

113TH CONGRESS
1ST SESSION

H. R. 2800

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

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2013

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

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

1 **SEC. 2. CRUISE VESSEL SUBCHAPTER.**

2 Chapter 35 is amended:

3 (1) by inserting before section 3501 the fol-
4 lowing:

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

6 (2) by inserting before section 3507 the fol-
7 lowing:

8 **“Subchapter II—Cruise Vessels”;**

9 and

10 (3) by redesignating sections 3507 and 3508 as
11 sections 3523 and 3524, respectively.

12 **SEC. 3. APPLICATION.**

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

16 **“§ 3521. Application**

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

19 “(1) is authorized to carry at least 250 pas-
20 sengers;

21 “(2) has on board sleeping facilities for each
22 passenger;

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

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

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

5 **SEC. 4. DEFINITIONS.**

6 Chapter 35, as amended by section 3 of this Act, is
7 further amended by inserting after section 3521 the fol-
8 lowing:

9 **“§ 3522. Definitions**

10 “In this subchapter:

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

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

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

20 **SEC. 5. BILL OF RIGHTS.**

21 Not later than 180 days after the date of enactment
22 of the Cruise Passenger Protection Act, the Secretary of
23 Transportation shall determine whether any of the enu-
24 merated rights in the international cruise line passenger
25 bill of rights, that was adopted by the members of the

1 Cruise Lines International Association, are enforceable
2 under Federal law.

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

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

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

10 (2) in subparagraph (B), by striking “make
11 such log book available” and inserting “make the log
12 book and all entries therein available, whether the
13 log book and entries are maintained on board the
14 vessel or at a centralized location off the vessel,”.

15 (b) DEADLINE TO NOTIFY FEDERAL BUREAU OF IN-
16 VESTIGATION REGARDING CERTAIN INCIDENTS.—Section
17 3523(g)(3)(A)(i), as redesignated under section 2 of this
18 Act, is amended—

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

21 (2) by striking “after the occurrence on board
22 the vessel of an incident involving” and inserting “,
23 but not later than 4 hours, after an employee of the
24 vessel is notified of an incident on board the vessel
25 allegedly involving”.

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

4 “(C) REPORTS BEFORE DEPARTURE.—If
5 an employee of a vessel to which this sub-
6 chapter applies is notified of an incident under
7 subparagraph (A)(i) while the vessel is within
8 the admiralty and maritime jurisdiction of the
9 United States and en route to a United States
10 port or at a United States port, the owner of
11 the vessel (or the owner’s designee) shall con-
12 tact the nearest Federal Bureau of Investiga-
13 tion Field Office or Legal Attache not later
14 than the time specified under subparagraph
15 (A)(i) or before the vessel departs port, which-
16 ever is earlier.”.

17 (d) REPORTS TO UNITED STATES CONSULATES.—
18 Section 3523(g)(3), as redesignated under section 2 of
19 this Act and as amended by subsection (c) of this section,
20 is further amended by adding at the end the following:

21 “(D) REPORTS TO UNITED STATES CON-
22 SULATES.—If an incident under subparagraph
23 (A)(i) allegedly involves an offense by or
24 against a United States national, in addition to
25 contacting the nearest Federal Bureau of Inves-

1 tigation Field Office or Legal Attache under
 2 that subparagraph, the owner of a vessel to
 3 which this subchapter applies (or the owner's
 4 designee) shall contact the United States con-
 5 sulate at the next port of call not later than the
 6 time specified under subparagraph (A)(i).”.

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

10 (1) in clause (ii), by striking “the incident to an
 11 Internet based portal maintained by the Secretary”
 12 and inserting “each incident under clause (i), includ-
 13 ing the details under paragraph (2), to the Internet
 14 based portal maintained by the Secretary of Trans-
 15 portation under section 3525(a)”; and

16 (2) in clause (iii), by striking “by the Sec-
 17 retary” and inserting “by the Secretary of Transpor-
 18 tation under section 3525(a)”.

19 (f) AVAILABILITY OF SECURITY GUIDE VIA INTER-
 20 NET.—Section 3523(c)(1), as redesignated under section
 21 2 of this Act, is amended—

22 (1) in subparagraph (A)—

23 (A) by striking “a guide (referred to in
 24 this subsection as the ‘security guide’ ” and in-
 25 serting “a security guide”; and

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

3 (2) in subparagraph (C), by striking “on the
 4 website of the vessel owner” and inserting “via a
 5 prominently accessible link on each Internet website
 6 that the cruise line maintains for passengers to pur-
 7 chase or book cruises on any vessel that the cruise
 8 line owns or operates, and to which this subchapter
 9 applies”.

10 **SEC. 7. CRIME PREVENTION, DOCUMENTATION, AND RE-**
 11 **SPONSE REQUIREMENTS.**

12 (a) MAINTENANCE AND PLACEMENT OF VIDEO SUR-
 13 VEILLANCE EQUIPMENT.—Section 3523(b)(1), as redesign-
 14 nated under section 2 of this Act, is amended—

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

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

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

20 “(B) PLACEMENT OF VIDEO SURVEIL-
 21 LANCE EQUIPMENT.—With regard to the place-
 22 ment of video surveillance equipment on a ves-
 23 sel under subparagraph (A), the owner shall—

24 “(i) place video surveillance equipment
 25 in each passenger common area where a

1 person has no reasonable expectation of
2 privacy;

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

6 “(iii) place video surveillance equip-
7 ment in each area identified under clauses
8 (i) and (ii) in a manner that provides opti-
9 mum surveillance of that area.”.

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

12 (1) by redesignating paragraph (2) as para-
13 graph (3); and

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

15 (A) by inserting “(A) LAW ENFORCE-
16 MENT.—” before “The owner” and resetting
17 the text accordingly; and

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

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

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

1 “(ii) that may provide evidence in a
2 civil action.

3 “(C) LIMITED ACCESS.—Except as pro-
4 vided under subparagraphs (A) and (B), the
5 owner of a vessel to which this subchapter ap-
6 plies shall ensure that access to records of video
7 surveillance is limited to the purposes under
8 this section.”.

9 (c) NOTICE OF VIDEO SURVEILLANCE.—Section
10 3523(b), as amended by subsection (b) of this section, is
11 further amended by inserting before paragraph (3), the
12 following:

13 “(2) NOTICE OF VIDEO SURVEILLANCE.—The
14 owner of a vessel to which this subchapter applies
15 shall provide clear and conspicuous signs on board
16 the vessel notifying the public of the presence of
17 video surveillance equipment.”.

18 (d) RETENTION REQUIREMENTS.—Section 3523(b),
19 as amended by subsection (b) of this section, is further
20 amended by adding at the end, the following:

21 “(4) RETENTION REQUIREMENTS.—

22 “(A) IN GENERAL.—The owner of a vessel
23 to which this subchapter applies shall retain all
24 records of video surveillance for a voyage for
25 not less than 30 days after the completion of

1 the voyage. If an incident described in sub-
2 section (g)(3)(A)(i) is alleged and reported to
3 law enforcement, all records of video surveil-
4 lance from the voyage that the Federal Bureau
5 of Investigation determines are relevant shall—

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

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

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

18 “(C) FINAL STANDARDS.—Not later than
19 1 year after the date of enactment of the Cruise
20 Passenger Protection Act, the Commandant, in
21 consultation with the Federal Bureau of Inves-
22 tigation, shall promulgate final standards for
23 the retention of records of video surveillance.

1 “(D) CONSIDERATIONS.—In promulgating
2 standards under subparagraphs (B) and (C),
3 the Commandant shall—

4 “(i) consider factors that would aid in
5 the investigation of serious crimes, includ-
6 ing crimes that go unreported until after
7 the completion of a voyage;

8 “(ii) consider the different types of
9 video surveillance systems and storage re-
10 quirements in creating standards both for
11 vessels currently in operation and for ves-
12 sels newly built;

13 “(iii) consider privacy, including
14 standards for permissible access to and
15 monitoring and use of the records of video
16 surveillance; and

17 “(iv) consider technological advance-
18 ments, including requirements to update
19 technology.”.

20 (e) AUTHORITY TO PROVIDE ASSISTANCE TO VIC-
21 TIMS OF CRIMES ON BOARD PASSENGER VESSELS.—
22 Chapter 35 is further amended by adding at the end the
23 following:

1 **“SEC. 3525. ASSISTANCE TO VICTIMS OF CRIMES ON BOARD**
2 **CERTAIN PASSENGER VESSELS.**

3 “(a) AVAILABILITY OF INCIDENT DATA VIA INTER-
4 NET.—

5 “(1) IN GENERAL.—The Secretary of Transpor-
6 tation shall maintain a statistical compilation of all
7 incidents described in section 3523(g)(3)(A) on an
8 Internet website that provides a numerical account-
9 ing of the missing persons and alleged crimes duly
10 recorded in each report filed under paragraph (3) of
11 that section. Each such incident shall be included in
12 the statistical compilation irrespective of its inves-
13 tigative status. The data shall be updated not less
14 frequently than quarterly, be aggregated by the
15 cruise line, identify each cruise line by name, iden-
16 tify each crime and alleged crime as to whether it
17 was committed or allegedly committed by a pas-
18 senger or crew member, identify each crime and al-
19 leged crime as to whether it was committed or alleg-
20 edly committed against a minor, and identify the
21 number of alleged individuals overboard. The Sec-
22 retary of Transportation shall ensure that the com-
23 pilation, data, and any other information provided
24 on the Internet website is in a user-friendly format.

25 “(2) ACCESS TO WEBSITE.—Each owner of a
26 passenger vessel shall include a prominently acces-

1 sible link to the Internet website maintained by the
2 Secretary of Transportation under paragraph (1) on
3 each Internet website that the owner maintains for
4 prospective passengers to purchase or book passage
5 on the passenger vessel.

6 “(b) REGULATIONS.—The Secretary of Transpor-
7 tation shall issue such regulations as are necessary to im-
8 plement this section.”.

9 (f) STUDY.—Not later than 1 year after the date of
10 enactment of this Act, the Secretary of Transportation,
11 in coordination with the Secretary of the department in
12 which the Coast Guard is operating, Attorney General,
13 and heads of other relevant Federal agencies, shall con-
14 duct a study to determine the feasibility of having an indi-
15 vidual on board each passenger vessel to provide victim
16 support services and related safety and security services,
17 and shall report the findings to Congress. The study shall
18 include consideration of the cost, the benefit to pas-
19 sengers, jurisdiction, and logistics.

20 (g) CRIMINAL ACTIVITY PREVENTION AND RE-
21 SPONSE GUIDE.—Section 3523(c)(1), as amended by sec-
22 tion 6(f) of this Act, is further amended by amending sub-
23 paragraph (B) to read as follows:

24 “(B) provide a copy of the security guide
25 to—

1 “(i) the Secretary of Transportation
2 for review;

3 “(ii) the Federal Bureau of Investiga-
4 tion for comment; and

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

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

15 (i) CRIME SCENE PRESERVATION TRAINING; CER-
16 TIFICATION OF ORGANIZATIONS BY MARAD.—Section
17 3524(a), as redesignated by section 2 of this Act, is
18 amended by striking “may certify” and inserting “shall
19 certify”.

20 (j) CREW ACCESS TO PASSENGER STATEROOMS;
21 PROCEDURES AND RESTRICTIONS.—Section 3523(f), as
22 redesignated by section 2 of this Act, is amended—

23 (1) in paragraph (1)—

24 (A) by striking “and” at the end subpara-
25 graph (A); and

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

2 “(C) a system that electronically records
3 the date, time, and identity of each crew mem-
4 ber accessing each passenger stateroom; and”;
5 and

6 (2) in paragraph (2), by striking “are fully and
7 properly implemented and periodically reviewed.”
8 and inserting “are fully and properly implemented,
9 reviewed annually, and updated as necessary.”.

10 **SEC. 8. PASSENGER VESSEL SECURITY AND SAFETY RE-**
11 **QUIREMENTS.**

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

15 (1) in paragraph (1)—

16 (A) in the matter preceding subparagraph
17 (A), by striking “to which this subsection ap-
18 plies” and inserting “to which this subchapter
19 applies”;

20 (B) in subparagraph (A)—

21 (i) by striking “The vessel” and in-
22 serting “Each exterior deck of a vessel”;
23 and

24 (ii) by striking the period at the end
25 and inserting “unless the height require-

1 ment would interfere with the deployment
2 of a lifesaving device or other emergency
3 equipment as identified by the Com-
4 mandant.”; and

5 (C) in subparagraph (B), by striking
6 “entry doors that include peep holes or other
7 means of visual identification.” and inserting
8 “an entry door that includes a peep hole or
9 other means of visual identification that pro-
10 vides an unobstructed view of the area outside
11 the stateroom or crew cabin. For purposes of
12 this subparagraph, the addition of an optional
13 privacy cover on the interior side of the entry
14 shall not in and of itself constitute an obstruc-
15 tion.”; and

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

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

19 “(A) may waive a requirement under para-
20 graph (1) as the Secretary determines nec-
21 essary;

22 “(B) shall maintain a record of each waiv-
23 er under subparagraph (A); and

1 “(C) shall include in such record the jus-
2 tification for each waiver under subparagraph
3 (A).”.

4 (b) DEFINITION OF EXTERIOR DECK.—Section
5 3523(l), as redesignated by section 2 of this Act, is
6 amended to read as follows—

7 “(l) DEFINITION OF EXTERIOR DECK.—In this sec-
8 tion, the term ‘exterior deck’ means any exterior weather
9 deck on which a passenger may be present, including pas-
10 senger stateroom balconies, exterior promenades on pas-
11 senger decks, muster stations, and similar exterior weath-
12 er deck areas.”.

13 **SEC. 9. ENFORCEMENT.**

14 (a) INFORMATION SHARING.—

15 (1) IN GENERAL.—To the extent not prohibited
16 by other law, the head of a designated agency shall
17 make available to another head of a designated
18 agency any information necessary to carry out the
19 provisions of subchapter II of chapter 35 of title 46,
20 United States Code. The provision by the head of a
21 designated agency of any information under this
22 subsection to another head of a designated agency
23 shall not constitute a waiver, or otherwise effect, any
24 privilege any agency or person may claim with re-

1 spect to that information under Federal or State
2 law.

3 (2) DEFINITION OF HEAD OF A DESIGNATED
4 AGENCY.—In this subsection, the term “head of a
5 designated agency” means the Secretary of Trans-
6 portation, Secretary of Homeland Security, or Attor-
7 ney General.

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

11 (1) by striking paragraph (2);

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

14 (3) by striking “(1) PENALTIES.—” through
15 “(A) CIVIL PENALTY.—” and inserting “(1) CIVIL
16 PENALTY.—”; and

17 (4) by redesignating subparagraph (B) as para-
18 graph (2).

19 (c) DENIAL OF ENTRY.—Section 3524(f), as redesign-
20 ated by section 2 of this Act, is repealed.

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

1 **“§ 3526. Refusal of clearance; denial of entry**

2 “(a) CLEARANCE.—The Secretary of Homeland Se-
 3 curity may withhold or revoke the clearance required
 4 under section 60105 of any vessel of the owner of a vessel
 5 to which this subchapter applies, wherever the vessel is
 6 found, if the owner of the vessel—

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

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

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

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

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

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

20 (a) APPLICATION.—

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

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

24 (B) by redesignating subsection (l), as
 25 amended by section 8 of this Act, as subsection
 26 (k).

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

5 (3) Section 3524, as redesignated by section 2
 6 of this Act, is amended by striking “to which this
 7 section applies” each place it appears and inserting
 8 “to which this subchapter applies”.

9 (b) AVAILABILITY OF INCIDENT DATA VIA INTER-
 10 NET.—Section 3523(g)(4), as redesignated under section
 11 2 of this Act, is repealed.

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

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

15 (2) by redesignating paragraph (4) as para-
 16 graph (3).

17 (d) PROCEDURES.—Section 3523(i), as redesignated
 18 by section 2 of this Act, is amended by striking “Within
 19 6 months after the date of enactment of the Cruise Vessel
 20 Security and Safety Act of 2010, the” and inserting
 21 “The”.

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

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

“SUBCHAPTER I. GENERAL PROVISIONS”;

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

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

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

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

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

“SUBCHAPTER II. CRUISE VESSELS”;

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

“3521. Application.

“3522. Definitions.”;

9 and

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

“3525. Assistance to victims of crimes on board certain passenger vessels.

“3526. Refusal of clearance; denial of entry.”.

○