

113TH CONGRESS
1ST SESSION

S. 1340

To improve passenger vessel security and safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2013

Mr. ROCKEFELLER (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve passenger vessel security and safety, 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; REFERENCES.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Cruise Passenger Protection Act”.

6 (b) **REFERENCES TO TITLE 46, UNITED STATES**
7 **CODE.**—Except as otherwise expressly provided, wherever
8 in this Act an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a
 2 section or other provision of title 46, United States Code.

3 **SEC. 2. CRUISE VESSEL SUBCHAPTER.**

4 Chapter 35 is amended:

5 (1) by inserting before section 3501 the fol-
 6 lowing:

7 **“Subchapter I—General Provisions”;**

8 (2) by inserting before section 3507 the fol-
 9 lowing:

10 **“Subchapter II—Cruise Vessels”;**

11 and

12 (3) by redesignating sections 3507 and 3508 as
 13 sections 3523 and 3524, respectively.

14 **SEC. 3. APPLICATION.**

15 Chapter 35, as amended by section 2 of this Act, is
 16 further amended by inserting before section 3523 the fol-
 17 lowing:

18 **“§ 3521. Application**

19 “(a) IN GENERAL.—This subchapter applies to a
 20 passenger vessel (as defined in section 2101(22)) that—

21 “(1) is authorized to carry at least 250 pas-
 22 sengers;

23 “(2) has on board sleeping facilities for each
 24 passenger;

1 “(3) is on a voyage that embarks or disembarks
2 passengers in the United States; and

3 “(4) is not engaged on a coastwise voyage.

4 “(b) FEDERAL AND STATE VESSELS.—This sub-
5 chapter does not apply to a vessel of the United States
6 operated by the Federal Government or a vessel owned
7 and operated by a State.”.

8 **SEC. 4. DEFINITIONS.**

9 Chapter 35, as amended by section 3 of this Act, is
10 further amended by inserting after section 3521 the fol-
11 lowing:

12 **“§ 3522. Definitions**

13 “In this subchapter:

14 “(1) COMMANDANT.—The term ‘Commandant’
15 means the Commandant of the Coast Guard.

16 “(2) OWNER.—The term ‘owner’ means the
17 owner, charterer, managing operator, master, or
18 other individual in charge of a vessel.

19 “(3) SECRETARY.—Except as otherwise ex-
20 pressly provided, the term ‘Secretary’ means the
21 Secretary of the department in which the Coast
22 Guard is operating.”.

1 **SEC. 5. PASSENGER VESSEL CONSUMER SERVICE IM-**
 2 **PROVEMENTS.**

3 (a) IN GENERAL.—Chapter 35, as amended by sec-
 4 tion 2 of this Act, is further amended by adding at the
 5 end the following:

6 **“§ 3525. Passenger vessel consumer service improve-**
 7 **ments**

8 “(a) PASSAGE CONTRACTS.—

9 “(1) IN GENERAL.—Not later than 1 year after
 10 the date of enactment of the Cruise Passenger Pro-
 11 tection Act, the Secretary of Transportation shall
 12 develop standards for use by an owner of a pas-
 13 senger vessel to provide a prospective passenger with
 14 a summary that highlights key terms in the passage
 15 contract upfront and before they are binding. In de-
 16 veloping the standards, the Secretary of Transpor-
 17 tation may consult with other Federal agencies, per-
 18 sons with expertise on admiralty and maritime law,
 19 consumer advocates, industry representatives, and
 20 such other persons as the Secretary of Transpor-
 21 tation considers necessary.

22 “(2) RECOMMENDATIONS.—The standards shall
 23 include recommendations regarding the following:

24 “(A) APPEARANCE.—The standards shall
 25 recommend style, formatting, and placement
 26 that ensures that the summary is conspicuous.

1 “(B) LANGUAGE.—The standards shall
2 recommend terminology that ensures that the
3 summary is clear, unambiguous, unmistakable,
4 and, to the greatest extent possible, uniform,
5 concise, and not complex.

6 “(3) PERIODIC REVIEW.—The Secretary of
7 Transportation shall periodically review and update,
8 as appropriate, the standards.

9 “(4) REQUIREMENTS.—Not later than 180 days
10 after the date that the standards are developed, an
11 owner of a passenger vessel shall—

12 “(A) provide each prospective passenger
13 with a summary in accordance with those
14 standards;

15 “(B) include a prominently accessible link
16 to the summary on each Internet website that
17 the owner maintains for prospective passengers
18 to purchase or book passage on the passenger
19 vessel; and

20 “(C) include the summary in any pro-
21 motional literature or advertising, through any
22 medium of communication in the United States
23 offering passage or soliciting passengers for
24 ocean voyages anywhere in the world, that the
25 Secretary of Transportation considers necessary

1 to adequately notify a prospective passenger of
2 the key terms in the passage contract before
3 they are binding.

4 “(5) PREEMPTION.—The standards developed
5 under this subsection shall preempt any related
6 State standards that require a summary that pro-
7 vides less information to a prospective passenger
8 than that required to be provided under this sub-
9 section, as determined by the Secretary of Transpor-
10 tation.

11 “(b) CONSUMER COMPLAINTS.—

12 “(1) TOLL-FREE HOTLINE; INTERNET WEBSITE
13 LINK.—The Secretary of Transportation shall—

14 “(A) establish a consumer complaints toll-
15 free hotline telephone number for passenger
16 use;

17 “(B) establish a consumer complaints link
18 for passenger use on the Internet website under
19 section 3526(i); and

20 “(C) notify the public of—

21 “(i) the telephone number under sub-
22 paragraph (A); and

23 “(ii) the Internet website under sec-
24 tion 3526(i).

1 “(2) WEBSITE.—The Secretary of Transpor-
2 tation shall maintain a statistical compilation of all
3 consumer complaints on the Internet website under
4 section 3526(i) that provides a numerical accounting
5 of each category of consumer complaint. The data
6 shall be updated not less frequently than quarterly,
7 be aggregated by passenger vessel, and identify each
8 passenger vessel by name.

9 “(3) INVESTIGATIONS OF CONSUMER COM-
10 PLAINTS.—The Secretary of Transportation, in co-
11 ordination with other relevant Federal agencies, may
12 investigate consumer complaints from passengers,
13 including—

14 “(A) cancellations, delays, and port skip-
15 ping;

16 “(B) lost, damaged, and delayed baggage;

17 “(C) conditions on board the passenger
18 vessel;

19 “(D) problems in obtaining refunds for un-
20 used or lost tickets or fare adjustments;

21 “(E) incorrect or incomplete information
22 about fares, discount fare conditions and avail-
23 ability, overcharges, and fare increases;

24 “(F) deceptive or misleading advertising;
25 and

1 “(G) compliance with Federal regulations.

2 “(4) REFERRAL TO FEDERAL AGENCY.—The
3 Secretary of Transportation may refer any complaint
4 received under this subsection to the Attorney Gen-
5 eral or relevant Federal agency for action, as appro-
6 priate.

7 “(5) NOTICE TO PASSENGERS.—

8 “(A) INTERNET WEBSITES.—Each owner
9 of a passenger vessel shall include in a con-
10 spicuous location on each Internet website that
11 the owner of a passenger vessel maintains for
12 passengers to purchase or book passage on a
13 passenger vessel—

14 “(i) the telephone number under para-
15 graph (1); and

16 “(ii) any other information necessary
17 for a passenger to submit a consumer com-
18 plaint for resolution.

19 “(B) BOARDING DOCUMENTATION.—The
20 owner of a passenger vessel shall include the
21 telephone number and Internet address for con-
22 sumer complaints under paragraph (1) on—

23 “(i) any promotional literature or ad-
24 vertising, through any medium of commu-
25 nication in the United States offering pas-

1 sage or soliciting passengers for ocean voy-
2 ages on passenger vessels, that the Sec-
3 retary of Transportation considers nec-
4 essary to adequately notify a prospective
5 passenger of the telephone number and
6 Internet address; and

7 “(ii) any electronic confirmation of
8 the purchase of passage on a passenger
9 vessel.

10 “(c) PENALTIES.—

11 “(1) CIVIL PENALTY.—The Secretary of Trans-
12 portation may impose on any person that violates
13 this section or a regulation under this section a civil
14 penalty of not more than \$25,000 for each day dur-
15 ing which the violation continues, except that the
16 maximum penalty for a continuing violation is
17 \$50,000.

18 “(2) CRIMINAL PENALTY.—Any person that
19 willfully violates this section or a regulation under
20 this section shall be fined not more than \$250,000
21 or imprisoned not more than 1 year, or both.

22 “(d) REGULATIONS.—The Secretary of Transpor-
23 tation shall issue such regulations as are necessary to im-
24 plement this section.

25 “(e) DEFINITIONS.—In this section:

1 “(1) KEY TERMS.—The term ‘key terms’ in-
2 cludes terms related to undisclosed costs and fees,
3 indemnification, waivers, limitations on liability, no-
4 tice of claim and actions, time limitations, arbitra-
5 tion, forum, and jurisdiction.

6 “(2) PASSAGE CONTRACT.—The term ‘passage
7 contract’ means a binding agreement for passage on
8 a passenger vessel.

9 “(3) PASSENGER.—The term ‘passenger’ means
10 a citizen of the United States carried on a passenger
11 vessel.

12 “(4) PASSENGER VESSEL.—The term ‘pas-
13 senger vessel’ means a passenger vessel (as defined
14 in section 2101) to which this subchapter applies.”.

15 (b) BILL OF RIGHTS.—Not later than 180 days after
16 the date of enactment of the Cruise Passenger Protection
17 Act, the Secretary of Transportation shall determine
18 whether any of the enumerated rights in the international
19 cruise line passenger bill of rights, that was adopted by
20 the members of the Cruise Lines International Associa-
21 tion, are enforceable under Federal law. The Secretary
22 shall include in the standards developed under section
23 3525(a) of title 46 United States Code, a statement in-
24 forming a prospective passenger—

1 (1) that the bill of rights is legally enforceable
2 and that the passenger has a private right of action
3 to enforce the bill of rights; and

4 (2) of any legal action that a prospective pas-
5 senger may take to enforce the bill of rights.

6 (c) ADVISORY COMMITTEE FOR PASSENGER VESSEL
7 CONSUMER PROTECTION.—

8 (1) IN GENERAL.—The Secretary of Transpor-
9 tation (referred to in this subsection as the “Sec-
10 retary”) shall establish an advisory committee for
11 passenger vessel consumer protection to advise the
12 Secretary in carrying out activities relating to pas-
13 senger vessel customer service improvements.

14 (2) MEMBERSHIP.—The Secretary of Transpor-
15 tation shall appoint the members of the advisory
16 committee, which shall be comprised of 1 representa-
17 tive each of—

18 (A) owners of passenger vessels;

19 (B) international industry-related associa-
20 tions;

21 (C) State or local governments with exper-
22 tise in consumer protection matters;

23 (D) nonprofit public interest groups with
24 expertise in consumer protection matters;

1 (E) nonprofit public interest groups with
2 expertise in victim assistance; and

3 (F) relevant Federal agencies, as deter-
4 mined by the Secretary of Transportation.

5 (3) VACANCIES.—A vacancy in the advisory
6 committee shall be filled in the manner in which the
7 original appointment was made.

8 (4) TRAVEL EXPENSES.—Members of the advi-
9 sory committee shall serve without pay, but shall re-
10 ceive travel expenses, including per diem in lieu of
11 subsistence, in accordance with subchapter I of
12 chapter 57 of title 5, United States Code.

13 (5) CHAIR.—The Secretary of Transportation
14 shall designate, from among the individuals ap-
15 pointed under paragraph (2), an individual to serve
16 as chair of the advisory committee.

17 (6) DUTIES.—The duties of the advisory com-
18 mittee shall include—

19 (A) evaluating existing passenger vessel
20 consumer protection programs or services;

21 (B) recommending improvements to the
22 programs or services under subparagraph (A),
23 as necessary;

1 (C) recommending additional passenger
2 vessel consumer protection programs or serv-
3 ices, as necessary; and

4 (D) recommending to the Secretary key
5 terms in a passage contract that should be
6 highlighted upfront, such as—

7 (i) products and services available on
8 board the passenger vessel for an undis-
9 closed cost or fee or otherwise are not in-
10 cluded in the price of passage;

11 (ii) the country under which the pas-
12 senger vessel is registered or flagged;

13 (iii) if the passenger vessel leaves the
14 admiralty and maritime jurisdiction of the
15 United States, a passenger may be subject
16 to the law of a foreign country;

17 (iv) the passenger vessel may not ac-
18 cept responsibility for any health care serv-
19 ices provided to a passenger by medical
20 staff on board the passenger vessel;

21 (v) the maximum amount an owner of
22 a passenger vessel will reimburse a pas-
23 senger for lost or stolen property while on
24 board the passenger vessel; and

1 (vi) where to file a notice of claim or
2 initiate any legal action against the owner
3 of the passenger vessel.

4 (7) REPORT TO CONGRESS.—Not later than
5 February 1 of each of the first 2 calendar years be-
6 ginning after the date of enactment of this Act, the
7 Secretary shall transmit to Congress a report con-
8 taining—

9 (A) the recommendations made by the ad-
10 visory committee during the preceding calendar
11 year; and

12 (B) an explanation of whether and how the
13 industry has implemented each recommendation
14 and, for each recommendation not implemented,
15 the industry’s reason for not implementing the
16 recommendation.

17 (8) DEFINITION OF PASSENGER VESSEL.—In
18 this subsection, the term “passenger vessel” has the
19 meaning given the term in section 3525 of title 46,
20 United States Code.

21 **SEC. 6. CRIME REPORTING AND PUBLIC NOTICE.**

22 (a) AVAILABILITY OF LOG BOOK AND ENTRIES TO
23 FBI AND OTHER INVESTIGATORS.—Section 3523(g)(1),
24 as redesignated under section 2 of this Act, is amended—

1 (1) in subparagraph (A), by striking “in a cen-
2 tralized location readily accessible to law enforce-
3 ment personnel,”; and

4 (2) in subparagraph (B), by striking “make
5 such log book available” and inserting “make the log
6 book and all entries therein available, whether the
7 log book and entries are maintained on board the
8 vessel or at a centralized location off the vessel,”.

9 (b) DEADLINE TO NOTIFY FEDERAL BUREAU OF IN-
10 VESTIGATION REGARDING CERTAIN INCIDENTS.—Section
11 3523(g)(3)(A)(i), as redesignated under section 2 of this
12 Act, is amended—

13 (1) by striking “shall contact” and inserting
14 “subject to subparagraph (C), shall contact”; and

15 (2) by striking “after the occurrence on board
16 the vessel of an incident involving” and inserting “,
17 but not later than 4 hours, after an employee of the
18 vessel is notified of an incident on board the vessel
19 allegedly involving”.

20 (c) REPORTS BEFORE DEPARTURE.—Section
21 3523(g)(3), as redesignated under section 2 of this Act,
22 is amended by adding at the end the following:

23 “(C) REPORTS BEFORE DEPARTURE.—If
24 an employee of a vessel to which this sub-
25 chapter applies is notified of an incident under

1 subparagraph (A)(i) while the vessel is within
2 the admiralty and maritime jurisdiction of the
3 United States and en route to a United States
4 port or at a United States port, the owner of
5 the vessel (or the owner’s designee) shall con-
6 tact the nearest Federal Bureau of Investiga-
7 tion Field Office or Legal Attache not later
8 than the time specified under subparagraph
9 (A)(i) or before the vessel departs port, which-
10 ever is earlier.”.

11 (d) REPORTS TO UNITED STATES CONSULATES.—
12 Section 3523(g)(3), as amended by section 6(e) of this
13 Act, is further amended by adding at the end the fol-
14 lowing:

15 “(D) REPORTS TO UNITED STATES CON-
16 SULATES.—If an incident under subparagraph
17 (A)(i) allegedly involves an offense by or
18 against a United States national, in addition to
19 contacting the nearest Federal Bureau of Inves-
20 tigation Field Office or Legal Attache under
21 that subparagraph, the owner of a vessel to
22 which this subchapter applies (or the owner’s
23 designee) shall contact the United States con-
24 sulate at the next port of call not later than the
25 time specified under subparagraph (A)(i).”.

1 (e) REPORTS TO SECRETARY OF TRANSPORTATION;
2 INCIDENTS AND DETAILS.—Section 3523(g)(3)(A), as re-
3 designated under section 2 of this Act, is amended—

4 (1) in clause (ii), by striking “the incident to an
5 Internet based portal maintained by the Secretary”
6 and inserting “each incident under clause (i), includ-
7 ing the details under paragraph (2), to the Internet
8 based portal maintained by the Secretary of Trans-
9 portation under section 3526(i)”; and

10 (2) in clause (iii), by striking “by the Sec-
11 retary” and inserting “by the Secretary of Transpor-
12 tation under section 3526(i)”.

13 (f) AVAILABILITY OF SECURITY GUIDE VIA INTER-
14 NET.—Section 3523(c)(1), as redesignated under section
15 2 of this Act, is amended—

16 (1) in subparagraph (A)—

17 (A) by striking “a guide (referred to in
18 this subsection as the ‘security guide’ ” and in-
19 serting “a security guide”; and

20 (B) by striking “English, which” and in-
21 serting “English, that”; and

22 (2) in subparagraph (C), by striking “on the
23 website of the vessel owner” and inserting “via a
24 prominently accessible link on each Internet website
25 that the cruise line maintains for passengers to pur-

1 chase or book cruises on any vessel that the cruise
 2 line owns or operates, and to which this subchapter
 3 applies”.

4 **SEC. 7. CRIME PREVENTION, DOCUMENTATION, AND RE-**
 5 **SPONSE REQUIREMENTS.**

6 (a) **MAINTENANCE AND PLACEMENT OF VIDEO SUR-**
 7 **VEILLANCE EQUIPMENT.**—Section 3523(b)(1), as redesi-
 8 gnated under section 2 of this Act, is amended—

9 (1) by inserting “(A) **IN GENERAL.**—” before
 10 “The owner” and resetting the text accordingly;

11 (2) by striking “, as determined by the Sec-
 12 retary”; and

13 (3) by adding at the end, the following:

14 “(B) **PLACEMENT OF VIDEO SURVEIL-**
 15 **LANCE EQUIPMENT.**—With regard to the place-
 16 ment of video surveillance equipment on a ves-
 17 sel under subparagraph (A), the owner shall—

18 “(i) place video surveillance equipment
 19 in each passenger common area where a
 20 person has no reasonable expectation of
 21 privacy;

22 “(ii) place video surveillance equip-
 23 ment in other areas where a person has no
 24 reasonable expectation of privacy; and

1 “(iii) place video surveillance equip-
2 ment in each area identified under clauses
3 (i) and (ii) in a manner that provides opti-
4 mum surveillance of that area.”.

5 (b) ACCESS TO VIDEO RECORDS.—Section 3523(b),
6 as redesignated under section 2 of this Act, is amended—

7 (1) by redesignating paragraph (2) as para-
8 graph (3); and

9 (2) in paragraph (3), as redesignated—

10 (A) by inserting “(A) LAW ENFORCE-
11 MENT.—” before “The owner” and resetting
12 the text accordingly; and

13 (B) by adding at the end, the following:

14 “(B) CIVIL ACTIONS.—The owner of a ves-
15 sel to which this subchapter applies shall pro-
16 vide to any individual or the individual’s legal
17 representative, upon written request, a copy of
18 all records of video surveillance—

19 “(i) in which the individual is a sub-
20 ject of the video surveillance; and

21 “(ii) that may provide evidence in a
22 civil action.

23 “(C) LIMITED ACCESS.—Except as pro-
24 vided under subparagraphs (A) and (B), the
25 owner of a vessel to which this subchapter ap-

1 plies shall ensure that access to records of video
2 surveillance is limited to the purposes under
3 this section.”.

4 (c) NOTICE OF VIDEO SURVEILLANCE.—Section
5 3523(b), as amended by section 7(b) of this Act, is further
6 amended by inserting before paragraph (3), the following:

7 “(2) NOTICE OF VIDEO SURVEILLANCE.—The
8 owner of a vessel to which this subchapter applies
9 shall provide clear and conspicuous signs on board
10 the vessel notifying the public of the presence of
11 video surveillance equipment.”.

12 (d) RETENTION REQUIREMENTS.—Section 3523(b),
13 as amended by section 7(c) of this Act, is further amended
14 by adding at the end, the following:

15 “(4) RETENTION REQUIREMENTS.—

16 “(A) IN GENERAL.—The owner of a vessel
17 to which this subchapter applies shall retain all
18 records of video surveillance for a voyage for
19 not less than 30 days after the completion of
20 the voyage. If an incident described in sub-
21 section (g)(3)(A)(i) is alleged and reported to
22 law enforcement, all records of video surveil-
23 lance from the voyage that the Federal Bureau
24 of Investigation determines are relevant shall—

1 “(i) be provided to the Federal Bu-
2 reau of Investigation; and

3 “(ii) be preserved by the vessel owner
4 for not less than 5 years from the date of
5 the alleged incident.

6 “(B) INTERIM STANDARDS.—Not later
7 than 180 days after the date of enactment of
8 the Cruise Passenger Protection Act, the Com-
9 mandant, in consultation with the Federal Bu-
10 reau of Investigation, shall promulgate interim
11 standards for the retention of records of video
12 surveillance.

13 “(C) FINAL STANDARDS.—Not later than
14 1 year after the date of enactment of the Cruise
15 Passenger Protection Act, the Commandant, in
16 consultation with the Federal Bureau of Inves-
17 tigation, shall promulgate final standards for
18 the retention of records of video surveillance.

19 “(D) CONSIDERATIONS.—In promulgating
20 standards under subparagraphs (B) and (C),
21 the Commandant shall—

22 “(i) consider factors that would aid in
23 the investigation of serious crimes, includ-
24 ing crimes that go unreported until after
25 the completion of a voyage;

1 “(ii) consider the different types of
2 video surveillance systems and storage re-
3 quirements in creating standards both for
4 vessels currently in operation and for ves-
5 sels newly built;

6 “(iii) consider privacy, including
7 standards for permissible access to and
8 monitoring and use of the records of video
9 surveillance; and

10 “(iv) consider technological advance-
11 ments, including requirements to update
12 technology.”.

13 (e) **AUTHORITY TO PROVIDE ASSISTANCE TO VIC-**
14 **TIMS OF CRIMES ON BOARD PASSENGER VESSELS.—**
15 Chapter 35, as amended by section 5 of this Act, is further
16 amended by adding at the end the following:

17 **“SEC. 3526. ASSISTANCE TO VICTIMS OF CRIMES ON BOARD**
18 **CERTAIN PASSENGER VESSELS.**

19 “(a) **PURPOSE.—**The purpose of this section is to
20 provide to a passenger who is an alleged victim of an inci-
21 dent described under section 3523(g)(3)(A)(i)—

22 “(1) a written summary of rights;

23 “(2) a primary point of contact within the Fed-
24 eral Government; and

1 “(3) a means of obtaining immediate, free, and
2 confidential support services.

3 “(b) DIRECTOR OF VICTIM SUPPORT SERVICES.—

4 “(1) INTERIM DESIGNATION.—The Secretary of
5 Transportation shall designate an interim director of
6 victim support services. The interim director shall be
7 an employee of the Department of Transportation
8 and shall serve in the position until a final designa-
9 tion is made under paragraph (2).

10 “(2) FINAL DESIGNATION.—Not later than 180
11 days after the date of enactment of the Cruise Pas-
12 senger Protection Act, the Secretary of Transpor-
13 tation, in consultation with the Department of Jus-
14 tice and other relevant Federal agencies, shall—

15 “(A) designate an employee of the Federal
16 Government to serve as the director of victim
17 support services under this section; and

18 “(B) determine an effective way to pub-
19 licize the toll-free telephone number under sub-
20 section (c) and the availability of support serv-
21 ices.

22 “(3) RESPONSIBILITIES.—The director of vic-
23 tim support services shall—

1 “(A) be responsible for acting as a primary
2 point of contact within the Federal Government
3 for the passenger described in subsection (a);

4 “(B) coordinate with 1 or more non-profit
5 organizations or other entities that can provide
6 the types of support services described under
7 subsection (d);

8 “(C) establish a process for the passenger
9 described in subsection (a) to obtain the appro-
10 priate types of support services described under
11 subsection (d);

12 “(D) recommend a process for the pas-
13 senger described in subsection (a) to obtain an
14 appropriate continuum of care;

15 “(E) recommend a process for the pas-
16 senger described in subsection (a) to obtain in-
17 formation on the status of any related criminal
18 investigation;

19 “(F) develop guidance, consistent with the
20 purpose of this section, for the security guide
21 under section 3523(c)(1), including a process to
22 ensure that an owner of a passenger vessel pro-
23 vides a copy of the security guide to a pas-
24 senger immediately after the vessel is notified

1 that the passenger is an alleged victim of an in-
2 cident described under subsection (g)(3)(A)(i);

3 “(G) periodically update that guidance, as
4 necessary; and

5 “(H) be the primary liaison between the
6 passenger described in subsection (a) and—

7 “(i) the owner of the passenger vessel;

8 “(ii) any relevant Federal agency;

9 “(iii) any relevant United States em-
10 bassy or United States consulate; and

11 “(iv) any other person that the direc-
12 tor of victim support services considers
13 necessary to carry out the purpose of this
14 section.

15 “(c) TOLL-FREE TELEPHONE NUMBER.—The Sec-
16 retary of Transportation shall establish a toll-free tele-
17 phone number, available 24 hours each day, that a pas-
18 senger described in subsection (a) can call to initiate the
19 process under subsection (b)(3)(C).

20 “(d) SUPPORT SERVICES.—The director of victim
21 support services shall determine the types of support serv-
22 ices that a passenger described in subsection (a) can ob-
23 tain, such as—

1 “(1) directions on how to report an incident de-
2 scribed under section 3523(g)(3)(A)(i) to appro-
3 priate authorities;

4 “(2) an explanation of or assistance completing
5 necessary forms to report an incident described
6 under section 3523(g)(3)(A)(i);

7 “(3) an explanation of how or assistance to ob-
8 tain support services under this section;

9 “(4) arranging, if appropriate, for mental
10 health and counseling services;

11 “(5) arranging, if possible, for education re-
12 garding and advocacy during applicable criminal jus-
13 tice proceedings; and

14 “(6) communicating with that passenger as to
15 the roles of the organization, government agencies,
16 and the owner of the passenger vessel involved with
17 respect to the incident and the post-incident activi-
18 ties.

19 “(e) SUMMARY OF RIGHTS.—Not later than 180 days
20 after the date of enactment of the Cruise Passenger Pro-
21 tection Act, the Secretary of Transportation, in consulta-
22 tion with the Department of Justice, other relevant Fed-
23 eral agencies, non-profit public interest groups with exper-
24 tise in victim assistance, and such other persons that the
25 Secretary of Transportation considers necessary, shall—

1 “(1) determine what rights a passenger de-
2 scribed in subsection (a) may have under law, such
3 as the right to contact the Federal Bureau of Inves-
4 tigation to report the crime, the right to contact the
5 director of victim support services, and the right to
6 speak confidentially to Federal law enforcement, the
7 director of victim support services, and any other
8 third-party victim advocate without any representa-
9 tive or employee of the passenger vessel present;

10 “(2) develop a written summary of those rights;
11 and

12 “(3) establish a process for a passenger de-
13 scribed in subsection (a) to receive the written sum-
14 mary of rights as soon as practicable after an al-
15 leged incident described under section
16 3523(g)(3)(A)(i).

17 “(f) GUARDIANS AND RELATIVES.—If a passenger
18 described in subsection (a) is deceased or is a minor, or
19 under such other circumstances that the director of victim
20 support services considers necessary, the director may pro-
21 vide support services under this section to a guardian or
22 relative of that passenger.

23 “(g) USE OF PASSENGER VESSEL RESOURCES.—As
24 appropriate, the resources of the passenger vessel should

1 be used to the greatest extent possible to carry out the
2 purpose under this section.

3 “(h) STATUTORY CONSTRUCTION.—Nothing in this
4 section may be construed as limiting the obligations that
5 an owner of a passenger vessel may have in providing as-
6 sistance to a passenger who is an alleged victim of an inci-
7 dent described under section 3523(g)(3)(A)(i).

8 “(i) AVAILABILITY OF INCIDENT DATA VIA INTER-
9 NET.—

10 “(1) IN GENERAL.—The Secretary of Transpor-
11 tation shall maintain a statistical compilation of all
12 incidents described in section 3523(g)(3)(A) on an
13 Internet website that provides a numerical account-
14 ing of the missing persons and alleged crimes duly
15 recorded in each report filed under paragraph (3) of
16 that section. Each such incident shall be included in
17 the statistical compilation irrespective of its inves-
18 tigative status. The data shall be updated not less
19 frequently than quarterly, be aggregated by cruise
20 line, identify each cruise line by name, identify each
21 crime and alleged crime as to whether it was com-
22 mitted or allegedly committed by a passenger (as de-
23 fined in section 2101) or crew member, identify each
24 crime and alleged crime as to whether it was com-
25 mitted or allegedly committed against a minor, and

1 identify the number of alleged individuals overboard.
2 The Secretary of Transportation shall ensure that
3 the compilation, data, and any other information
4 provided on the Internet website is in a user-friendly
5 format.

6 “(2) ACCESS TO WEBSITE.—Each owner of a
7 passenger vessel shall include a prominently acces-
8 sible link to the Internet website maintained by the
9 Secretary of Transportation under paragraph (1) on
10 each Internet website that the owner maintains for
11 prospective passengers to purchase or book passage
12 on the passenger vessel.

13 “(j) REGULATIONS.—The Secretary of Transpor-
14 tation shall issue such regulations as are necessary to im-
15 plement this section.

16 “(k) DEFINITIONS.—In this section:

17 “(1) PASSENGER.—Except as expressly pro-
18 vided otherwise, the term ‘passenger’ means a cit-
19 izen of the United States carried on a passenger ves-
20 sel without regard to whether the individual pur-
21 chased passage on the passenger vessel or is em-
22 ployed by the owner of the passenger vessel.

23 “(2) PASSENGER VESSEL.—The term ‘pas-
24 senger vessel’ means a passenger vessel (as defined
25 in section 2101) to which this subchapter applies.”.

1 (f) STUDY.—Not later than 1 year after the date of
2 enactment of this Act, the Secretary of Transportation,
3 in coordination with the Secretary of the department in
4 which the Coast Guard is operating, Attorney General,
5 and heads of other relevant Federal agencies, shall con-
6 duct a study to determine the feasibility of having an indi-
7 vidual on board each passenger vessel (as defined in sec-
8 tion 3526 of title 46, United States Code) to provide vic-
9 tim support services, including the support services under
10 section 3526(d) of title 46, United States Code, and re-
11 lated safety and security services, and shall report the
12 findings to Congress. The study shall include consider-
13 ation of the cost, the benefit to passengers, jurisdiction,
14 and logistics.

15 (g) CRIMINAL ACTIVITY PREVENTION AND RE-
16 SPONSE GUIDE.—Section 3523(c)(1), as amended by sec-
17 tion 6(f) of this Act, is further amended—

18 (1) in subparagraph (A)—

19 (A) by redesignating clause (ii) as clause
20 (vi);

21 (B) by inserting after clause (i), the fol-
22 lowing:

23 “(ii) describes the availability of sup-
24 port services under section 3526, including
25 any contact information provided by the

1 Secretary of Transportation or director of
2 victim support services under that section;

3 “(iii) includes the summary of rights
4 under section 3526;

5 “(iv) includes the summary under sec-
6 tion 3525(a);

7 “(v) includes the toll-free hotline tele-
8 phone number and consumer complaints
9 Internet website link under section
10 3525(b);”;

11 (C) by inserting “and” at the end of clause
12 (vi), as redesignated; and

13 (D) by adding at the end the following:

14 “(vii) includes such other information
15 as the Secretary of Transportation rec-
16 ommends under section 3526(b)(3)(F);”;

17 and

18 (2) by amending subparagraph (B) to read as
19 follows:

20 “(B) provide a copy of the security guide
21 to—

22 “(i) the Secretary of Transportation
23 for review;

24 “(ii) the Federal Bureau of Investiga-
25 tion for comment; and

1 “(iii) a passenger immediately after
2 the vessel is notified that the passenger is
3 an alleged victim of an incident described
4 under subsection (g)(3)(A)(i); and”.

5 (h) MINIMUM NUMBER OF MEDICAL STAFF.—Not
6 later than 1 year after the date of enactment of this Act,
7 the Secretary of Transportation shall determine and re-
8 quire, by regulation, a minimum number of medical staff,
9 and appropriate qualifications, under section 3523(d)(3)
10 of title 46, United States Code, that should be available
11 on a vessel per 1,000 passengers.

12 (i) MAINTENANCE OF SUPPLIES TO PREVENT SEXU-
13 ALLY TRANSMITTED DISEASES.—Section 3523(d)(1), as
14 redesignated by section 2 of this Act, is amended by in-
15 serting “(taking into consideration the length of the voy-
16 age and the number of passengers and crewmembers that
17 the vessel can accommodate)” after “a sexual assault”.

18 (j) SEXUAL ASSAULT; CONTACT INFORMATION.—
19 Section 3523(d)(5)(A), as redesignated by section 2 of this
20 Act, is amended by striking “the United States Coast
21 Guard,”.

22 (k) SEXUAL ASSAULT; PRIVATE TELEPHONE
23 LINE.—Section 3523(d)(5)(B), as redesignated by section
24 2 of this Act, is amended by inserting “under section 3526
25 or” after “the information and support services available”.

1 (l) CRIME SCENE PRESERVATION TRAINING; CER-
2 TIFICATION OF ORGANIZATIONS BY MARAD.—Section
3 3524(a), as redesignated by section 2 of this Act, is
4 amended by striking “may certify” and inserting “shall
5 certify”.

6 (m) CREW ACCESS TO PASSENGER STATEROOMS;
7 PROCEDURES AND RESTRICTIONS.—Section 3523(f), as
8 redesignated by section 2 of this Act, is amended—

9 (1) in paragraph (1)—

10 (A) by striking “and” at the end subpara-
11 graph (A); and

12 (B) by adding at the end the following:

13 “(C) a system that electronically records
14 the date, time, and identity of each crew mem-
15 ber accessing each passenger stateroom; and”;
16 and

17 (2) in paragraph (2), by striking “are fully and
18 properly implemented and periodically reviewed.”
19 and inserting “are fully and properly implemented,
20 reviewed annually, and updated as necessary.”.

21 **SEC. 8. PASSENGER VESSEL SECURITY AND SAFETY RE-**
22 **QUIREMENTS.**

23 (a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION,
24 AND RETROFITTING REQUIREMENTS.—Section 3523(a),
25 as redesignated by section 2 of this Act, is amended—

1 (1) in paragraph (1)—

2 (A) in the matter preceding subparagraph
3 (A), by striking “to which this subsection ap-
4 plies” and inserting “to which this subchapter
5 applies”;

6 (B) in subparagraph (A)—

7 (i) by striking “The vessel” and in-
8 serting “Each exterior deck of a vessel”;
9 and

10 (ii) by striking the period at the end
11 and inserting “unless the height require-
12 ment would interfere with the deployment
13 of a lifesaving device or other emergency
14 equipment as identified by the Com-
15 mandant.”; and

16 (C) in subparagraph (B), by striking
17 “entry doors that include peep holes or other
18 means of visual identification.” and inserting
19 “an entry door that includes a peep hole or
20 other means of visual identification that pro-
21 vides an unobstructed view of the area outside
22 the stateroom or crew cabin. For purposes of
23 this subparagraph, the addition of an optional
24 privacy cover on the interior side of the entry

1 shall not in and of itself constitute an obstruc-
 2 tion.”; and

3 (2) by adding at the end the following:

4 “(4) WAIVERS; RECORD OF WAIVERS.—The
 5 Secretary—

6 “(A) may waive a requirement under para-
 7 graph (1) as the Secretary determines nec-
 8 essary; and

9 “(B) shall maintain a record of each waiv-
 10 er under subparagraph (A).”.

11 (b) DEFINITION OF EXTERIOR DECK.—Section
 12 3523(l), as redesignated by section 2 of this Act, is
 13 amended to read as follows—

14 “(l) DEFINITION OF EXTERIOR DECK.—In this sec-
 15 tion, the term ‘exterior deck’ means any exterior weather
 16 deck on which a passenger may be present, including pas-
 17 senger stateroom balconies, exterior promenades on pas-
 18 senger decks, muster stations, and similar exterior weath-
 19 er deck areas.”.

20 **SEC. 9. ENFORCEMENT.**

21 (a) INFORMATION SHARING.—

22 (1) IN GENERAL.—To the extent not prohibited
 23 by other law, the head of a designated agency shall
 24 make available to another head of a designated
 25 agency any information necessary to carry out the

1 provisions of subchapter II of chapter 35 of title 46,
2 United States Code. The provision by the head of a
3 designated agency of any information under this
4 subsection to another head of a designated agency
5 shall not constitute a waiver, or otherwise effect, any
6 privilege any agency or person may claim with re-
7 spect to that information under Federal or State
8 law.

9 (2) DEFINITION OF HEAD OF A DESIGNATED
10 AGENCY.—In this subsection, the term “head of a
11 designated agency” means the Secretary of Trans-
12 portation, Secretary of Homeland Security, or Attor-
13 ney General.

14 (b) PASSENGER VESSEL SECURITY AND SAFETY RE-
15 QUIREMENTS; DENIAL OF ENTRY.—Section 3523(h), as
16 redesignated by section 2 of this Act, is amended—

17 (1) by striking paragraph (2);

18 (2) by striking “ENFORCEMENT.—” in the
19 heading and inserting “PENALTIES.—”;

20 (3) by striking “(1) PENALTIES.—” through
21 “(A) CIVIL PENALTY.—” and inserting “(1) CIVIL
22 PENALTY.—”; and

23 (4) by redesignating subparagraph (B) as para-
24 graph (2).

1 (c) CRIME SCENE PRESERVATION TRAINING; DE-
2 NIAL OF ENTRY.—Section 3523(f), as redesignated by
3 section 2 of this Act, is repealed.

4 (d) ENFORCEMENT.—Chapter 35, as amended by
5 section 7 of this Act, is further amended by adding at the
6 end the following:

7 **“§ 3527. Refusal of clearance; denial of entry**

8 “(a) CLEARANCE.—The Secretary of Homeland Se-
9 curity may withhold or revoke the clearance required
10 under section 60105 of any vessel of the owner of a vessel
11 to which this subchapter applies, wherever the vessel is
12 found, if the owner of the vessel—

13 “(1) commits an act or omission for which a
14 penalty may be imposed under this subchapter; or

15 “(2) fails to pay a penalty imposed on the
16 owner under this subchapter.

17 “(b) DENIAL OF ENTRY.—The Secretary of the de-
18 partment in which the Coast Guard is operating may deny
19 entry into the United States to a vessel to which this sub-
20 chapter applies if the owner of the vessel—

21 “(1) commits an act or omission for which a
22 penalty may be imposed under this subchapter; or

23 “(2) fails to pay a penalty imposed on the
24 owner under this subchapter.”.

1 **SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) APPLICATION.—

3 (1) Section 3523, as redesignated by section 2
4 of this Act, is amended—

5 (A) by striking subsection (k); and

6 (B) by redesignating subsection (l), as
7 amended by section 8 of this Act, as subsection
8 (k).

9 (2) Section 3523, as redesignated by section 2
10 of this Act, is amended by striking “to which this
11 section applies” each place it appears and inserting
12 “to which this subchapter applies”.

13 (3) Section 3524, as redesignated by section 2
14 of this Act, is amended by striking “to which this
15 section applies” each place it appears and inserting
16 “to which this subchapter applies”.

17 (b) AVAILABILITY OF INCIDENT DATA VIA INTER-
18 NET.—Section 3523(g)(4), as redesignated under section
19 2 of this Act, is repealed.

20 (c) ELAPSED EFFECTIVE DATES.—Section 3523(a),
21 as amended by section 8 of this Act, is further amended—

22 (1) by striking paragraph (3); and

23 (2) by redesignating paragraph (4) as para-
24 graph (3).

25 (d) PROCEDURES.—Section 3523(i), as redesignated
26 by section 2 of this Act, is amended by striking “Within

1 6 months after the date of enactment of the Cruise Vessel
 2 Security and Safety Act of 2010, the” and inserting
 3 “The”.

4 (e) TABLE OF CONTENTS.—The table of contents for
 5 chapter 35 is amended—

6 (1) by inserting before the item relating to sec-
 7 tion 3501 the following:

“SUBCHAPTER I. GENERAL PROVISIONS”;

8 (2) by striking the item relating to section 3507
 9 and inserting the following:

“3523. Passenger vessel security and safety requirements.”;

10 (3) by striking the item relating to section 3508
 11 and inserting the following:

“3524. Crime scene preservation training for passenger vessel crewmembers.”;

12 (4) by inserting after the item relating to sec-
 13 tion 3506 the following:

“SUBCHAPTER II. CRUISE VESSELS”;

14 (5) by inserting before the item relating to sec-
 15 tion 3523, the following:

“3521. Application.

“3522. Definitions.”;

16 and

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

“3525. Passenger vessel consumer service improvements.

“3526. Assistance to victims of crimes on board certain passenger vessels.

“3527. Refusal of clearance; denial of entry.”.

1 **SEC. 11. BUDGET COMPLIANCE.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the Senate Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

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