

104TH CONGRESS  
2D SESSION

# H. R. 2916

To amend title 46, United States Code, to ensure the safety of towing vessels.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 1996

Mr. KENNEDY of Rhode Island (for himself and Mr. REED) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 46, United States Code, to ensure the safety of towing vessels.

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. SHORT TITLE.**

4 This Act may be cited as the “Towing Vessel Safety  
5 Act of 1996”.

6 **SEC. 2. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT FOR**  
7 **TOWING VESSELS.**

8 (a) IN GENERAL.—Section 4102 of title 46, United  
9 States Code, is amended by adding at the end the follow-  
10 ing:

1 “(f)(1) In prescribing regulations for towing vessels,  
2 the Secretary shall—

3 “(A) consider the characteristics, methods of  
4 operation, and nature of the service of towing ves-  
5 sels;

6 “(B) consult with the Towing Safety Advisory  
7 Committee; and

8 “(C) require, to the extent appropriate, the in-  
9 stallation, maintenance, and use of and familiarity  
10 with the following equipment on each towing vessel,  
11 other than a towing vessel that is used only for tow-  
12 ing disabled vessels:

13 “(i) A radar system.

14 “(ii) An electronic position-fixing device.

15 “(iii) A sonic depth finder.

16 “(iv) A compass or swing meter.

17 “(v) Adequate towing wire and associated  
18 equipment.

19 “(vi) Up-to-date navigational charts and  
20 publications for the areas normally transited by  
21 the vessel.

22 “(vii) Other safety equipment the Sec-  
23 retary determines to be necessary.

24 “(2) The Secretary shall establish in regulations  
25 under this chapter requirements that—

1           “(A) any equipment required on a towing vessel  
2           under paragraph (1) shall be maintained in effective  
3           operating condition; and

4           “(B) if such equipment on a vessel ceases to op-  
5           erate, the master of the vessel shall exercise due dili-  
6           gence to restore the equipment to effective operating  
7           condition, or cause it to be restored to that condi-  
8           tion, at the earliest practicable date.”.

9           (b) REGULATIONS.—The Secretary of Transportation  
10          shall issue regulations by not later than 12 months after  
11          the date of the enactment of this Act, prescribing naviga-  
12          tional publication and equipment requirements under sub-  
13          section (f) of section 4102 of title 46, United States Code,  
14          as added by subsection (a) of this section.

15       **SEC. 3. REPORTING MARINE CASUALTIES.**

16          (a) EXPEDITED REPORTING REQUIRED.—Section  
17          6101(b) of title 46, United States Code, is amended by  
18          striking “within 5 days” and inserting “by as soon as  
19          practicable, but in no case later than within 5 days,”.

20          (b) PENALTY FOR FAILURE TO REPORT A CAS-  
21          UALTY.—Section 6103(a) of title 46, United States Code  
22          is amended by striking “\$1,000” and inserting “not more  
23          than \$25,000”.

1 **SEC. 4. REPORT ON FEASIBILITY OF ESTABLISHING A DIFF-**  
2 **FERENTIAL GLOBAL POSITIONING SAT-**  
3 **ELLITE NAVIGATION SYSTEM AND ELEC-**  
4 **TRONIC CHARTS FOR INLAND WATERWAYS.**

5 Not later than 6 months after the date of the enact-  
6 ment of this Act, the Secretary of Transportation shall  
7 submit a report to the Congress on the feasibility of estab-  
8 lishing a differential global positioning satellite navigation  
9 system and creating electronic charts for the inland water-  
10 ways of the United States.

11 **SEC. 5. PROTECTION OF SEAMEN AGAINST DISCRIMINA-**  
12 **TION.**

13 Section 2114 of title 46, United States Code, is  
14 amended—

15 (1) by amending subsection (a) to read as fol-  
16 lows:

17 “(a) An owner, charterer, managing operator, agent,  
18 master, or individual in charge of a vessel may not dis-  
19 charge, temporarily remove, or in any manner discrimi-  
20 nate against a seaman because the seaman—

21 “(1) in good faith has reported or is about to  
22 report to the Coast Guard that the seaman believes  
23 that a violation of this subtitle, or a regulation is-  
24 sued under this subtitle, has occurred; or

25 “(2) refuses to violate this subtitle or a regula-  
26 tion issued under this subtitle.”; and

1 (2) in subsection (b)—

2 (A) in paragraph (1) by striking “and”  
3 after the semicolon;

4 (B) in paragraph (2) by striking the period  
5 and inserting “; and”; and

6 (C) by adding at the end the following:

7 “(3) an award of cost and reasonable attorney’s  
8 fees to the prevailing plaintiff.”.

9 **SEC. 6. MANNING AND LICENSING REQUIREMENTS FOR**  
10 **TOWING VESSELS.**

11 (a) MANNING REQUIREMENTS.—Section 8904 of title  
12 46, United States Code, is amended by adding at the end  
13 the following:

14 “(c) A towing vessel, other than a vessel referred to  
15 in subsection (b), shall—

16 “(1) while being operated, have on board an in-  
17 dividual licensed by the Secretary as a master of  
18 that type of towing vessel; and

19 “(2) be operated by an individual licensed by  
20 the Secretary to operate that type of towing vessel.”.

21 (b) REGULATIONS ESTABLISHING LICENSES FOR  
22 MASTERS AND OPERATORS.—Section 7101 of title 46,  
23 United States Code, is amended by adding at the end the  
24 following:

1 “(j)(1) The Secretary shall prescribe regulations  
2 which establish licenses for masters and mates of towing  
3 vessels.

4 “(2) Regulations under this subsection shall provide  
5 that an individual may be issued a license as a master  
6 or mate of a towing vessel only if the individual—

7 “(A) demonstrates proficiency in the use of the  
8 equipment required pursuant to section  
9 4102(f)(1)(C) of this title; and

10 “(B) demonstrates proficiency in operating a  
11 towing vessel.

12 “(3) Regulations under this subsection may establish  
13 standards and procedures under which the Secretary may  
14 delegate, to individuals who have experience in the oper-  
15 ation of towing vessels and to other qualified persons, the  
16 authority to conduct examinations required for the issu-  
17 ance of a license as a master or mate of a towing vessel.”.

18 (c) EXISTING UNINSPECTED TOWING VESSEL OPER-  
19 ATOR LICENSE HOLDERS.—An uninspected towing vessel  
20 operator license that is valid on the date of enactment of  
21 this Act shall be valid as a master or mate license required  
22 under section 8904 of title 46, United States Code, as  
23 amended by this section, until otherwise required to be re-  
24 newed. The Secretary shall require that an individual ap-  
25 plying for a first renewal of such a license as a master

1 or mate license under that section demonstrate proficiency  
2 under the requirements of section 7101(j) of title 46,  
3 United States Code, as added by this section.

4 (d) EFFECTIVE DATE.—The amendments made by  
5 this section shall take effect 2 years after the date of the  
6 enactment of this Act.

7 (e) DEADLINE FOR REGULATIONS.—The Secretary  
8 of the department in which the Coast Guard is operating  
9 shall issue regulations under the amendments made by  
10 this section by not later than 1 year after the date of the  
11 enactment of this Act.

12 **SEC. 7. INSPECTION OF TOWING VESSELS.**

13 (a) IN GENERAL.—Section 3301 of title 46, United  
14 States Code, is amended by adding at the end the follow-  
15 ing:

16 “(14) towing vessels.”.

17 (b) EXCEPTION.—Section 3302 of title 46, United  
18 States Code, is amended by adding at the end the follow-  
19 ing:

20 “(n) A towing vessel is not subject to inspection  
21 under section 3301(14) of this title if the vessel—

22 “(1) is used only for towing disabled vessels; or

23 “(2) is not used to pull, push, or haul alongside  
24 a barge that is subject to inspection under section  
25 3301 of this title.”.

1           (c) EQUIPMENT REQUIREMENTS.—Section 3306 of  
2 title 46, United States Code, is amended by adding at the  
3 end the following:

4           “(j) In prescribing regulations for towing vessels, the  
5 Secretary shall—

6                   “(1) consider the characteristics, methods of  
7 operation, and nature of the service of towing ves-  
8 sels;

9                   “(2) consult with the Towing Safety Advisory  
10 Committee; and

11                   “(3) require, to the extent appropriate, the in-  
12 stallation, maintenance, and use of the following  
13 equipment on each towing vessel, other than a tow-  
14 ing vessel that is used only for towing disabled ves-  
15 sels:

16                           “(A) A radar system.

17                           “(B) An electronic position-fixing device.

18                           “(C) Adequate communications equipment.

19                           “(D) A sonic depth finder.

20                           “(E) A compass or swing meter.

21                           “(F) Adequate towing equipment.

22                           “(G) Up-to-date navigational charts and  
23 publications for the areas normally transited by  
24 the vessel.

25                           “(H) Adequate fire fighting equipment.

1           “(I) Other equipment the Secretary deter-  
2           mines will minimize the risk of injury to the  
3           crew or the risk of a vessel or barge casualty.”.

4           (d) REGULATIONS.—The Secretary of Transportation  
5           shall prescribe regulations implementing this section with-  
6           in 1 year after the date of enactment of this Act.

7           **SEC. 8. CIVIL PENALTIES.**

8           (a) PROHIBITED OPERATION OF UNINSPECTED TOW-  
9           ING VESSEL, GENERALLY.—Section 4106 of title 46,  
10          United States Code, is amended by striking “\$5,000” and  
11          inserting “\$25,000”.

12          (b) OPERATION OF UNINSPECTED TOWING VESSEL  
13          IN VIOLATION OF MANNING REQUIREMENTS.—Section  
14          8906 of title 46, United States Code, is amended by strik-  
15          ing “\$1,000” and inserting “not more than \$25,000”.

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