

114TH CONGRESS
1ST SESSION

S. 1673

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

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2015

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES.**

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

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

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

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

4 Chapter 35 is amended—

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

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

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

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

11 and

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

14 **SEC. 3. APPLICATION.**

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

18 **“§ 3521. Application**

19 “(a) IN GENERAL.—This subchapter applies to a
 20 passenger vessel that—

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

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

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

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

4 “(b) FEDERAL AND STATE VESSELS.—This sub-
5 chapter does not apply to—

6 “(1) a vessel of the United States operated by
7 the Federal Government; or

8 “(2) a vessel owned and operated by a State.”.

9 **SEC. 4. DEFINITIONS.**

10 Chapter 35, as amended by sections 2 and 3 of this
11 Act, is further amended by inserting after section 3521,
12 as added by section 3, the following:

13 **“§ 3522. Definitions**

14 “In this subchapter:

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

17 “(2) EXTERIOR DECK.—The term ‘exterior
18 deck’ means any exterior weather deck on which a
19 passenger may be present, including passenger state-
20 room balconies, exterior promenades on passenger
21 decks, muster stations, and similar exterior weather
22 deck areas.

23 “(3) KEY TERMS.—The term ‘key terms’ in-
24 cludes terms related to undisclosed costs and fees,
25 indemnification, waivers, limitations on liability, no-

1 tice of claim and actions, time limitations, arbitra-
2 tion, forum, and jurisdiction.

3 “(4) OWNER.—The term ‘owner’ means the
4 owner, charterer, managing operator, master, or
5 other individual in charge of a vessel.

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

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

12 “(7) PASSENGER VESSEL.—The term ‘pas-
13 senger vessel’ means a passenger vessel to which this
14 subchapter applies.”.

15 **SEC. 5. PASSENGER VESSEL CONSUMER SERVICE IM-**
16 **PROVEMENTS.**

17 (a) IN GENERAL.—Chapter 35, as amended by this
18 Act, is further amended by adding at the end the fol-
19 lowing:

20 **“§ 3525. Passenger vessel consumer service improve-**
21 **ments**

22 “(a) PASSAGE CONTRACTS.—

23 “(1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of the Cruise Passenger Pro-
25 tection Act, the Secretary of Transportation shall

1 develop standards for use by an owner of a pas-
2 senger vessel to provide a prospective passenger with
3 a summary that highlights key terms in the passage
4 contract and before such terms are binding. In de-
5 veloping the standards, the Secretary of Transpor-
6 tation may consult with other Federal agencies, per-
7 sons with expertise on admiralty and maritime law,
8 consumer advocates, industry representatives, and
9 such other persons as the Secretary of Transpor-
10 tation considers necessary.

11 “(2) STATUTE OF LIMITATIONS.—The statute
12 of limitations for filing a lawsuit against the owner
13 of a passenger vessel, which shall not be shorter
14 than 3 years, shall be clearly identified in the pas-
15 sage contract described in paragraph (1).

16 “(3) RECOMMENDATIONS.—The standards de-
17 veloped under paragraph (1) shall include rec-
18 ommendations regarding—

19 “(A) style, formatting, and placement that
20 ensures that the summary is conspicuous; and

21 “(B) terminology that ensures that the
22 summary is—

23 “(i) clear, unambiguous, and unmis-
24 takable; and

1 “(ii) to the greatest extent possible,
2 uniform, concise, and not complex.

3 “(4) PERIODIC REVIEW.—The Secretary of
4 Transportation shall periodically review and update,
5 as appropriate, the standards developed under para-
6 graph (1).

7 “(5) REQUIREMENTS.—Beginning on the date
8 that is 180 days after the date on which the stand-
9 ards are developed under paragraph (1), an owner of
10 a passenger vessel shall—

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

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

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

1 the key terms in the passage contract before
2 such terms are binding.

3 “(6) PREEMPTION.—The standards developed
4 under paragraph (1) shall preempt any related State
5 standards that require a summary that provides less
6 information to a prospective passenger than the in-
7 formation required to be provided under this sub-
8 section, as determined by the Secretary of Transpor-
9 tation.

10 “(b) CONSUMER COMPLAINTS.—

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

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

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

19 “(C) notify the public of—

20 “(i) the telephone number established
21 under subparagraph (A); and

22 “(ii) the Internet website maintained
23 under section 3526(i).

24 “(2) WEBSITE.—The Secretary of Transpor-
25 tation shall—

1 “(A) maintain a statistical compilation of
 2 all consumer complaints on the Internet website
 3 under section 3526(i) that provides a numerical
 4 accounting of each category of consumer com-
 5 plaint;

6 “(B) update the data referred to in sub-
 7 paragraph (A) not less frequently than quar-
 8 terly;

9 “(C) aggregate such data by passenger
 10 vessel; and

11 “(D) identify each passenger vessel by
 12 name.

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

18 “(A) cancellations, delays, and port skip-
 19 ping;

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

21 “(C) conditions on board the passenger
 22 vessel;

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

1 “(E) incorrect or incomplete information
2 about fares, discount fare conditions and avail-
3 ability, overcharges, and fare increases;

4 “(F) deceptive or misleading advertising;
5 and

6 “(G) compliance with Federal regulations.

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

12 “(5) NOTICE TO PASSENGERS.—

13 “(A) INTERNET WEBSITES.—Each owner
14 of a passenger vessel shall include in a con-
15 spicuous location on each Internet website that
16 the owner of a passenger vessel maintains for
17 passengers to purchase or book passage on a
18 passenger vessel—

19 “(i) the telephone number established
20 under paragraph (1); and

21 “(ii) any other information necessary
22 for a passenger to submit a consumer com-
23 plaint for resolution.

24 “(B) BOARDING DOCUMENTATION.—The
25 owner of a passenger vessel shall include the

1 telephone number and Internet address for con-
2 sumer complaints established under paragraph
3 (1) on—

4 “(i) any promotional literature or ad-
5 vertising, through any medium of commu-
6 nication in the United States offering pas-
7 sage or soliciting passengers for ocean voy-
8 ages on passenger vessels, that the Sec-
9 retary of Transportation considers nec-
10 essary to adequately notify a prospective
11 passenger of the telephone number and
12 Internet address; and

13 “(ii) any electronic confirmation of
14 the purchase of passage on a passenger
15 vessel.

16 “(c) PENALTIES.—

17 “(1) CIVIL PENALTY.—The Secretary of Trans-
18 portation may impose on any person that violates
19 this section or a regulation under this section a civil
20 penalty of not more than \$25,000 for each day dur-
21 ing which the violation continues, except that the
22 maximum penalty for a continuing violation shall be
23 \$50,000.

24 “(2) CRIMINAL PENALTY.—Any person that
25 willfully violates this section or a regulation under

1 this section shall be fined not more than \$250,000
2 or imprisoned not more than 1 year, or both.

3 “(d) RULEMAKING.—The Secretary of Transpor-
4 tation shall issue such regulations as are necessary to im-
5 plement this section.”.

6 (b) BILL OF RIGHTS.—

7 (1) ENFORCEABILITY.—Not later than 180
8 days after the date of the enactment of this Act, the
9 Secretary of Transportation shall determine whether
10 any of the enumerated rights in the international
11 cruise line passenger bill of rights, which was adopt-
12 ed in 2013 by the members of the Cruise Lines
13 International Association, are enforceable under
14 Federal law.

15 (2) REQUIRED STATEMENT.—The Secretary of
16 Transportation shall include in the standards devel-
17 oped under section 3525(a) of title 46, United
18 States Code, a statement informing a prospective
19 passenger—

20 (A) which of rights referred to in para-
21 graph (1) is legally enforceable;

22 (B) that the passenger has a private right
23 of action to enforce such rights; and

24 (C) of any legal action that a prospective
25 passenger may take to enforce such rights.

1 (c) ADVISORY COMMITTEE FOR PASSENGER VESSEL
2 CONSUMER PROTECTION.—

3 (1) IN GENERAL.—The Secretary of Transpor-
4 tation shall establish an advisory committee for pas-
5 senger vessel consumer protection (referred to in
6 this subsection as the “advisory committee”) to ad-
7 vise the Secretary in carrying out activities relating
8 to passenger vessel customer service improvements.

9 (2) MEMBERSHIP.—The Secretary of Transpor-
10 tation shall appoint the members of the advisory
11 committee, which shall be comprised of 1 representa-
12 tive each of—

13 (A) owners of passenger vessels;

14 (B) international industry-related associa-
15 tions;

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

18 (D) nonprofit public interest groups with
19 expertise in consumer protection matters;

20 (E) nonprofit public interest groups with
21 expertise in victim assistance; and

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

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

4 (4) TRAVEL EXPENSES.—Members of the advisory
5 committee shall serve without pay, but shall receive
6 travel expenses, including per diem in lieu of
7 subsistence, in accordance with subchapter I of
8 chapter 57 of title 5, United States Code.

9 (5) CHAIR.—The Secretary of Transportation
10 shall designate, from among the individuals appointed
11 under paragraph (2), an individual to serve
12 as chair of the advisory committee.

13 (6) DUTIES.—The advisory committee shall—

14 (A) evaluate existing passenger vessel consumer
15 protection programs or services;

16 (B) recommend improvements to the programs
17 or services under subparagraph (A), as
18 necessary;

19 (C) recommend additional passenger vessel
20 consumer protection programs or services, as
21 necessary; and

22 (D) recommend to the Secretary of Transportation
23 which key terms in a passage contract
24 that should be highlighted before such terms
25 are binding, such as—

1 (i) products and services available on
2 board the passenger vessel for an undis-
3 closed cost or fee or otherwise are not in-
4 cluded in the price of passage;

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

7 (iii) if the passenger vessel leaves the
8 admiralty and maritime jurisdiction of the
9 United States, a passenger may be subject
10 to the law of a foreign country;

11 (iv) the passenger vessel may not ac-
12 cept responsibility for any health care serv-
13 ices provided to a passenger by medical
14 staff on board the passenger vessel;

15 (v) the maximum amount an owner of
16 a passenger vessel will reimburse a pas-
17 senger for lost or stolen property while on
18 board the passenger vessel; and

19 (vi) where to file a notice of claim or
20 initiate any legal action against the owner
21 of the passenger vessel.

22 (7) REPORT TO CONGRESS.—Not later than
23 February 1 of each of the first 2 calendar years be-
24 ginning after the date of the enactment of this Act,

1 the Secretary of Transportation shall submit a re-
2 port to Congress that contains—

3 (A) the recommendations made by the ad-
4 visory committee during the preceding calendar
5 year;

6 (B) an explanation of whether and how the
7 industry has implemented each recommenda-
8 tion; and

9 (C) for each recommendation not imple-
10 mented, the industry's reason for not imple-
11 menting the recommendation.

12 (8) DEFINITION OF PASSENGER VESSEL.—In
13 this subsection, the term “passenger vessel” has the
14 meaning given the term in section 3522 of title 46,
15 United States Code.

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

17 (a) AVAILABILITY OF LOG BOOK AND ENTRIES TO
18 FBI AND OTHER INVESTIGATORS.—Section 3523(g)(1),
19 as redesignated under section 2, is amended—

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

23 (2) in subparagraph (B), by striking “make
24 such log book available” and inserting “make the log
25 book and all entries in such log book available,

1 whether the log book and entries are maintained on
 2 board the vessel or at a centralized location off the
 3 vessel,”.

4 (b) DEADLINE TO NOTIFY FEDERAL BUREAU OF IN-
 5 VESTIGATION REGARDING CERTAIN INCIDENTS.—Section
 6 3523(g)(3)(A)(i), as redesignated under section 2, is
 7 amended—

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

10 (2) by striking “after the occurrence on board
 11 the vessel of an incident involving” and inserting “,
 12 but not later than 4 hours, after an employee of the
 13 vessel is notified of an incident on board the vessel
 14 allegedly involving”.

15 (c) CRIME REPORTING GUIDELINES.—Section
 16 3523(g)(1)(A), as redesignated under section 2 and
 17 amended by subsection (a), is further amended—

18 (1) in clause (i), by striking the comma at the
 19 end and inserting a semicolon;

20 (2) in clause (ii), by striking “, and” and in-
 21 serting a semicolon;

22 (3) in clause (iii), by striking the comma at the
 23 end and inserting “; and”; and

24 (4) by inserting after clause (iii) the following:

1 “(iv) any other criminal offenses re-
2 ported to the Federal Bureau of Investiga-
3 tion through the Uniform Crime Reporting
4 Program,”.

5 (d) REPORTS BEFORE DEPARTURE.—Section
6 3523(g)(3), as redesignated under section 2, is amended
7 by adding at the end the following:

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

21 (e) REPORTS TO UNITED STATES CONSULATES.—
22 Section 3523(g)(3), as amended by subsection (d), is fur-
23 ther amended by adding at the end the following:

24 “(D) REPORTS TO UNITED STATES CON-
25 SULATES.—If an incident described in subpara-

graph (A)(i) allegedly involves an offense by or
 against a United States national, in addition to
 contacting the nearest Federal Bureau of Inves-
 tigation Field Office or Legal Attaché under
 that subparagraph, the owner of a vessel to
 which this subchapter applies (or the owner's
 designee) shall contact the United States con-
 sulate at the next port of call not later than the
 time specified under subparagraph (A)(i).".

(f) REPORTS TO SECRETARY OF TRANSPORTATION;
 INCIDENTS AND DETAILS.—Section 3523(g)(3)(A), as
 amended by subsection (b), is further amended—

(1) in clause (ii), by striking “to the Internet
 website maintained by the Secretary of Transpor-
 tation under paragraph (4)(A)” and inserting “, in-
 cluding the details under paragraph (2), to the
 Internet website maintained by the Secretary of
 Transportation under section 3526(i)”; and

(2) in clause (iii), by striking “under paragraph
 (4)(A)” and inserting “under section 3526(i)”.

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

(1) in subparagraph (A)—

1 (A) by striking “a guide (referred to in
2 this subsection as the ‘security guide’)” and in-
3 serting “a security guide”; and

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

6 (2) in subparagraph (C), by striking “on the
7 website of the vessel owner” and inserting “through
8 a prominently accessible link on each Internet
9 website that the cruise line maintains for passengers
10 to purchase or book cruises on any vessel that the
11 cruise line owns or operates, and to which this sub-
12 chapter applies”.

13 **SEC. 7. CRIME PREVENTION, DOCUMENTATION, AND RE-**
14 **SPONSE REQUIREMENTS.**

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

18 (1) by striking “The owner” and inserting the
19 following:

20 “(A) IN GENERAL.—The owner”;

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

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

24 “(B) PLACEMENT OF VIDEO SURVEIL-
25 LANCE EQUIPMENT.—With regard to the place-

ment of video surveillance equipment on a vessel under subparagraph (A), the owner shall—

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

“(ii) place video surveillance equipment in other areas where a person has no reasonable expectation of privacy; and

“(iii) place video surveillance equipment in each area identified under clauses (i) and (ii) in a manner that provides optimum surveillance of that area.”.

(b) ACCESS TO VIDEO RECORDS.—Section 3523(b), as redesignated under section 2 of this Act and amended under subsection (a), is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

(A) by striking “The owner” and inserting the following:

“(A) LAW ENFORCEMENT.—The owner”;

and

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

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

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

8 “(ii) that may provide evidence in a
 9 civil action.

10 “(C) LIMITED ACCESS.—Except as pro-
 11 vided under subparagraphs (A) and (B), the
 12 owner of a vessel to which this subchapter ap-
 13 plies shall ensure that access to records of video
 14 surveillance is limited to the purposes under
 15 this section.”.

16 (c) NOTICE OF VIDEO SURVEILLANCE.—Section
 17 3523(b), as redesignated under section 2 of this Act and
 18 amended by this section, is further amended by inserting
 19 after paragraph (1) the following:

20 “(2) NOTICE OF VIDEO SURVEILLANCE.—The
 21 owner of a vessel to which this subchapter applies
 22 shall provide clear and conspicuous signs on board
 23 the vessel notifying the public of the presence of
 24 video surveillance equipment.”.

1 (d) RETENTION REQUIREMENTS.—Section 3523(b),
2 as redesignated under section 2 of this Act and amended
3 by this section, is further amended by adding at the end
4 the following:

5 “(4) RETENTION REQUIREMENTS.—

6 “(A) IN GENERAL.—The owner of a vessel
7 to which this subchapter applies shall retain all
8 records of video surveillance for a voyage for
9 not less than 30 days after the completion of
10 the voyage. If an incident described in sub-
11 section (g)(3)(A)(i) is alleged and reported to
12 law enforcement, all records of video surveil-
13 lance from the voyage that the Federal Bureau
14 of Investigation determines are relevant shall—

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

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

20 “(B) INTERIM STANDARDS.—Not later
21 than 180 days after the date of the enactment
22 of the Cruise Passenger Protection Act, the
23 Commandant, in consultation with the Federal
24 Bureau of Investigation, shall promulgate in-

1 terim standards for the retention of records of
2 video surveillance.

3 “(C) FINAL STANDARDS.—Not later than
4 1 year after the date of the enactment of the
5 Cruise Passenger Protection Act, the Com-
6 mandant, in consultation with the Federal Bu-
7 reau of Investigation, shall promulgate final
8 standards for the retention of records of video
9 surveillance.

10 “(D) CONSIDERATIONS.—In promulgating
11 standards under subparagraphs (B) and (C),
12 the Commandant shall—

13 “(i) consider factors that would aid in
14 the investigation of serious crimes, includ-
15 ing crimes that go unreported until after
16 the completion of a voyage;

17 “(ii) consider the different types of
18 video surveillance systems and storage re-
19 quirements in creating standards both for
20 vessels currently in operation and for ves-
21 sels newly built;

22 “(iii) consider privacy, including
23 standards for permissible access to and
24 monitoring and use of the records of video
25 surveillance; and

1 “(iv) consider technological advance-
2 ments, including requirements to update
3 technology.”.

4 (e) TECHNOLOGY DETECTING PASSENGERS WHO
5 HAVE FALLEN OVERBOARD REQUIREMENT.—Section
6 3523(a)(1)(D), as redesignated under section 2 of this
7 Act, is amended by striking “or” and inserting “and”.

8 (f) SEA MARSHALS REQUIREMENT.—Section
9 3523(f), as redesignated under section 2 of this Act, is
10 amended—

11 (1) by striking “(f)” and all that follows
12 through “The owner” and inserting the following:

13 “(g) CREW REQUIREMENTS.—

14 “(1) SEA MARSHALS.—The owner of a vessel to
15 which this section applies shall ensure that the ves-
16 sel is staffed at all times with an appropriate num-
17 ber, based on the vessel size and the number of pas-
18 sengers, of sea marshals who have been certified by,
19 and are operating under the jurisdiction of, the
20 United States Coast Guard.

21 “(2) CREW ACCESS TO PASSENGER STATE-
22 ROOMS.—The owner”.

23 (g) AUTHORITY TO PROVIDE ASSISTANCE TO VIC-
24 TIMS OF CRIMES ON BOARD PASSENGER VESSELS.—

1 Chapter 35, as amended by this Act, is further amended
2 by adding at the end the following:

3 **“SEC. 3526. ASSISTANCE TO VICTIMS OF CRIMES ON BOARD**
4 **CERTAIN PASSENGER VESSELS.**

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

8 “(1) a written summary of rights;

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

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

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

14 “(1) INTERIM DESIGNATION.—The Secretary of
15 Transportation shall designate an interim director of
16 victim support services. The interim director shall be
17 an employee of the Department of Transportation
18 and shall serve in the position until a final designa-
19 tion is made under paragraph (2).

20 “(2) FINAL DESIGNATION.—Not later than 180
21 days after the date of the enactment of the Cruise
22 Passenger Protection Act, the Secretary of Trans-
23 portation, in consultation with the Department of
24 Justice and other relevant Federal agencies, shall—

1 “(A) designate an employee of the Federal
2 Government to serve as the director of victim
3 support services under this section; and

4 “(B) determine an effective way to pub-
5 licize the toll-free telephone number under sub-
6 section (c) and the availability of support serv-
7 ices.

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

10 “(A) be responsible for acting as a primary
11 point of contact within the Federal Government
12 for the passenger described in subsection (a);

13 “(B) coordinate with 1 or more non-profit
14 organizations or other entities that can provide
15 the types of support services described under
16 subsection (d);

17 “(C) establish a process for the passenger
18 described in subsection (a) to obtain the appro-
19 priate types of support services described under
20 subsection (d);

21 “(D) recommend a process for the pas-
22 senger described in subsection (a) to obtain an
23 appropriate continuum of care;

24 “(E) recommend a process for the pas-
25 senger described in subsection (a) to obtain in-

1 formation on the status of any related criminal
2 investigation;

3 “(F) develop guidance, consistent with the
4 purpose of this section, for the security guide
5 under section 3523(c)(1), including a process to
6 ensure that an owner of a passenger vessel pro-
7 vides a copy of the security guide to a pas-
8 senger immediately after the vessel is notified
9 that the passenger is an alleged victim of an in-
10 cident described under subsection (g)(3)(A)(i);

11 “(G) periodically update that guidance, as
12 necessary; and

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

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

16 “(ii) any relevant Federal agency;

17 “(iii) any relevant United States em-
18 bassy or United States consulate; and

19 “(iv) any other person that the direc-
20 tor of victim support services considers
21 necessary to carry out the purpose of this
22 section.

23 “(c) TOLL-FREE TELEPHONE NUMBER.—The Sec-
24 retary of Transportation shall establish a toll-free tele-
25 phone number, available 24 hours each day, that a pas-

1 senger described in subsection (a) can call to initiate the
2 process under subsection (b)(3)(C).

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

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

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

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

15 “(4) arranging, if appropriate, for mental
16 health and counseling services;

17 “(5) arranging, if possible, for education re-
18 garding and advocacy during applicable criminal jus-
19 tice proceedings; and

20 “(6) communicating with that passenger as to
21 the roles of the organization, government agencies,
22 and the owner of the passenger vessel involved with
23 respect to the incident and the post-incident activi-
24 ties.

1 “(e) SUMMARY OF RIGHTS.—Not later than 180 days
2 after the date of the enactment of the Cruise Passenger
3 Protection Act, the Secretary of Transportation, in con-
4 sultation with the Department of Justice, other relevant
5 Federal agencies, non-profit public interest groups with
6 expertise in victim assistance, and such other persons that
7 the Secretary of Transportation considers necessary,
8 shall—

9 “(1) determine what rights a passenger de-
10 scribed in subsection (a) may have under law, such
11 as the right to contact the Federal Bureau of Inves-
12 tigation to report the crime, the right to contact the
13 director of victim support services, and the right to
14 speak confidentially to Federal law enforcement, the
15 director of victim support services, and any other
16 third-party victim advocate without any representa-
17 tive or employee of the passenger vessel present;

18 “(2) develop a written summary of those rights;
19 and

20 “(3) establish a process for a passenger de-
21 scribed in subsection (a) to receive the written sum-
22 mary of rights as soon as practicable after an al-
23 leged incident described under section
24 3523(g)(3)(A)(i).

1 “(f) GUARDIANS AND RELATIVES.—If a passenger
 2 described in subsection (a) is deceased or is a minor, or
 3 under such other circumstances that the director of victim
 4 support services considers necessary, the director may pro-
 5 vide support services under this section to a guardian or
 6 relative of that passenger.

7 “(g) USE OF PASSENGER VESSEL RESOURCES.—As
 8 appropriate, the resources of the passenger vessel should
 9 be used to the greatest extent possible to carry out the
 10 purpose under this section.

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

16 “(i) AVAILABILITY OF INCIDENT DATA VIA INTER-
 17 NET.—

18 “(1) IN GENERAL.—The Secretary of Transpor-
 19 tation shall maintain a statistical compilation of all
 20 incidents described in section 3523(g)(3)(A) on an
 21 Internet website that provides a numerical account-
 22 ing of the missing persons and alleged crimes duly
 23 recorded in each report filed under paragraph (3) of
 24 that section. Each incident described in section

1 3523(g)(3)(A) shall be included in the statistical
2 compilation irrespective of its investigative status.

3 “(2) UPDATES.—The Secretary of Transpor-
4 tation shall ensure that the data described in para-
5 graph (1)—

6 “(A) is updated not less frequently than
7 quarterly;

8 “(B) is aggregated by cruise line;

9 “(C) identifies each cruise line by name;

10 “(D) identifies each crime and alleged
11 crime as to whether it was committed or alleg-
12 edly committed by a passenger or a crew mem-
13 ber;

14 “(E) identifies each crime and alleged
15 crime as to whether it was committed or alleg-
16 edly committed against a minor;

17 “(F) identifies the number of alleged indi-
18 viduals overboard; and

19 “(G) is compiled on the Internet website is
20 in a user-friendly format.

21 “(3) ACCESS TO WEBSITE.—Each owner of a
22 passenger vessel shall include a prominently acces-
23 sible link to the Internet website maintained by the
24 Secretary of Transportation under paragraph (1) on
25 each Internet website that the owner maintains for

1 prospective passengers to purchase or book passage
2 on the passenger vessel.

3 “(j) REGULATIONS.—The Secretary of Transpor-
4 tation shall issue such regulations as are necessary to im-
5 plement this section.”.

6 (h) STUDY.—Not later than 1 year after the date of
7 the enactment of this Act, the Secretary of Transpor-
8 tation, in coordination with the Secretary of the depart-
9 ment in which the Coast Guard is operating, Attorney
10 General, and heads of other relevant Federal agencies,
11 shall—

12 (1) conduct a study to determine the feasibility
13 of having an individual on board each passenger ves-
14 sel (as defined in section 3526 of title 46, United
15 States Code) to provide victim support services, in-
16 cluding the support services under section 3526(d)
17 of title 46, United States Code, and related safety
18 and security services, which includes consideration of
19 the cost, the benefit to passengers, jurisdiction, and
20 logistics; and

21 (2) report the findings of the study conducted
22 under paragraph (1) to Congress.

23 (i) CRIMINAL ACTIVITY PREVENTION AND RESPONSE
24 GUIDE.—Section 3523(c)(1), as amended by section 6(g)
25 of this Act, is further amended—

1 (1) in subparagraph (A)—

2 (A) by redesignating clause (ii) as clause
3 (vi);

4 (B) by inserting after clause (i), the fol-
5 lowing:

6 “(ii) describes the availability of sup-
7 port services under section 3526, including
8 any contact information provided by the
9 Secretary of Transportation or director of
10 victim support services under that section;

11 “(iii) includes the summary of rights
12 under section 3526;

13 “(iv) includes the summary under sec-
14 tion 3525(a);

15 “(v) includes the toll-free hotline tele-
16 phone number and consumer complaints
17 Internet website link under section
18 3525(b);”;

19 (C) in clause (vi), as redesignated, by in-
20 serting “and” at the end; and

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

22 “(vii) includes such other information
23 as the Secretary of Transportation rec-
24 ommends under section 3526(b)(3)(F);”;
25 and

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

3 “(B) provide a copy of the security guide
4 to—

5 “(i) the Secretary of Transportation
6 for review;

7 “(ii) the Federal Bureau of Investiga-
8 tion for comment; and

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

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

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

23 (l) SEXUAL ASSAULT; PRIVATE TELEPHONE LINE.—
24 Section 3523(d)(5)(B), as redesignated by section 2 of

1 this Act, is amended by inserting “under section 3526 or”
 2 after “the information and support services available”.

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

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

11 (1) in paragraph (1)—

12 (A) in subparagraph (A), by striking
 13 “and” at the end; and

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

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

19 (2) by amending paragraph (2) to read as fol-
 20 lows:

21 “(2) ensure that the procedures and restrictions
 22 are—

23 “(A) fully and properly implemented;

24 “(B) reviewed annually; and

25 “(C) updated as necessary.”.

1 **SEC. 8. PASSENGER VESSEL SECURITY AND SAFETY RE-**
 2 **QUIREMENTS.**

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

6 (1) in paragraph (1)—

7 (A) in the matter preceding subparagraph
 8 (A), by striking “to which this subsection ap-
 9 plies” and inserting “to which this subchapter
 10 applies”;

11 (B) in subparagraph (A)—

12 (i) by striking “The vessel” and in-
 13 serting “Each exterior deck of a vessel”;
 14 and

15 (ii) by inserting “unless the height re-
 16 quirement would interfere with the deploy-
 17 ment of a lifesaving device or other emer-
 18 gency equipment as identified by the Com-
 19 mandant” before the period at the end;

20 (C) in subparagraph (B), by striking
 21 “entry doors that include peep holes or other
 22 means of visual identification.” and inserting
 23 “an entry door that includes a peep hole or
 24 other means of visual identification that pro-
 25 vides an unobstructed view of the area outside
 26 the stateroom or crew cabin. For purposes of

1 this subparagraph, the addition of an optional
 2 privacy cover on the interior side of the entry
 3 shall not in and of itself constitute an obstruc-
 4 tion.”; and

5 (D) in subparagraph (E), by striking
 6 “when operating in high risk areas (as defined
 7 by the United States Coast Guard)”; and
 8 (2) by adding at the end the following:

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

11 “(A) may waive a requirement under para-
 12 graph (1) as the Secretary determines nec-
 13 essary; and

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

16 (b) MEDICAL STANDARDS.—

17 (1) IN GENERAL.—Section 3523, as redesign-
 18 nated by section 2 of this Act, is amended—

19 (A) in subsection (d)—

20 (i) in paragraph (3)—

21 (I) in subparagraph (A), by re-
 22 designating clauses (i) and (ii) as sub-
 23 clauses (I) and (II), respectively; and

- 1 (II) by redesignating subpara-
- 2 graphs (A), (B), and (C) as clauses
- 3 (i), (ii), and (iii), respectively;
- 4 (ii) in paragraph (5), by redesignating
- 5 subparagraphs (A) and (B) as clauses (i)
- 6 and (ii), respectively;
- 7 (iii) by redesignating paragraphs (1)
- 8 through (5) as subparagraphs (A) through
- 9 (E), respectively; and
- 10 (iv) by striking “The owner” and in-
- 11 serting the following:
- 12 “(1) IN GENERAL.—The owner”;
- 13 (B) in subsection (e)—
- 14 (i) in paragraph (1)—
- 15 (I) in the matter preceding sub-
- 16 paragraph (A), by striking “under
- 17 subsection (d)” and inserting “under
- 18 paragraph (1)”; and
- 19 (II) by redesignating subpara-
- 20 graphs (A), (B), and (C) as clauses
- 21 (i), (ii), and (iii), respectively;
- 22 (ii) by redesignating paragraphs (1)
- 23 and (2) as subparagraphs (A) and (B), re-
- 24 spectively; and

1 (iii) by striking “(e)” and all that fol-
 2 lows through “The master” and inserting
 3 the following:

4 “(2) CONFIDENTIALITY OF SEXUAL ASSAULT
 5 EXAMINATION AND SUPPORT INFORMATION.—The
 6 master”; and

7 (C) by inserting after subsection (d), as re-
 8 designated by paragraph (2)(C), the following:

9 “(e) MEDICAL STANDARDS.—The owner of a vessel
 10 to which this section applies shall ensure that—

11 “(1) a physician is always present and available
 12 to treat any passengers who may be on board the
 13 vessel in the event of an emergency situation;

14 “(2) there are a sufficient number of qualified
 15 medical staff on the vessel to treat the number of
 16 passengers who may be on board the vessel, as de-
 17 termined by the Secretary, by regulation;

18 “(3) the vessel is in compliance with the Health
 19 Care Guidelines for Cruise Ship Medical Facilities
 20 established by the American College of Emergency
 21 Physicians, or any successor standard;

22 “(4) if a United States citizen dies onboard the
 23 vessel and the citizen’s next of kin requests that the
 24 citizen’s body return to the United States on the
 25 vessel, such request is granted;

1 “(5) every crew member on the vessel has re-
2 ceived basic life support training and is certified in
3 cardiopulmonary resuscitation;

4 “(6) every crew member on a vessel leaving
5 from or en route to a United States port of call has
6 a basic understanding of the English language;

7 “(7) automated external defibrillators are—

8 “(A) placed throughout the vessel in clear-
9 ly designated locations; and

10 “(B) available for passenger access in the
11 event of an emergency; and

12 “(8) the initial safety briefing given to the pas-
13 sengers on the vessel includes—

14 “(A) the location of the vessel’s medical fa-
15 cilities;

16 “(B) the appropriate steps passengers
17 should follow during a medical emergency;

18 “(C) the location and proper use of auto-
19 mated external defibrillators; and

20 “(D) the proper way to report an incident
21 or to seek security assistance in the event of a
22 medical emergency.”.

23 (2) EFFECTIVE DATE.—The amendments made
24 by paragraph (1) shall take effect on the date that

1 is 180 days after the date of the enactment of this
2 Act.

3 **SEC. 9. ENFORCEMENT.**

4 (a) INFORMATION SHARING.—

5 (1) IN GENERAL.—To the extent not prohibited
6 by other law, the head of a designated agency shall
7 make available to another head of a designated
8 agency any information necessary to carry out the
9 provisions of subchapter II of chapter 35 of title 46,
10 United States Code. The provision by the head of a
11 designated agency of any information under this
12 subsection to another head of a designated agency
13 shall not constitute a waiver, or otherwise effect, any
14 privilege any agency or person may claim with re-
15 spect to that information under Federal or State
16 law.

17 (2) DEFINITION OF HEAD OF A DESIGNATED
18 AGENCY.—In this subsection, the term “head of a
19 designated agency” means the Secretary of Trans-
20 portation, Secretary of Homeland Security, or Attor-
21 ney General.

22 (b) PASSENGER VESSEL SECURITY AND SAFETY RE-
23 QUIREMENTS; DENIAL OF ENTRY.—Section 3523(h), as
24 redesignated by section 2 of this Act, is amended to read
25 as follows:

1 “(h) PENALTIES.—

2 “(1) CIVIL PENALTY.—Any person that violates
3 this section or a regulation under this section shall
4 be liable for a civil penalty of not more than
5 \$25,000 for each day during which the violation con-
6 tinues, except that the maximum penalty for a con-
7 tinuing violation is \$50,000.

8 “(2) CRIMINAL PENALTY.—Any person that
9 willfully violates this section or a regulation under
10 this section shall be fined not more than \$250,000,
11 imprisoned for not more than 1 year, or both.”.

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

15 (d) ENFORCEMENT.—Chapter 35, as amended by
16 this Act, is further amended by adding at the end the fol-
17 lowing:

18 **“§ 3527. Refusal of clearance; denial of entry**

19 “(a) CLEARANCE.—The Secretary of Homeland Se-
20 curity may withhold or revoke the clearance required
21 under section 60105 of any vessel of the owner of a vessel
22 to which this subchapter applies, wherever the vessel is
23 found, if the owner of the vessel—

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

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

3 “(b) DENIAL OF ENTRY.—The Secretary of the de-
4 partment in which the Coast Guard is operating may deny
5 entry into the United States to a vessel to which this sub-
6 chapter applies 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 **SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.**

12 (a) APPLICATION.—Chapter 35, as amended by this
13 Act, is further amended—

14 (1) in section 3523—

15 (A) by striking subsection (k);

16 (B) by redesignating subsection (l) as sub-
17 section (k); and

18 (C) by striking “to which this section ap-
19 plies” each place such phrase appears and in-
20 serting “to which this subchapter applies”; and

21 (2) in section 3524, by striking “to which this
22 section applies” each place such phrase appears and
23 inserting “to which this subchapter applies”.

1 (b) AVAILABILITY OF INCIDENT DATA VIA INTER-
 2 NET.—Section 3523(g), as redesignated under section 2
 3 of this Act, is amended by striking paragraph (4).

4 (c) ELAPSED EFFECTIVE DATES.—Section 3523(a),
 5 as redesignated by section 2 and amended by section 8(a)
 6 of this Act, is further amended—

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

8 (2) by redesignating paragraph (4) as para-
 9 graph (3).

10 (d) PROCEDURES.—Section 3523(i), as redesignated
 11 by section 2 of this Act, is amended by striking “Within
 12 6 months after the date of enactment of the Cruise Vessel
 13 Security and Safety Act of 2010, the” and inserting
 14 “The”.

15 (e) DEFINITIONS.—Section 3523, as redesignated by
 16 section 2 of this Act, is amended by striking subsection
 17 (l).

18 (f) TABLE OF CONTENTS.—The table of contents for
 19 chapter 35 is amended—

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

“SUBCHAPTER I. GENERAL PROVISIONS”;

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

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

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

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

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

“SUBCHAPTER II. CRUISE VESSELS”;

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

“3521. Application.

“3522. Definitions.”;

7 and

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

“3525. Passenger vessel consumer service improvements.

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

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

9 **SEC. 11. BUDGET COMPLIANCE.**

10 The budgetary effects of this Act, for the purpose of
11 complying with the Statutory Pay-As-You-Go Act of 2010,
12 shall be determined by reference to the latest statement
13 titled “Budgetary Effects of PAYGO Legislation” for this
14 Act, submitted for printing in the Congressional Record
15 by the Chairman of the Senate Budget Committee, pro-
16 vided that such statement has been submitted prior to the
17 vote on passage.

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