIL SPILL RESPONSE; EXCEPTIONS TO REGULATIONS FOR TOWING VESSELS

Pub. L. 117-263, div. K, title CXIII, §11316, Dec. 23, 2022, 136 Stat. 4089, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Dec. 23, 2022], the Secretary shall review existing Coast Guard policies with respect to exceptions to the applicability of subchapter M of chapter I of title 46, Code of Federal Regulations (or successor regulations), for—

“(1) an oil spill response vessel, or a vessel of opportunity, while such vessel is—

“(A) towing boom for oil spill response; or

“(B) participating in an oil response exercise; and

“(2) a fishing vessel while that vessel is operating as a vessel of opportunity.

“(b) POLICY.—Not later than 180 days after the conclusion of the review required under subsection (a), the Secretary shall revise or issue any necessary policy to clarify the applicability of subchapter M of chapter I of title 46, Code of Federal Regulations (or successor regulations) to the vessels described in subsection (a). Such a policy shall ensure safe and effective operation of such vessels.

“(c) DEFINITIONS.—In this section:

“(1) FISHING VESSEL; OIL SPILL RESPONSE VESSEL.—The terms ‘fishing vessel’ and ‘oil spill response vessel’ have the meanings given such terms in section 2101 of title 46, United States Code.

“(2) VESSEL OF OPPORTUNITY.—The term ‘vessel of opportunity’ means a vessel engaged in spill response activities that is normally and substantially involved in activities other than spill response and not a vessel carrying oil as a primary cargo.”

[For definition of “Secretary” as used in section 11316 of Pub. L. 117-263, set out above, see section 11002 of Pub. L. 117-263, set out as a note under section 106 of Title 14, Coast Guard.]

REQUIREMENTS FOR DUKW AMPHIBIOUS PASSENGER VESSELS

Pub. L. 117-263, div. K, title CXV, §11502, Dec. 23, 2022, 136 Stat. 4127, provided that:

“(a) RULEMAKING REQUIRED.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act [Dec. 23, 2022], the Commandant [of the Coast Guard] shall initiate a rulemaking to establish additional safety standards for DUKW amphibious passenger vessels.

“(2) DEADLINE FOR REGULATIONS.—The regulations issued under paragraph (1) shall take effect not later than 18 months after the Commandant promulgates a final rule pursuant to such paragraph.

“(b) REQUIREMENTS.—The regulations required under subsection (a) shall include the following:

“(1) A requirement that operators of DUKW amphibious passenger vessels provide reserve buoyancy for such vessels through passive means, including watertight compartmentalization, built-in flotation, or such other means as determined appropriate by the Commandant, in order to ensure that such vessels remain afloat and upright in the event of flooding, including when carrying a full complement of passengers and crew.

“(2) An identification, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, of limiting environmental conditions, such as weather, in which DUKW amphibious passenger vessels may safely operate and a requirement that such limiting conditions be described in the certificate of inspection of each DUKW amphibious passenger vessel.

“(3) Requirements that an operator of a DUKW amphibious passenger vessel—

“(A) proceed to the nearest harbor or safe refuge in any case in which a watch or warning is issued for wind speeds exceeding the wind speed equivalent used to certify the stability of such DUKW amphibious passenger vessel; and

“(B) maintain and monitor a weather monitor radio receiver at the operator station of the vessel that is automatically activated by the warning alarm device of the National Weather Service.

“(4) A requirement that—

“(A) operators of DUKW amphibious passenger vessels inform passengers that seat belts may not be worn during waterborne operations;

“(B) before the commencement of waterborne operations, a crew member shall visually check that the seatbelt of each passenger is unbuckled; and

“(C) operators or crew maintain a log recording the actions described in subparagraphs (A) and (B).

“(5) A requirement for annual training for operators and crew of DUKW amphibious passenger vessels, including—

“(A) training for personal flotation and seat belt requirements, verifying the integrity of the vessel at the onset of each waterborne departure, identification of weather hazards, and use of National Weather Service resources prior to operation; and

“(B) training for crew to respond to emergency situations, including flooding, engine compartment fires, man-overboard situations, and in water emergency egress procedures.

“(c) CONSIDERATION.—In issuing the regulations required under subsection (a), the Commandant shall consider whether personal flotation devices should be required for the duration of the waterborne transit of a DUKW amphibious passenger vessel.

“(d) WAIVER.—The Commandant may waive the reserve buoyancy requirements described in subsection (b)(1) for a DUKW amphibious passenger vessel if the Commandant certifies in writing, using the best available science, to the appropriate congressional committees that such requirement is not practicable or technically or practically achievable for such vessel.

“(e) NOTICE TO PASSENGERS.—A DUKW amphibious passenger vessel that receives a waiver under subsection (d) shall provide a prominently displayed notice on its website, ticket counter, and each ticket for passengers that the vessel is exempt from meeting Coast Guard safety compliance standards concerning reserve buoyancy.

“(f) INTERIM REQUIREMENTS.—Prior to issuing final regulations pursuant to subsection (a) and not later

than 180 days after the date of enactment of this Act [Dec. 23, 2022], the Commandant shall require that operators of DUKW amphibious passenger vessels implement the following requirements:

“(1) Remove the canopies and any window coverings of such vessels for waterborne operations, or install in such vessels a canopy that does not restrict horizontal or vertical escape by passengers in the event of flooding or sinking.

“(2) If a canopy and window coverings are removed from any such vessel pursuant to paragraph (1), require that all passengers wear a personal flotation device approved by the Coast Guard before the onset of waterborne operations of such vessel.

“(3) Reengineer such vessels to permanently close all unnecessary access plugs and reduce all through-hull penetrations to the minimum number and size necessary for operation.

“(4) Install in such vessels independently powered electric bilge pumps that are capable of dewatering such vessels at the volume of the largest remaining penetration in order to supplement an operable Higgins pump or a dewatering pump of equivalent or greater capacity.

“(5) Install in such vessels not fewer than 4 independently powered bilge alarms.

“(6) Conduct an in-water inspection of any such vessel after each time a through-hull penetration of such vessel has been removed or uncovered.

“(7) Verify through an in-water inspection the watertight integrity of any such vessel at the outset of each waterborne departure of such vessel.

“(8) Install underwater LED lights that activate automatically in an emergency.

“(9) Otherwise comply with any other provisions of relevant Coast Guard guidance or instructions in the inspection, configuration, and operation of such vessels.

“(g) IMPLEMENTATION.—The Commandant shall implement the interim requirements under subsection (f) without regard to chapters 5 and 6 of title 5, United States Code, and Executive Order Nos. 12866 and 13563 (5 U.S.C. 601 note).

“(h) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) DUKW AMPHIBIOUS PASSENGER VESSEL.—The term ‘DUKW amphibious passenger vessel’ means a vessel that uses, modifies, or is derived from the GMC DUKW-353 design, and which is operating as a small passenger vessel in waters subject to the jurisdiction of the United States, as defined in section 2.38 of title 33, Code of Federal Regulations (or a successor regulation).”

HISTORIC WOOD SAILING VESSELS

Pub. L. 117-263, div. K, title CXV, §11505, Dec. 23, 2022, 136 Stat. 4134, provided that:

“(a) REPORT ON HISTORIC WOOD SAILING VESSELS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Dec. 23, 2022], the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the practicability of the application of section 3306(n)(3)(A)(v) of title 46, United States Code, to historic wood sailing vessels.

“(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

“(A) An assessment of the compliance, as of the date on which the report is submitted under paragraph (1), of historic wood sailing vessels with section 3306(n)(3)(A)(v) of title 46, United States Code.

“(B) An assessment of the safety record of historic wood sailing vessels.

“(C) An assessment of any risk that modifying the requirements under such section would have on the safety of passengers and crew of historic wood sailing vessels.

“(D) An evaluation of the economic practicability of requiring the compliance of historic wood sailing vessels with such section and whether such compliance would meaningfully improve safety of passengers and crew in a manner that is both feasible and economically practicable.

“(E) Any recommendations to improve safety in addition to, or in lieu of, applying such section to historic wood sailing vessels.

“(F) Any other recommendations as the Comptroller General determines are appropriate with respect to the applicability of such section to historic wood sailing vessels.

“(G) An assessment to determine if historic wood sailing vessels could be provided an exemption to such section and the changes to legislative or rule-making requirements, including modifications to section 177.500(q) of title 46, Code of Federal Regulations (as in effect on the date of enactment of this Act [Dec. 23, 2022]), that are necessary to provide the Commandant [of the Coast Guard] the authority to make such exemption or to otherwise provide for such exemption.

“(b) CONSULTATION.—In completing the report required under subsection (a), the Comptroller General may consult with—

“(1) the National Transportation Safety Board;

“(2) the Coast Guard; and

“(3) the maritime industry, including relevant federally funded research institutions, nongovernmental organizations, and academia.

“(c) WAIVER FOR COVERED HISTORIC VESSELS.—The captain of a port may waive the requirements of section 3306(n)(3)(A)(v) of title 46, United States Code, with respect to covered historic vessels for not more than 2 years after the date on which the report required under subsection (a) is submitted.

“(d) WAIVER FOR OTHER HISTORIC WOOD SAILING VESSELS.—

“(1) IN GENERAL.—The captain of a port may, upon the request of the owner or operator of a historic wood sailing vessel that is not a covered historic vessel, waive the requirements of section 3306(n)(3)(A)(v) of title 46, United States Code, with respect to the historic wood sailing vessel for not more than 2 years after date on which the report required under subsection (a) is submitted, if the captain of the port—

“(A) determines that it is technically infeasible for the historic wood sailing vessel to comply with the requirements described in section 3306(n)(3)(A)(v) of title 46, United States Code, due to its age; and

“(B) approves the alternative arrangements proposed for the historic wood sailing vessel in accordance with paragraph (2).

“(2) REQUEST AND ALTERNATIVE ARRANGEMENTS.—An owner or operator of a historic wood sailing vessel requesting a waiver under paragraph (1) shall submit such a request to the captain of a port that includes the alternative arrangements the owner or operator will take to ensure an equivalent level of safety, to the maximum extent practicable, to the requirements under section 3306(n)(3)(A)(v) of title 46, United States Code.

“(e) SAVINGS CLAUSE.—Nothing in this section shall limit any authority available, as of the date of enactment of this Act [Dec. 23, 2022], to the captain of a port with respect to safety measures or any other authority as necessary for the safety of historic wood sailing vessels.

“(f) NOTICE TO PASSENGERS.—Any vessel that receives a waiver under subsection (c) or subsection (d) shall, beginning on the date on which the requirements under section 3306(n)(3)(v) of title 46, United States Code, take effect, provide a prominently displayed notice on its website, ticket counter, and each ticket for a passenger

that the vessel is exempt from meeting the Coast Guard safety compliance standards concerning egress as described under such section.

“(g) DEFINITIONS.—In this section:

“(1) COVERED HISTORIC VESSELS.—The term ‘covered historic vessels’ means each of the following:

- “(A) Adventuress (Official Number 210877).
- “(B) American Eagle (Official Number 229913).
- “(C) Angelique (Official Number 623562).
- “(D) Heritage (Official Number 649561).
- “(E) J & E Riggin (Official Number 226422).
- “(F) Ladona (Official Number 222228).
- “(G) Lady Washington (Official Number 944970).
- “(H) Lettie G. Howard (Official Number 222838).
- “(I) Lewis R. French (Official Number 015801).
- “(J) Mary Day (Official Number 288714).
- “(K) Stephen Taber (Official Number 115409).
- “(L) Victory Chimes (Official Number 136784).
- “(M) Grace Bailey (Official Number 085754).
- “(N) Mercantile (Official Number 214388).
- “(O) Mistress (Official Number 509004).
- “(P) Wendameen (Official Number 210173).

“(2) HISTORIC WOOD SAILING VESSEL.—The term ‘historic wood sailing vessel’ means a covered small passenger vessel, as defined in section 3306(n)(5) of title 46, United States Code, that—

- “(A) has overnight passenger accommodations;
- “(B) is a wood sailing vessel;
- “(C) has a hull constructed of wood;
- “(D) is principally equipped for propulsion by sail, even if the vessel has an auxiliary means of production;
- “(E) has no fewer than three masts; and
- “(F) was constructed before 1986.”

ALCOHOL AT SEA

Pub. L. 117-263, div. K, title CXVI, §11606, Dec. 23, 2022, 136 Stat. 4149, provided that:

“(a) IN GENERAL.—The Commandant [of the Coast Guard] shall seek to enter into an agreement with the National Academy of Sciences not later than 1 year after the date of enactment of this Act [Dec. 23, 2022] under which the National Academy of Sciences shall prepare an assessment to determine safe levels of alcohol consumption and possession by crew members aboard vessels of the United States engaged in commercial service, except when such possession is associated with the commercial sale to individuals aboard the vessel who are not crew members.

“(b) ASSESSMENT.—The assessment prepared pursuant to subsection (a) shall—

- “(1) take into account the safety and security of every individual on the vessel;
- “(2) take into account reported incidences of sexual harassment or sexual assault, as defined in section 2101 of title 46, United States Code; and
- “(3) provide any appropriate recommendations for any changes to laws, regulations, or employer policies.

“(c) SUBMISSION.—Upon completion of the assessment under this section, the National Academy of Sciences shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Commandant, and the Secretary the assessment prepared pursuant to subsection (a).

“(d) REGULATIONS.—The Commandant—

- “(1) shall, not later than 180 days after receiving the submission of the assessment under subsection (c), review the changes to regulations recommended in such assessment; and
- “(2) taking into account the safety and security of every individual on vessels of the United States engaged in commercial service, may issue regulations relating to alcohol consumption on such vessels.

“(e) SAVINGS CLAUSE.—To the extent the Commandant issues regulations establishing safe levels of alcohol consumption in accordance with subsection (d), the Commandant may not issue regulations which prohibit—

“(1) the owner or operator of a vessel from imposing additional restrictions on the consumption of alcohol, including the prohibition of the consumption of alcohol on such vessels; and

“(2) possession of alcohol associated with the commercial sale to individuals aboard the vessel who are not crew members.

“(f) REPORT REQUIRED.—If, by the date that is 2 years after the receipt of the assessment under subsection (c), the Commandant does not issue regulations under subsection (d), the Commandant shall provide a report by such date to the committees described in subsection (c)—

“(1) containing the rationale for not issuing such regulations; and

“(2) providing other recommendations as necessary to ensure safety at sea.”

[For definition of “Secretary” as used in section 11606 of Pub. L. 117-263, set out above, see section 11002 of Pub. L. 117-263, set out as a note under section 106 of Title 14, Coast Guard.]

NEGOTIATIONS TO AMEND INTERNATIONAL REGULATIONS RELATED TO VESSEL EQUIPMENT

Pub. L. 115-265, title II, §206(b), Oct. 11, 2018, 132 Stat. 3746, provided that: “Not later than 1 year after the date of the enactment of this Act [Oct. 11, 2018], the Commandant [of the Coast Guard] shall seek to enter into negotiations through the International Maritime Organization to amend regulation 25 of chapter II-1 of the International Convention for the Safety of Life at Sea to require a high-water alarm sensor in each cargo hold of a freight vessel (as that term is defined in section 2101 of title 46, United States Code), that connects with audible and visual alarms on the navigation bridge of the vessel.”

Pub. L. 115-265, title II, §208(a)(1), Oct. 11, 2018, 132 Stat. 3747, provided that: “Not later than 1 year after the date of the enactment of this Act [Oct. 11, 2018], the Commandant [of the Coast Guard] shall seek to enter into negotiations through the International Maritime Organization to amend regulation 20 of chapter V of the International Convention for the Safety of Life at Sea to require that all voyage data recorders are installed in a float-free arrangement and contain an integrated emergency position indicating radio beacon.”

TOWING VESSELS

Pub. L. 111-281, title VII, §701(c), Oct. 15, 2010, 124 Stat. 2980, provided that: “No later than 90 days after the date of enactment of this Act [Oct. 15, 2010], the Secretary shall issue a notice of proposed rulemaking regarding inspection requirements for towing vessels required under section 3306(j) of title 46, United States Code. The Secretary shall issue a final rule pursuant to that rulemaking no later than 1 year after the date of enactment of this Act.”

[“Secretary” as used in section 701(c) of Pub. L. 111-281, set out above, probably means the Secretary of the department in which the Coast Guard is operating, see section 701(a)(1) of Pub. L. 111-281, set out as a note under section 1321 of Title 33, Navigation and Navigable Waters.]

FOREIGN APPROVALS

Pub. L. 104-324, title VI, §604(b), Oct. 19, 1996, 110 Stat. 3931, provided that: “The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.”

INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA

For International Conventions for the Safety of Life at Sea to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

§ 3307. Frequency of inspection

Each vessel subject to inspection under this part shall undergo an initial inspection for certification before being put into service. After being put into service—

- (1) each passenger vessel, nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage shall be inspected at least once a year; and
(2) any other vessel shall be inspected at least once every 5 years.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 514; Pub. L. 104-324, title VI, §605(a), Oct. 19, 1996, 110 Stat. 3931.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Rows include 3307(1), 3307(2), and 3307(3) with corresponding source codes like 46:391(c), 46:1295f(c), etc.

Section 3307 requires each vessel subject to inspection to undergo an initial inspection prior to being placed in service. This is normally started during the construction or reconstruction phase and is a continuing process until final certification for operation in a particular trade. Subsequent periodic inspections are also required for various types of vessels. It is to be noted that a freight vessel of less than 100 gross tons shall be inspected at 3 year intervals while the larger freight vessel has a 2 year inspection period.

Editorial Notes

AMENDMENTS

1996—Par. (1). Pub. L. 104-324, §605(a)(1), substituted ‘, nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage’ for ‘and nautical school vessel’ and inserted ‘and’ at end.

Pars. (2), (3). Pub. L. 104-324, §605(a)(2), (3), redesignated par. (3) as (2), substituted ‘5 years’ for ‘2 years’, and struck out former par. (2) which read as follows: ‘each small passenger vessel, freight vessel or offshore supply vessel of less than 100 gross tons, and sailing school vessel shall be inspected at least once every 3 years; and’.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 3308. Examinations

In addition to inspections required by section 3307 of this title, the Secretary shall examine or have examined—

- (1) each vessel subject to inspection at proper times to ensure compliance with law and regulations; and
(2) crewmember accommodations on each vessel subject to inspection at least once a month or when the vessel enters United States ports to ensure that the accommodations are—

- (A) of the size required by law and regulations;
(B) properly ventilated and in a clean and sanitary condition; and
(C) equipped with proper plumbing and mechanical appliances required by law and regulations, and the appliances are in good working condition.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 514; Pub. L. 104-324, title VI, §603(c), Oct. 19, 1996, 110 Stat. 3930.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row includes 3308 with source codes 46:435, 46:660a, 46:660b.

Section 3308 requires the Secretary to carry out additional inspections as might be necessary to ensure compliance with applicable laws and regulations, and to ensure that accommodations are maintained in a sanitary condition and that all appliances are in good working order.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-324 inserted ‘or have examined’ after ‘examine’ in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Apr. 15, 1984, see section 2(g)(1) of Pub. L. 98-89, set out as a note under section 3101 of this title.

§ 3309. Certificate of inspection

(a) When an inspection under section 3307 of this title has been made and a vessel has been found to be in compliance with the requirements of law and regulations, a certificate of inspection, in a form prescribed by the Secretary, shall be issued to the vessel.

(b) The Secretary may issue a temporary certificate of inspection in place of a regular certificate of inspection issued under subsection (a) of this section.

(c) At least 30 days before the current certificate of inspection issued to a vessel under subsection (a) of this section expires, the owner, charterer, managing operator, agent, master, or individual in charge of the vessel shall submit to the Secretary in writing a notice that the vessel—

- (1) will be required to be inspected; or
(2) will not be operated so as to require an inspection.

(d) A certificate of inspection issued under this section shall be signed by the senior Coast Guard member or civilian employee who inspected the vessel, in addition to the officer in charge of marine inspection.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 515; Pub. L. 98-498, title II, §211(a), Oct. 19, 1984, 98 Stat. 2303; Pub. L. 104-324, title VI, §606, Oct. 19, 1996, 110 Stat. 3931; Pub. L. 111-281, title V, §522(c), Oct. 15, 2010, 124 Stat. 2957.)