

CRUISE VESSEL SECURITY AND SAFETY ACT OF 2009

NOVEMBER 7, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3360]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3360) to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 3360, the “Cruise Vessel Security and Safety Act of 2009”, imposes new security and safety requirements on cruise ships that carry at least 250 passengers and call on a port in the United States, except as part of a coastwise voyage.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3360 contains a number of provisions that will enhance the safety and security of passengers on board cruise vessels.

As on land, crimes occur on cruise vessels. Statistics suggest that the rate of reported incidents on board cruise vessels is low; however, prosecutions for reported incidents are also very rare. Additionally, except for U.S.-flagged vessels or foreign-flagged vessels operating in an area subject to the direct jurisdiction of the United States, there are no Federal statutes or regulations that explicitly require cruise lines to report alleged crimes to U.S. government officials.

American citizens who travel on cruise ships are subject to the laws of the vessel’s flag state, which may not afford them the same

rights and protections in the event of a crime that would be afforded under U.S. law.

The Subcommittee on Coast Guard and Maritime Transportation (Subcommittee) held two hearings in 2007 to examine the extent of crimes on cruise ships and the effectiveness of current measures in preventing crimes on cruise ships and in ensuring the prosecution of individuals who commit crimes against Americans on cruises. Many of the individuals that testified before the Subcommittee had been the victims or the families of victims of crimes aboard cruise ships. They recounted practices, procedures, and responses that did not support the effective investigation or prosecution of their cases or, in some instances, did not even ensure that they received sensitive and supportive care in moments of great vulnerability and need.

Cruise ships with foreign registries are required by law to report alleged crimes occurring on board their vessels to U.S. authorities when they occur within U.S. territorial waters (see 33 CFR § 120.220). Under current regulations, cruise ships have not been required to report crimes to U.S. authorities that occur outside U.S. territorial waters under any circumstances (and even if U.S. nationals are involved).

However, title 18, United States Code, identifies specific crimes over which the United States may assert criminal jurisdiction under what is known as the Special Maritime and Territorial Jurisdiction. Such jurisdiction applies if:

- the ship on which the crime occurs—even if is not registered in the United States is owned in whole or in part by U.S. entities and the ship is in the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular state;
- the alleged offense is committed by or against a U.S. national and is committed outside the jurisdiction of any nation;
- the crime occurs in U.S. territorial waters, regardless of the registration of the vessel or the nationality of the victim or perpetrator; or,
- the victim or perpetrator is a U.S. national on board a vessel during a voyage that departed from or will arrive in a U.S. port.

If committed under any of the circumstances described above, the crimes over which the United States may assert jurisdiction include arson, assault, maiming, embezzlement or theft, receipt of stolen property, murder, manslaughter, attempt to commit murder or manslaughter, kidnapping, malicious mischief, robbery and burglary, stowaway, aggravated sexual abuse, sexual abuse, abusive contact of a minor or ward, abusive sexual contact, terrorism, and transportation for illegal sexual activity.

H.R. 3360 requires that, beginning 18 months after the date of enactment of the Act, each vessel to which the section applies must comply with specific design and construction standards. The vessels must have rails located not less than 42 inches above the cabin deck, and must have passenger staterooms and crew cabins equipped with peep holes or other means of visual identification. To the extent that technology is available, the vessels must integrate technology that can detect when passengers have fallen overboard. The vessel must also be equipped with operable acoustic hailing or warning devices to provide communication capability around the

entire vessel when it is operating in high risk waters, as defined by the Coast Guard. Beginning on the date of enactment of the Act, any vessel the keel of which is laid after the date of enactment of the Act must equip passenger staterooms and cabins with security latches and time-sensitive key technologies.

To help combat crimes aboard cruise vessels, H.R. 3360 also requires that the owner of a vessel maintain a video surveillance system to assist in documenting crimes on the vessel and to provide evidence for the prosecution of such crimes. In addition, the bill requires owners of vessels to employ physicians meeting certain professional qualifications and to maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent the transmission of sexually transmitted diseases after a sexual assault, as well as equipment and materials for performing medical examinations in sexual assault cases. H.R. 3360 also requires the owner of a vessel to record in a log book, either electronically or otherwise, reports on specified complaints.

In addition, the bill requires the owner of a vessel or the owner's designee to contact the nearest Federal Bureau of Investigation (FBI) Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing U.S. national, kidnapping, assault with serious bodily injury, any offense to which 18 U.S.C. § 2241, 2242, 2243, or 2244(a), or (c) applies, firing or tampering with the vessel or theft of money or property in excess of \$10,000 to report the incident.

These reporting requirements apply to an incident involving criminal activity if:

- the vessel, regardless of registry, is owned, in whole or in part, by a U.S. person, regardless of the nationality of the victim or perpetrator and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;
- the incident concerns an offense by or against a U.S. national committed outside the jurisdiction of any nation;
- the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or
- the incident concerns a victim or perpetrator who is a U.S. national on a vessel that departed from or will arrive at a U.S. port.

The Secretary of Transportation is required to maintain a statistical compilation of certain incidents on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report that are no longer under investigation. The data shall be updated no less frequently than quarterly and aggregated by cruise line (and each cruise line shall be identified by name), and by whether the crime was committed by a passenger or a crew member. Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary of Transportation.

SUMMARY OF THE LEGISLATION

Section 1. Short title; table of contents

Section 1 specifies that the Act may be cited as the “Cruise Vessel Security and Safety Act of 2009”.

Sec. 2. Findings

Section 2 presents several findings regarding crime aboard cruise ships.

Sec. 3. Cruise vessel security and safety requirements

Section 3 adds a new section 3507 to title 46, United States Code.

Subsection (a) requires that beginning 18 months after the date of enactment of the Act, each vessel to which the section applies must comply with specific design and construction standards. The vessels must have rails located not less than 42 inches above the cabin deck, and must have passenger staterooms and crew cabins equipped with peep holes or other means of visual identification. To the extent that technology is available, the vessels must integrate technology that can detect when passengers have fallen overboard. The vessels must also be equipped with operable acoustic hailing or warning devices to provide communication capability around the entire vessel when it is operating in high risk waters as defined by the Coast Guard.

Immediately upon enactment of the Act, any vessel, the keel of which is laid after the date of enactment of the Act, must equip passenger staterooms and cabins with security latches and time sensitive key technologies.

Subsection (b) requires that the owner of a vessel to which the section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel, and to provide evidence for the prosecution of such crimes. Any law enforcement official performing official duties in the course and scope of an investigation shall be provided access by the ship owner to a copy of all video records generated by the surveillance system upon request.

Subsection (c) requires that the owner of a vessel to which the section applies shall provide, in each passenger stateroom, information regarding the locations of the U.S. consulate and the U.S. embassy for each country the vessel will visit during its voyage.

Subsection (d) requires that the owner of a vessel to which the section applies shall maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent the transmission of sexually transmitted diseases after a sexual assault. The vessel must also maintain equipment and materials for performing medical examinations in sexual assault cases and to evaluate the patient for trauma, provide medical care, and preserve evidence. Further, there must be available at all times on the vessel’s medical staff who possess a current physician’s or registered nurse’s license; who have either at least three years of post-graduate or post-registration clinical practice in general and emergency medicine or board certification in emergency medicine, family practice medicine, or internal medicine; and who meet guidelines established by the American College of Emergency Physicians, and are able to provide assistance in the event of an

alleged sexual assault, including conducting forensic sexual assault exams and administering proper medical treatment to assault victims.

The vessel owner must prepare and provide to the patient and maintain written documentation of the findings of medical examinations conducted after an alleged assault, and these results must be signed by the patient.

The vessel owner must also provide to the victim of an alleged sexual assault free and immediate access to contact information for local law enforcement, the FBI, the Coast Guard, the nearest U.S. consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service. The vessel owner must also make available a private telephone line and Internet-accessible computer terminal so that the victim may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

Subsection (e) requires that the master or other individual in charge of a vessel to which this section applies shall treat information concerning a medical examination performed following an alleged sexual assault confidential so that no information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and written approval of the patient or the patient's next-of-kin as appropriate. However, information other than medical findings necessary for the master to comply with log book reporting requirements or other reporting requirements or to secure the safety of passengers and crew members may be released and information may be released to law enforcement officials performing official duties in the course and scope of an investigation.

The master or other individual in charge of a vessel to which this section applies must also treat information derived from post-assault counseling or other supportive services as confidential. No information may be released to the cruise line or any legal representative of the cruise line without the prior knowledge and written approval of the patient or the patient's next-of-kin as appropriate.

Subsection (f) requires that the owner of a vessel to which this section applies shall establish and implement procedures and restrictions concerning which crewmembers have access to passenger staterooms, the period during which they have access, and shall ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

Subsection (g) requires that the owner of a vessel to which this section applies shall record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement a report on all complaints of certain crimes, all complaints of theft of property valued in excess of \$1,000, and all complaints of other crimes committed on any voyage that embarks and disembarks passengers in the United States. The owner must make the log book available upon request to the FBI, the Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

This subsection requires that entries into log books recording alleged crimes shall include, at a minimum, the name of the vessel

operator/cruise line; the flag of the vessel; the age and gender of the victim and assailant; the nature of the alleged crime; the vessel's position at the time of the incident or, if that is not known, the position at the time the incident was reported; the time, date, and method of the initial report and of the incident; the total number of passengers and crew on the voyage; and the case number of the report.

This subsection also requires the vessel's owner or designee to contact the nearest FBI Field Office or Legal Attach by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing U.S. national, kidnapping, assault with serious bodily injury, any offense to which 18 U.S.C. §§ 2241, 2242, 2243, or 2244(a), or (c) applies, firing or tampering with the vessel or theft of money or property in excess of \$10,000 to report the incident.

These reporting requirements apply to an incident involving criminal activity if:

- the vessel, regardless of registry, is owned, in whole or in part, by a U.S. person, regardless of the nationality of the victim or perpetrator and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;
- the incident concerns an offense by or against a U.S. national committed outside the jurisdiction of any nation;
- the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or
- the incident concerns a victim or perpetrator who is a U.S. national on a vessel that departed from or will arrive at a U.S. port.

The Secretary of Transportation is required to maintain a statistical compilation of certain incidents on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report that are no longer under investigation. The data shall be updated no less frequently than quarterly and aggregated by cruise line (and each cruise line shall be identified by name), and by whether the crime was committed by a passenger or a crew member. Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary of Transportation.

Subsection (h) states that any person who violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that the maximum penalty will be \$50,000. Any person that willfully violates this section, or a regulation under the section, shall be fined not more than \$250,000 or imprisoned not more than one year, or both. Further, entry into a U.S. port may be denied to a vessel to which this section applies if the owner of the vessel commits an act or omission for which a penalty may be imposed or fails to pay a penalty imposed on the owner under this subsection.

Subsection (i) requires that within six months of the date of enactment of the Act, the Secretary shall issue guidelines, training

curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

Subsection (j) requires that the Secretary of Transportation and the Commandant of the Coast Guard to each issue regulations necessary to implement this section.

Subsection (k) states that this section and section 3508 applies to a passenger vessel that is authorized to carry at least 250 passengers, has onboard sleeping facilities for each passenger, is on a voyage that embarks or disembarks passengers in the United States, and is not engaged on a coastwise voyage. The Act does not apply to vessels of the United States, or vessels owned and operated by a State.

Subsection (l) defines the term owner to mean the owner, charterer, managing operator, master, or other individual in charge of a vessel.

Section 3 also adds a new section 3508 to title 46, United States Code, which establishes standards for crime scene preservation training and passenger vessel crewmembers.

Section 3508(a) states that the Secretary of the department in which the Coast Guard is operating, in consultation with the Director of the FBI and the Administrator of the Maritime Administration, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel and crewmembers on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment.

Subsection (b) states that the standards established by the Secretary shall include the training and certification of vessel security personnel and crewmembers, including recommendations for incorporating a background check process for personnel trained and certified in foreign countries. The standards shall also include the training of students and instructors in all aspects of the prevention and detection of crime and the preservation of evidence.

Subsection (c) provides that beginning two years after the standards are established, no vessel to which the section applies may enter a U.S. port on a voyage or voyage segment on which a U.S. citizen is a passenger unless there is at least one crewmember on board who is certified as having successfully completed the required training.

Subsection (d) states that no vessel to which the subsection applies may enter a U.S. port on a voyage or voyage segment on which a U.S. citizen is a passenger unless there is at least one crewmember on board who is properly trained in the prevention and detection of crime and the preservation of evidence.

Subsection (e) provides that any person that violates this section or any regulation under this section shall be liable for a civil penalty of not more than \$50,000.

Subsection (f) authorizes the Secretary to deny entry into the United States to a vessel to which this section applies if the owner commits an act or omission for which a penalty may be imposed, or fails to pay an imposed penalty.

Sec. 4. Study and report on the security needs of passenger vessels

This section requires that, within three months after the date of enactment of this Act, the Secretary shall conduct a study of the

security needs of passenger vessels and report the findings of the study to Congress.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 110th Congress, on March 27, 2007, the Subcommittee held a hearing entitled “Crimes Against Americans on Cruise Ships”. On September 19, 2007, the Subcommittee held a follow-up hearing entitled “Cruise Ship Security Practices and Procedures”. On June 26, 2008, Representative Doris O. Matsui introduced H.R. 6408, the “Cruise Vessel Security and Safety Act of 2008”.

In the 111th Congress, on July 28, 2009, Representative Doris O. Matsui introduced H.R. 3360. On July 30, 2009, the Committee on Transportation and Infrastructure met in open session and ordered the bill reported favorably to the House by voice vote with a quorum present.

In the Senate, on March 12, 2009, Senator John Kerry introduced S. 588, the “Cruise Vessel Security and Safety Act of 2009”. On September 8, 2009, the Committee on Commerce, Science, and Transportation ordered S. 588, as amended, reported favorably to the Senate.

RECORD VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 3360 or ordering the bill reported. A motion to order H.R. 3360 reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals

and objectives of this legislation are to ensure passenger security and safety aboard cruise ships.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 3360 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 19, 2009.

Hon. JAMES L. OBERSTAR,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3360, the Cruise Vessel Security and Safety Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, *Director*).

Enclosure.

H.R. 3360—Cruise Vessel Security and Safety Act of 2009

H.R. 3360 would address the safety of passengers and crew members on cruise vessels. The bill would require the U.S. Coast Guard to promulgate safety regulations, develop training curricula for cruise-ship personnel, and establish certification and inspection procedures to facilitate enforcement.

Based on information provided by the agency and assuming the availability of appropriated funds, CBO estimates that those activities would cost about \$5 million over the 2010–2014 period. The bill also would establish new criminal and civil penalties, but CBO estimates that any resulting new revenues (from penalties) or related direct spending (of criminal penalties from the Crime Victims Fund) would be less than \$500,000 annually.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

H.R. 3360 would impose private-sector mandates, as defined in UMRA, on owners and operators of certain cruise vessels that use U.S. ports. Cruise lines that own and operate those vessels would be required to meet certain safety standards, post information about the location of U.S. embassies and consulates for countries on the voyage itinerary, and limit crew access to passenger cabins. The bill also would require cruise lines to maintain a log book of alleged crimes, report suspected criminal activities that occur on their vessels to the appropriate law enforcement authorities, and provide online access to data on criminal acts that occur on cruise vessels. In addition, the bill would require cruise lines to adhere to specific procedures when assisting victims of a sexual assault and to carry certain medical supplies and equipment designated for use in such cases. Lastly, cruise lines would be required to have at

least one crewmember trained in crime scene investigation onboard while the vessel is in service.

According to the Maritime Administration and the U.S. Coast Guard, between 125 and 150 cruise vessels that access U.S. ports would have to comply with the requirements in the bill. Industry representatives indicate that those vessels already comply with most of the bill's requirements and that any needed adjustments in current practice would likely be minor. CBO therefore expects that the incremental costs of the mandates would fall below the annual threshold established in UMRA for private-sector mandates (\$139 million in 2009, adjusted annually for inflation).

On July 29, 2009, CBO transmitted a cost estimate for S. 588, the Cruise Vessel Security and Safety Act of 2009, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on July 8, 2009. S. 588 and H.R. 3360 are similar, and the CBO estimates are the same.

The CBO staff contacts for this estimate are Deborah Reis (for federal costs) and Jacob Kuipers and Amy Petz (for the private-sector impact). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. H.R. 3360 does not contain any earmarks, limited tax benefits, or limited tariff benefits under clause 9(e), 9(f), or 9(g) of rule XXI.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (P.L. 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 3360 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (P.L. 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

CHAPTER 35 OF TITLE 46, UNITED STATES CODE

CHAPTER 35—CARRIAGE OF PASSENGERS

Sec.

3501. Number of passengers.

* * * * *

3507. *Passenger vessel security and safety requirements.*3508. *Crime scene preservation training for passenger vessel crew members.*

* * * * *

§ 3507. *Passenger vessel security and safety requirements*

(a) *VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.*—

(1) *IN GENERAL.*—*Each vessel to which this subsection applies shall comply with the following design and construction standards:*

(A) *The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.*

(B) *Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.*

(C) *For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, each passenger stateroom and crew cabin shall be equipped with—*

(i) *security latches; and*

(ii) *time-sensitive key technology.*

(D) *The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.*

(E) *The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).*

(2) *FIRE SAFETY CODES.*—*In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U.S. Coast Guard and under international law, as appropriate.*

(3) *EFFECTIVE DATE.*—

(A) *IN GENERAL.*—*Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009.*

(B) *LATCH AND KEY REQUIREMENTS.*—*The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2009.*

(b) *VIDEO RECORDING.*—

(1) *REQUIREMENT TO MAINTAIN SURVEILLANCE.*—*The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.*

(2) *ACCESS TO VIDEO RECORDS.*—*The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.*

(c) *SAFETY INFORMATION.*—*The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.*

(d) *SEXUAL ASSAULT.*—*The owner of a vessel to which this section applies shall—*

(1) *maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;*

(2) *maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;*

(3) *make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—*

(A) *possesses a current physician's or registered nurse's license and—*

(i) *has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or*

(ii) *holds board certification in emergency medicine, family practice medicine, or internal medicine;*

(B) *is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of*

anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

(5) provide the patient free and immediate access to—

(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.—The master or other individual in charge of a vessel to which this section applies shall—

(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

(B) information to secure the safety of passengers or crew on board the vessel; or

(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

(f) CREW ACCESS TO PASSENGER STATEROOMS.—The owner of a vessel to which this section applies shall—

(1) establish and implement procedures and restrictions concerning—

(A) which crew members have access to passenger staterooms; and

(B) the periods during which they have that access; and

(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

(g) LOG BOOK AND REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

(i) all complaints of crimes described in paragraph (3)(A)(i),

(ii) all complaints of theft of property valued in excess of \$1,000, and

(iii) all complaints of other crimes, committed on any voyage that embarks or disembarks passengers in the United States; and

(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

(A) the vessel operator;

(B) the name of the cruise line;

(C) the flag under which the vessel was operating at the time the reported incident occurred;

(D) the age and gender of the victim and the accused assailant;

(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crew member;

(F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

(H) the time and date the incident occurred, if known;

(I) the total number of passengers and the total number of crew members on the voyage; and

(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—

(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244 (a) or (c) of title 18 applies,

firing or tampering with the vessel, or theft of money or property in excess of \$10,000 to report the incident;

(ii) shall furnish a written report of the incident to the Secretary via an Internet based portal;

(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary of Transportation; and

(iv) may report any other criminal incident involving passengers or crew members, or both, to the proper State or local government law enforcement authority.

(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—*Subparagraph (A) applies to an incident involving criminal activity if—*

(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

(A) WEBSITE.—*The Secretary of Transportation shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by—*

(i) cruise line, with each cruise line identified by name; and

(ii) whether each crime was committed by a passenger or a crew member.

(B) ACCESS TO WEBSITE.—*Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).*

(h) ENFORCEMENT.—

(1) PENALTIES.—

(A) CIVIL PENALTY.—*Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is \$50,000.*

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

(2) *DENIAL OF ENTRY.*—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

(A) commits an act or omission for which a penalty may be imposed under this subsection; or

(B) fails to pay a penalty imposed on the owner under this subsection.

(i) *PROCEDURES.*—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

(j) *REGULATIONS.*—The Secretary of Transportation and the Commandant shall each issue such regulations as are necessary to implement this section.

(k) *APPLICATION.*—

(1) *IN GENERAL.*—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

(A) is authorized to carry at least 250 passengers;

(B) has onboard sleeping facilities for each passenger;

(C) is on a voyage that embarks or disembarks passengers in the United States; and

(D) is not engaged on a coastwise voyage.

(2) *FEDERAL AND STATE VESSELS.*—This section and section 3508 do not apply to a vessel that is owned and operated by the United States Government or a vessel that is owned and operated by a State.

(l) *OWNER DEFINED.*—In this section and section 3508, the term “owner” means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

§ 3508. Crime scene preservation training for passenger vessel crew members

(a) *IN GENERAL.*—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administrator, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crew members, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. The Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

(b) *MINIMUM STANDARDS.*—The standards established by the Secretary under subsection (a) shall include—

(1) the training and certification of vessel security personnel, crew members, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a

background check process for personnel trained and certified in foreign countries;

(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment; and

(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

(c) CERTIFICATION REQUIREMENT.—Beginning 2 years after the standards are established under subsection (b), no vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crew member onboard who is certified as having successfully completed training in the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment on passenger vessels under subsection (a).

(d) INTERIM TRAINING REQUIREMENT.—No vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crew member onboard who has been properly trained in the prevention, detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of such a vessel shall maintain certification or other documentation, as prescribed by the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Safety and Security Act of 2009 and shall remain in effect until superseded by the requirements of subsection (c).

(e) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$50,000.

(f) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

(1) commits an act or omission for which a penalty may be imposed under subsection (e); or

(2) fails to pay a penalty imposed on the owner under subsection (e).

* * * * *

COMMITTEE CORRESPONDENCE

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

PETER T. KING, NEW YORK
RANKING MEMBER



One Hundred Eleventh Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

November 12, 2009

The Honorable James L. Oberstar
Chairman
Committee on Transportation and
Infrastructure
2165 Rayburn Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Oberstar:

I write to you regarding H.R. 3360, the "Cruise Vessel Security and Safety Act of 2009."

H.R. 3360 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 3360 or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 3360 and in the *Congressional Record* during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson".

Bennie G. Thompson
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Peter T. King, Ranking Member
The Honorable John Sullivan, Parliamentarian



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

November 12, 2009

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman Thompson:

I write to you regarding H.R. 3360, the "Cruise Vessel Security and Safety Act of 2009".

I agree that provisions in H.R. 3360 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 3618.

This exchange of letters will be inserted in the Committee Report on H.R. 3360 and in the *Congressional Record* as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

James L. Oberstar, M.C.
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable John L. Mica, Ranking Member
The Honorable Peter T. King, Ranking Member, Committee on Homeland Security
The Honorable John Sullivan, Parliamentarian