

111TH CONGRESS  
1ST SESSION

# H. R. 1485

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2009

Ms. MATSUI (for herself, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. POE of Texas, and Mr. DOGGETT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Cruise Vessel Security and Safety Act of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Cruise vessel security and safety requirements.

Sec. 4. Detailing Coast Guard personnel to enforce cruise ship requirements.  
Sec. 5. Study and report on the security needs of passenger vessels.  
Sec. 6. Amendment of the Death on the High Seas Act.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) There are approximately 200 overnight  
4 ocean-going cruise vessels worldwide. The average  
5 ocean-going cruise vessel carries 2,000 passengers  
6 with a crew of 950 people.

7 (2) In 2007 alone, approximately 12,000,000  
8 passengers were projected to take a cruise world-  
9 wide.

10 (3) Even with these high passenger numbers,  
11 few vacationing passengers on cruise vessels fully ap-  
12 preciate their potential vulnerability to crime while  
13 on an ocean voyage, and those who are victimized  
14 often do not know their legal rights or whom to con-  
15 tact for help in the immediate aftermath of the  
16 crime.

17 (4) On numerous occasions, sexual violence, the  
18 disappearance of passengers from vessels on the  
19 high seas, and other serious crimes have occurred  
20 during luxury cruises.

21 (5) Over the last five years, sexual assault and  
22 physical assaults on cruise vessels were the leading  
23 crimes reported to and investigated by the Federal

1 Bureau of Investigation with regard to cruise vessel  
2 incidents.

3 (6) These crimes at sea can involve attacks  
4 both by passengers and crewmembers on other pas-  
5 sengers and crewmembers.

6 (7) There are no Federal statutes or regula-  
7 tions that explicitly require cruise lines to report al-  
8 leged crimes to United States Government officials,  
9 unless such crimes occur within the territorial wa-  
10 ters of the United States.

11 (8) It is not known precisely how often crimes  
12 occur on cruise vessels or exactly how many people  
13 have disappeared during ocean voyages because  
14 cruise line companies do not make comprehensive,  
15 crime-related data readily available to the public.

16 (9) Obtaining reliable crime-related cruise data  
17 from governmental sources can be difficult, because  
18 multiple countries may be involved when a crime oc-  
19 curs on the high seas, including the flag country for  
20 the vessel, the country of citizenship of particular  
21 passengers, and any countries having special or mar-  
22 itime jurisdiction.

23 (10) Due to the absence of law enforcement of-  
24 ficials on ocean voyages, it can be difficult or impos-  
25 sible for professional criminal investigators to imme-

1       diately secure an alleged crime scene on a cruise ves-  
2       sel, recover evidence of an onboard offense, and  
3       identify or interview potential witnesses to the al-  
4       leged crime.

5           (11) Most cruise vessels that operate into and  
6       out of United States ports are registered under the  
7       laws of another country, and investigations and  
8       prosecutions of crimes against passengers and crew-  
9       members may involve the laws and authorities of  
10      multiple nations.

11          (12) The Department of Homeland Security  
12      has found it necessary to establish 500-yard security  
13      zones around vessels to limit the risk of terrorist at-  
14      tack, but no viable means of communicating and en-  
15      forcing the security zones has been established. Re-  
16      cently piracy has dramatically increased throughout  
17      the world and vessels have limited if any means of  
18      protection against piracy and terrorism while on the  
19      high seas.

20          (13) To enhance safety of cruise passengers,  
21      the owner of these cruise vessels could upgrade,  
22      modernize, and retrofit the safety and security infra-  
23      structure on such vessels by installing peep holes in  
24      passenger room doors, installing security video cam-  
25      eras in targeted areas, limiting access to passenger

1 rooms to select staff during specific times, installing  
 2 acoustic hailing and warning devices capable of com-  
 3 municating and enforcing the 500-yard security  
 4 zone.

5 **SEC. 3. CRUISE VESSEL SECURITY AND SAFETY REQUIRE-**  
 6 **MENTS.**

7 (a) IN GENERAL.—Chapter 35 of title 46, United  
 8 States Code, is amended by adding at the end the fol-  
 9 lowing:

10 **“§ 3507. Cruise vessel security and safety require-**  
 11 **ments**

12 “(a) VESSEL DESIGN, CONSTRUCTION, AND RETRO-  
 13 FITTING REQUIREMENTS.—

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

17 “(A) The vessel shall be equipped with  
 18 ship rails that are located not less than 4½ feet  
 19 above the deck.

20 “(B) Each passenger stateroom and crew  
 21 cabin shall be equipped with entry doors that  
 22 include—

23 “(i) peep holes;

24 “(ii) security latches; and

25 “(iii) time sensitive key technology.

1           “(C) Fire safety codes shall be imple-  
2           mented.

3           “(D) The vessel shall integrate technology  
4           that can be used for detecting passengers who  
5           have fallen overboard, to the extent that such  
6           technology is available.

7           “(E) The vessel shall be equipped with a  
8           sufficient number of operable acoustic hailing  
9           and warning devices to provide 360 degrees of  
10          communication capability around the vessel.  
11          The acoustic hailing and warning devices shall  
12          be capable of communicating clear voice in-  
13          structions to approaching vessels that are 500  
14          yards away, over 88 dB of background noise at  
15          the listener’s position with 90 percent intelli-  
16          gibility. The broadcasts made by such devices  
17          shall be directional in nature so as not confuse  
18          other vessel operators who are not in the secu-  
19          rity zone and to limit unnecessary noise. The  
20          device controls shall be manned and operable  
21          during transits in and out of harbors and when-  
22          ever another vessel approaches within 500 yards  
23          of the passenger vessel

24          “(2) EFFECTIVE DATE.—The requirements of  
25          paragraph (1) shall take effect 36 months after the

1 date of the enactment of the Cruise Vessel Security  
2 and Safety Act of 2009.

3 “(b) CREW ACCESS TO PASSENGER STATEROOMS.—

4 The owner, charterer, managing operator, master, or indi-  
5 vidual in charge of a vessel to which this section applies  
6 shall—

7 “(1) establish and implement procedures and  
8 restrictions concerning—

9 “(A) which crewmembers have access to  
10 passenger staterooms; and

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

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

16 “(c) LOG BOOK AND REPORTING REQUIREMENTS.—

17 “(1) IN GENERAL.—The owner, charterer, man-  
18 aging operator, master, or individual in charge of a  
19 vessel to which this section applies shall—

20 “(A) record in a log book reports on re-  
21 ported deaths, missing individuals, and each  
22 significant alleged crime committed on the ves-  
23 sel, and all passenger and crewmember com-  
24 plaints regarding theft, sexual harassment, and  
25 assaults; and

1 “(B) make such log book available—

2 “(i) upon request to any agent of the  
3 Federal Bureau of Investigation, any mem-  
4 ber of the Coast Guard, and any law en-  
5 forcement officer; and

6 “(ii) to the Coast Guard in an elec-  
7 tronic format prescribed by the Com-  
8 mandant.

9 “(2) DETAILS REQUIRED.—The information re-  
10 corded under paragraph (1) shall include, at a min-  
11 imum—

12 “(A) the type of vessel;

13 “(B) the name of the cruise line;

14 “(C) the flag under which the vessel was  
15 operating at the time the reported incident oc-  
16 curred;

17 “(D) the age of the victim;

18 “(E) the nature of the alleged crime or  
19 complaint, as applicable, including whether the  
20 perpetrator was a passenger or a crewmember;

21 “(F) the vessel’s position at the time of the  
22 incident, if known, or the position of the vessel  
23 at the time of the initial report;

1 “(G) the time, date, and method of the ini-  
2 tial report and the law enforcement authority to  
3 which the initial report was made;

4 “(H) the case number or other identifier  
5 provided by the law enforcement authority to  
6 which the initial report was made; and

7 “(I) whether the reported incident oc-  
8 curred on land or onboard.

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

11 “(A) IN GENERAL.—The master of a pas-  
12 senger vessel to which this section applies—

13 “(i) shall contact the nearest Federal  
14 Bureau of Investigation Field Office or  
15 Legal Attache by telephone as soon as pos-  
16 sible after the occurrence on board the ves-  
17 sel of an incident involving homicide, sus-  
18 picious death, a missing United States na-  
19 tional, kidnapping, assault with serious  
20 bodily injury, any offense to which section  
21 2241, 2242, 2243, or 2244(a) or (c) of  
22 title 18, United States Code, applies, firing  
23 or tampering with the vessel, or theft of  
24 money or property in excess of \$10,000 to  
25 report the incident;

1 “(ii) shall furnish a written report of  
2 the incident by facsimile or electronic mail  
3 to the Coast Guard National Command  
4 Center and by facsimile to the Federal Bu-  
5 reau of Investigation;

6 “(iii) may report any serious incident  
7 that does not meet the reporting require-  
8 ments of clause (i) and that does not re-  
9 quire immediate attention by the Federal  
10 Bureau of Investigation to the nearest  
11 Field Office or Legal Attache by facsimile  
12 or electronic mail; and

13 “(iv) may report any other criminal  
14 incident involving passengers or crew-  
15 members, or both, to the proper State or  
16 local government law enforcement author-  
17 ity.

18 “(B) INCIDENTS TO WHICH SUBPARA-  
19 GRAPH (A) APPLIES.—Subparagraph (A) ap-  
20 plies to an incident involving criminal activity  
21 if—

22 “(i) the ship, regardless of registry, is  
23 owned, in whole or in part, by a United  
24 States person, regardless of the nationality  
25 of the victim or perpetrator, and the inci-

1 dent occurs when the vessel is within the  
2 admiralty and maritime jurisdiction of the  
3 United States and outside the jurisdiction  
4 of any State;

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

9 “(iii) the incident occurs in the Terri-  
10 torial Sea of the United States, regardless  
11 of the nationality of the vessel, the victim,  
12 or the perpetrator; or

13 “(iv) the incident concerns a victim or  
14 perpetrator who is a United States na-  
15 tional on a vessel during a voyage that de-  
16 parted from or will arrive at a United  
17 States port.

18 “(4) AVAILABILITY OF INCIDENT DATA VIA  
19 INTERNET.—

20 “(A) WEBSITE.—The Secretary shall  
21 maintain, on an Internet site of the department  
22 in which the Coast Guard is operating, a nu-  
23 merical accounting of the missing persons and  
24 alleged crimes recorded in each report filed  
25 under paragraph (1)(A). The data shall be up-

1           dated no less frequently than quarterly, aggre-  
2           gated by cruise line, and each cruise line shall  
3           be identified by name.

4           “(B) ACCESS TO WEBSITE.—Each cruise  
5           line taking on or discharging passengers in the  
6           United States shall include a link on its Inter-  
7           net website to the website maintained by the  
8           Secretary under subparagraph (A).

9           “(d) CREW DATABASE REQUIREMENT.—The Sec-  
10          retary shall prescribe regulations that require the owner  
11          of each vessel to which this section applies to participate  
12          in the establishment and maintenance of a database for  
13          reporting all individuals whose employment on such a ves-  
14          sel has been terminated for a matter reported under sub-  
15          section (c)(1)(A).

16          “(e) RAPE KITS.—The owner of a vessel to which this  
17          section applies shall—

18                 “(1) maintain on the vessel adequate, in-date  
19                 supplies of anti-retroviral medications and other  
20                 medications used to prevent sexually transmitted  
21                 diseases after a sexual assault;

22                 “(2) maintain on the vessel equipment and ma-  
23                 terials for performing a medical examination to  
24                 evaluate the patient for trauma, treat injury, and  
25                 collect forensic evidence;

1           “(3) make available on the vessel at all times  
2           an individual licensed to practice as a medical doctor  
3           in the United States who has received training in  
4           conducting forensic sexual assault examinations, to  
5           promptly perform such an examination upon request  
6           and to provide proper medical treatment of a victim,  
7           including antiretroviral medications and other medi-  
8           cations that may prevent the transmission of human  
9           immunodeficiency virus and other sexually trans-  
10          mitted diseases;

11          “(4) prepare, provide to the individual, and  
12          maintain written documentation of the performance  
13          and findings of such examination that is signed by  
14          the individual and ensure that no medical informa-  
15          tion is released to the cruise line or any legal rep-  
16          resentative thereof without the prior knowledge and  
17          approval in writing of the victim, or, if the victim is  
18          unable to provide written authorization, the victim’s  
19          next-of-kin; and

20          “(5) provide the individual free and immediate  
21          access to—

22                 “(A) a description of the toll-free telephone  
23                 number and website by which the individual  
24                 may access the National Sexual Assault Hotline  
25                 and the National Sexual Assault Online Hotline

1 referred to in section 628 of the Adam Walsh  
2 Child Protection and Safety Act of 2006 (Pub-  
3 lic Law 109–248; 42 U.S.C. 16985);

4 “(B) information for local law enforcement  
5 and the Federal Bureau of Investigation; and

6 “(C) a private telephone line and Internet-  
7 accessible computer terminal on the cruise ship  
8 by which the individual may confidentially ac-  
9 cess such hotline services.

10 “(f) CRIME SCENE INVESTIGATION TRAINING FOR  
11 PASSENGER VESSEL CREWMEMBERS.—The Secretary, in  
12 consultation with the Director of the Federal Bureau of  
13 Investigation, shall develop a training curriculum for crew-  
14 members and law enforcement officials of passenger ves-  
15 sels to educate them concerning appropriate methods for  
16 collecting evidence at a crime scene and proper evidence  
17 preservation. The Administrator of the Maritime Adminis-  
18 tration may certify organizations that offer the curriculum  
19 for training and certification under subsection (g).

20 “(g) CERTIFICATION REQUIREMENT.—Beginning 2  
21 years after the date of enactment of the Cruise Vessel Se-  
22 curity and Safety Act of 2009, no passenger vessel may  
23 enter a United States port on a voyage (or voyage seg-  
24 ment) on which a United States citizen is a passenger un-  
25 less there is at least 1 crewmember onboard who is cer-

1   tified as having successfully completed training in the col-  
2   lection of crime scene evidence on passenger vessels under  
3   subsection (f).

4       “(h) INSPECTION.—The Secretary shall conduct an  
5   annual inspection of each passenger vessel seeking to enter  
6   a port in the United States to determine whether the pas-  
7   senger vessel has adequate equipment to investigate cov-  
8   ered crimes on the vessel and has at least 1 crewmember  
9   who is certified under subsection (f).

10       “(i) VIDEO RECORDING.—

11           “(1) REQUIREMENT TO MAINTAIN SURVEIL-  
12   LANCE.—The owner of a vessel to which this section  
13   applies shall maintain video surveillance to monitor  
14   and document crimes as they occur on the vessel and  
15   to provide evidence for the prosecution of such  
16   crimes, as determined by the Secretary.

17           “(2) ACCESS TO VIDEO RECORDS.—The owner  
18   of a vessel to which this section applies shall provide  
19   to law enforcement officials, upon request, a copy of  
20   all records of video surveillance that may provide  
21   evidence of a crime reported to law enforcement offi-  
22   cials.

23       “(j) SAFETY INFORMATION.—The owner of a vessel  
24   to which this section applies shall—

1 “(1) prominently post in each stateroom and  
2 crew cabin and in other places specified by the Sec-  
3 retary information regarding—

4 “(A) the name of each country the cruise  
5 ship will visit during the course of such car-  
6 riage;

7 “(B) the locations in such country of the  
8 embassy and each consulate of the United  
9 States;

10 “(C) the contact information for the Na-  
11 tional Sexual Assault Hotline and the National  
12 Sexual Assault Online Hotline referred to in  
13 section 628 of the Adam Walsh Child Protec-  
14 tion and Safety Act of 2006 (Public Law 109–  
15 248; 42 U.S.C. 16985);

16 “(D) telephone numbers for the Federal  
17 Bureau of Investigation; and

18 “(E) the degree to which the owner is re-  
19 sponsible or liable for the safety of passengers  
20 while they are on shore excursions; and

21 “(2) include in mandatory crew training the de-  
22 tails of this section, its application, and the deter-  
23 mination of the United States to protect its citizens  
24 against crimes committed at sea.

25 “(k) CRIMINAL PENALTIES.—

1           “(1) PENALTIES.—Any person that violates this  
2           section or a regulation under this section shall be  
3           fined not more than \$250,000 or imprisoned not  
4           more than 1 year, or both.

5           “(2) DENIAL OF ENTRY.—The Secretary may  
6           deny entry into the United States to a cruise vessel  
7           if the owner of the cruise vessel—

8                   “(A) commits an act or omission for which  
9                   a penalty may be imposed under this sub-  
10                  section; or

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

13           “(l) PROCEDURES.—Within 6 months after the date  
14           of enactment of the Cruise Vessel Security and Safety Act  
15           of 2009, the Secretary shall issue guidelines, training cur-  
16           ricula, and inspection and certification procedures nec-  
17           essary to carry out the requirements of this section.

18           “(m) REGULATIONS.—The Secretary and the Com-  
19           mandant shall each issue such regulations as are nec-  
20           essary to implement this section.

21           “(n) APPLICATION.—This section applies to any pas-  
22           senger vessel that embarks or disembarks passengers in  
23           the United States or that is a vessel of the United  
24           States.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter is amended by adding  
 3 at the end the following:

“3507. Cruise vessel security and safety requirements.”.

4 **SEC. 4. DETAILING COAST GUARD PERSONNEL TO EN-**  
 5 **FORCE CRUISE SHIP REQUIREMENTS.**

6 (a) IN GENERAL.—Section 7(b)(3) of the Ports and  
 7 Waterways Safety Act (33 U.S.C. 1226(b)(3)) is amended  
 8 to read as follows:

9 “(3) dispatch properly trained and qualified  
 10 armed Coast Guard Personnel on vessels and public  
 11 or commercial structures on or adjacent to waters  
 12 subject to United States jurisdiction—

13 “(A) to deter or respond to acts of ter-  
 14 rorism or transportation security incidents, as  
 15 defined in section 70101 of title 46, United  
 16 States Code;

17 “(B) to act as environmental observers for  
 18 the purposes of—

19 “(i) monitoring compliance with the  
 20 requirements of all applicable Federal laws  
 21 and regulations regarding the discharge of  
 22 waste into United States territorial waters;

23 “(ii) observing operation and mainte-  
 24 nance procedures for onboard waste treat-  
 25 ment systems;

1 “(iii) ensuring the proper handling  
2 and disposal of all hazardous wastes; and

3 “(iv) verifying log book entries for all  
4 records required by the Coast Guard re-  
5 lated to waste treatment and disposal; and

6 “(C) to act as public safety officers for the  
7 purposes of—

8 “(i) assisting vessel passengers and  
9 crew, as needed, with the reporting and in-  
10 vestigation of potential criminal activities  
11 occurring on board vessels to which section  
12 3507 of title 46, United States Code, ap-  
13 plies while such vessels are in United  
14 States territorial waters;

15 “(ii) securing, to the degree possible,  
16 suspected crime scenes on such vessels;  
17 and

18 “(iii) collecting evidence of alleged  
19 crimes against passengers and crew on  
20 such vessels.”.

21 (b) FEES AND CHARGES.—The Commandant of the  
22 Coast Guard may promulgate regulations under section  
23 9701 of title 31, United States Code, establishing charges  
24 for services provided by the Coast Guard under section

1 7(b)(3)(C) of the Ports and Waterways Safety Act (33  
2 U.S.C. 1226(b)(3)(C)) as amended by subsection (a).

3 **SEC. 5. STUDY AND REPORT ON THE SECURITY NEEDS OF**  
4 **PASSENGER VESSELS.**

5 (a) IN GENERAL.—Within 3 months after the date  
6 of enactment of this Act, the Secretary of the department  
7 in which the Coast Guard is operating shall conduct a  
8 study of the security needs of a passenger vessel depend-  
9 ing on number of passengers on the vessel, and report to  
10 the Congress findings of the study and recommendations  
11 for improving security on those vessels.

12 (b) REPORT CONTENTS.—In recommending appro-  
13 priate security on those vessels, the report shall take into  
14 account typical crewmember shifts, working conditions of  
15 crewmembers, and length of voyages.

16 **SEC. 6. AMENDMENT OF THE DEATH ON THE HIGH SEAS**  
17 **ACT.**

18 (a) APPLICATION OF ACT.—Section 30302 of title  
19 46, United States Code, is amended by striking “3 nau-  
20 tical miles” and inserting “12 nautical miles”.

21 (b) NONAPPLICATION TO INCIDENTS WITHIN 12-  
22 MILE LIMIT.—Section 30308 of title 46, United States  
23 Code, is amended by adding at the end thereof the fol-  
24 lowing:

1       “(c) INCIDENTS OCCURRING WITHIN 12-MILE  
2 LIMIT.—This chapter does not apply if the death of an  
3 individual is caused by wrongful act, neglect, or default  
4 occurring on the high seas 12 nautical miles or less from  
5 the shore of the United States.”.

6       (c) DAMAGES.—Section 30303 of title 46, United  
7 States Code, is amended—

8           (1) by inserting “and nonpecuniary” after “pe-  
9 cuniary”; and

10          (2) by adding at the end “In this section, the  
11 term ‘nonpecuniary loss’ means loss of care, comfort,  
12 and companionship. The individuals for whose ben-  
13 efit the action is brought may also recover damages  
14 for the decedent’s pre-death pain and suffering.”.

15       (d) CONFORMING AMENDMENT.—

16           (1) Chapter 303 of title 46, United States  
17 Code, is amended by striking section 30307.

18           (2) The chapter analysis for such chapter is  
19 amended by striking the item relating to section  
20 30307.

○