

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1159

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IN THE SENATE OF THE UNITED STATES

JUNE 10, 1993

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To revise, clarify, and improve certain marine safety laws  
of the United States, 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. SHORT TITLE.**

4       This Act may be cited as the “Passenger Vessel Safe-  
5       ty Act of 1993”.

6       **SEC. 2. PASSENGER.**

7       Section 2101(21) of title 46, United States Code, is  
8       amended to read as follows:

9               “(21) ‘passenger’—

10               “(A) means an individual carried on the  
11               vessel except—

1           “(i) the owner or an individual rep-  
2           resentative of the owner or, in the case of  
3           a vessel under charter, an individual  
4           charterer or individual representative of  
5           the charterer;

6           “(ii) the master; or

7           “(iii) a member of the crew engaged  
8           in the business of the vessel who has not  
9           contributed consideration for carriage and  
10          who is paid for on board services.

11          “(B) on an offshore supply vessel, means  
12          an individual carried on the vessel except—

13               “(i) an individual included in clause  
14               (i), (ii), or (iii) of subparagraph (A) of this  
15               paragraph;

16               “(ii) an employee of the owner, or of  
17               a subcontractor to the owner, engaged in  
18               the business of the owner;

19               “(iii) an employee of the charterer, or  
20               of a subcontractor to the charterer, en-  
21               gaged in the business of the charterer; or

22               “(iv) an individual employed in a  
23               phase of exploration, exploitation, or pro-  
24               duction of offshore mineral or energy re-  
25               sources served by the vessel.

1           “(C) on a fishing vessel, fish processing  
2 vessel, or fish tender vessel, means an individ-  
3 ual carried on the vessel except—

4           “(i) an individual included in clause  
5 (i), (ii), or (iii) of subparagraph (A) of this  
6 paragraph;

7           “(ii) a managing operator;

8           “(iii) an employee of the owner, or of  
9 a subcontractor to the owner, engaged in  
10 the business of the owner; or

11           “(iv) an employee of the charterer, or  
12 of a subcontractor to the charterer, en-  
13 gaged in the business of the charterer.

14           “(D) on a sailing school vessel, means an  
15 individual carried on the vessel except—

16           “(i) an individual included in clause  
17 (i), (ii), or (iii) of subparagraph (A) of this  
18 paragraph;

19           “(ii) an employee of the owner of the  
20 vessel engaged in the business of the  
21 owner, except when the vessel is operating  
22 under a demise charter;

23           “(iii) an employee of the demise  
24 charterer of the vessel engaged in the busi-  
25 ness of the demise charterer; or

1                   “(iv) a sailing school instructor or  
2                   sailing school student.”.

3 **SEC. 3. PASSENGER VESSEL.**

4           Section 2101(22) of title 46, United States Code, is  
5 amended to read as follows:

6                   “(22) ‘passenger vessel’ means a vessel of at  
7                   least 100 gross tons—

8                   “(A) carrying more than 12 passengers, in-  
9                   cluding at least one passenger for hire;

10                   “(B) that is chartered and carrying more  
11                   than 12 passengers; or

12                   “(C) that is a submersible vessel carrying  
13                   at least one passenger for hire.”.

14 **SEC. 4. SMALL PASSENGER VESSEL.**

15           Section 2101(35) of title 46, United States Code, is  
16 amended to read as follows:

17                   “(35) ‘small passenger vessel’ means a vessel of  
18                   less than 100 gross tons—

19                   “(A) carrying more than 6 passengers, in-  
20                   cluding at least one passenger for hire;

21                   “(B) that is chartered with the crew pro-  
22                   vided or specified by the owner or the owner’s  
23                   representative and carrying more than 6 pas-  
24                   sengers;

1           “(C) that is chartered with no crew pro-  
2           vided or specified by the owner or the owner’s  
3           representative and carrying more than 12 pas-  
4           sengers; or

5           “(D) that is a submersible vessel carrying  
6           at least one passenger for hire.”.

7 **SEC. 5. UNINSPECTED PASSENGER VESSEL.**

8           Section 2101(42) of title 46, United States Code, is  
9           amended to read as follows:

10           “(42) ‘uninspected passenger vessel’ means an  
11           uninspected vessel—

12           “(A) of at least 100 gross tons—

13           “(i) carrying not more than 12 pas-  
14           sengers, including at least one passenger  
15           for hire; or

16           “(ii) that is chartered with the crew  
17           provided or specified by the owner or the  
18           owner’s representative and carrying not  
19           more than 12 passengers; and

20           “(B) of less than 100 gross tons—

21           “(i) carrying not more than 6 pas-  
22           sengers, including at least one passenger  
23           for hire; or

24           “(ii) that is chartered with the crew  
25           provided or specified by the owner or the

1 owner's representative and carrying not  
2 more than 6 passengers.”.

3 **SEC. 6. PASSENGER FOR HIRE.**

4 Section 2101 of title 46, United States Code, is  
5 amended by inserting between paragraphs (21) and (22)  
6 a new paragraph (21a) to read as follows:

7 “(21a) ‘passenger for hire’ means a passenger  
8 for whom consideration is contribution as a condi-  
9 tion of carriage on the vessel, whether directly or in-  
10 directly flowing to the owner, charterer, operator,  
11 agent, or any other person having an interest in the  
12 vessel.”.

13 **SEC. 7. CONSIDERATION.**

14 Section 2101 of title 46, United States Code, is  
15 amended by inserting between paragraphs (5) and (6) a  
16 new paragraph (5a) to read as follows:

17 “(5a) ‘consideration’ means an economic bene-  
18 fit, inducement, right, or profit including pecuniary  
19 payment accruing to an individual, person, or entity,  
20 but not including a voluntary sharing of the actual  
21 expenses of the voyage, by monetary contribution or  
22 donation of fuel, food, beverage, or other supplies.”.

23 **SEC. 8. OFFSHORE SUPPLY VESSEL.**

24 Section 2101(19) of title 46, United States Code, is  
25 amended by inserting “individuals in addition to the

1 crew,” immediately after “supplies,” and by striking ev-  
2 erything after “resources” to the period at the end.

3 **SEC. 9. SAILING SCHOOL VESSEL.**

4 Section 2101(30) of title 46, United States Code, is  
5 amended in subparagraph (B) by striking “at least 6” and  
6 substituting “more than 6”.

7 **SEC. 10. SUBMERSIBLE VESSEL.**

8 Section 2101 of title 46, United States Code, is  
9 amended by inserting between paragraphs (37) and (38)  
10 a new paragraph (37a) to read as follows:

11 “(37a) ‘submersible vessel’ means a vessel that  
12 is capable of operating below the surface of the  
13 water.”.

14 **SEC. 11. GENERAL PROVISION.**

15 (a) Section 2113 of title 46, United States Code, is  
16 amended to read as follows:

17 **“§2113. Authority to exempt certain vessels**

18 “If the Secretary decides that the application of a  
19 provision of part B, C, F, or G of this subtitle is not nec-  
20 essary in performing the mission of the vessel engaged in  
21 excursions or an oceanographic research vessel, or not nec-  
22 essary for the safe operation of certain vessels carrying  
23 passengers, the Secretary by regulation may—

1           “(1) for an excursion vessel, issue a special per-  
2           mit specifying the conditions of operation and equip-  
3           ment;

4           “(2) exempt an oceanographic research vessel  
5           from that provision under conditions the Secretary  
6           may specify; and

7           “(3) establish different operating and equip-  
8           ment requirements for vessels defined in section  
9           2101(42)(A) of this title.”.

10          (b) Section 4105 of title 46, United States Code, is  
11          amended—

12                 (1) by inserting “(a)” before the text; and

13                 (2) by adding a new subsection (b) to read as  
14          follows:

15          “(b) Within twenty-four months of the date of enact-  
16          ment of this subsection, the Secretary shall, by regulation,  
17          require certain additional equipment which may include  
18          liferafts or other lifesaving equipment, construction stand-  
19          ards, or specify additional operating standards for those  
20          uninspected passenger vessels defined in section  
21          2101(42)(A) of this title.”.

22          **SEC. 12. EFFECTIVE DATE.**

23                 (a) Regulations governing small passenger vessels  
24          and passenger vessels, as those terms are defined in 46



1 U.S.C. 2101, which are chartered with no crew provided  
2 shall not apply before May 1, 1994.

3 (b) The Secretary of the Department in which the  
4 Coast Guard is operating may extend the time period for  
5 compliance with the regulations referenced in subsection  
6 (a) for an initial period of up to one year and may extend  
7 the period of compliance for one additional period of up  
8 to one year if the owner of the vessel demonstrates to the  
9 satisfaction of the Secretary that a good faith effort, with  
10 due diligence and care, has failed to enable compliance  
11 with the deadline under subsection (a).

12 **SEC. 13. SENSE OF CONGRESS REGARDING USE OF VES-**  
13 **SELS CONSTRUCTED IN UNITED STATES FOR**  
14 **CARRYING PASSENGERS FOR HIRE.**

15 It is the sense of the Congress that persons who, for  
16 the purpose of carrying passengers for hire in the United  
17 States, operate or charter vessels with respect to which  
18 this Act (including the amendments made by this Act) ap-  
19 plies should only operate and charter for that purpose ves-  
20 sels constructed in the United States.

Passed the House of Representatives June 9, 1993.

Attest: DONNALD K. ANDERSON,  
*Clerk.*