

cial 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

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3307(1)	46:391(c) 46:1295f(c)
3307(2)	46:390a(a) 46:404-1(6)(i)
3307(3)	46:391(b) 46:392(b) 46:404-1(6)(ii)

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. This is being done to retain the existing procedure of issuing 3 year certificates of inspection to smaller vessels, however, this does not prevent periodic inspections or examinations at intervening periods.

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

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3308	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.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
3309	46:390c 46:391a(8) 46:395(d) 46:399

Section 3309 provides for the issuance of a certificate of inspection that attests to the fact that the vessel has been found to be in compliance with the applicable maritime safety laws and regulations. Under this provision the Coast Guard can issue a temporary certificate of inspection upon compliance with the applicable laws or regulations to facilitate the preparation, processing, and forwarding of the regular certificate of inspection to the vessel. A temporary certificate does not imply less than satisfactory compliance.

Editorial Notes

AMENDMENTS

- 2010—Subsec. (d). Pub. L. 111-281 added subsec. (d).
- 1996—Subsec. (c). Pub. L. 104-324 struck out “(but not more than 60 days)” after “30 days” in introductory provisions.
- 1984—Subsec. (c). Pub. L. 98-498 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-498 effective 180 days after Oct. 19, 1984, see section 214 of Pub. L. 98-498, set out as an Effective Date note under section 2306 of this title.

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.

§ 3310. Records of certification

The Secretary shall keep records of certificates of inspection of vessels and of all acts in the examination and inspection of vessels, whether of approval or disapproval.