

106TH CONGRESS
1ST SESSION

H. R. 714

To amend title 46, United States Code, to protect seamen against economic reprisal.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1999

Mr. BOSWELL introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To amend title 46, United States Code, to protect seamen
against economic reprisal.

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 “Protection of Seamen
5 Against Economic Reprisal Act of 1999”.

6 **SEC. 2. PROTECTION OF SEAMEN AGAINST DISCRIMINA-**
7 **TION FOR REFUSING TO PERFORM DUTIES.**

8 Section 2114 of title 46, United States Code, is
9 amended—

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

3 “(a)(1) No person shall discharge or in any manner
4 discriminate against a seaman for refusing to perform the
5 seaman’s duties when the seaman has a reasonable appre-
6 hension that performing such duties would result in seri-
7 ous injury to the seaman, other seamen, a vessel, cargo,
8 or the environment. The circumstances causing the sea-
9 man’s apprehension of serious injury must be of such a
10 nature that a reasonable person, under the circumstances
11 then confronting the seaman, would conclude that there
12 is a bona fide danger of an injury or serious impairment
13 of health resulting from the circumstances.

14 “(2) In order to qualify for protection, the seaman
15 must have—

16 “(A) sought from the seaman’s employer or the
17 owner, charterer, or managing operator of the vessel
18 on which the seaman is employed, and have been un-
19 able to obtain, corrections of the circumstances caus-
20 ing the refusal to perform the duties; and

21 “(B) reported to the Coast Guard, in a timely
22 manner to the extent practicable, in accordance with
23 regulations issued by the Secretary.”;

24 (2) in subsection (b)—

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

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

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

6 “(3) an award of costs and reasonable attor-
7 ney’s fees to a prevailing plaintiff.”.

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