

Union Calendar No. 190

111TH CONGRESS
1ST SESSION

H. R. 3360

[Report No. 111-332]

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2009

Ms. MATSUI introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

NOVEMBER 7, 2009

Additional sponsor: Mr. CAPUANO

NOVEMBER 7, 2009

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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

8 **SEC. 2. FINDINGS.**

9 The Congress makes the following findings:

10 (1) There are approximately 200 overnight
11 ocean-going cruise vessels worldwide. The average
12 ocean-going cruise vessel carries 2,000 passengers
13 with a crew of 950 people.

14 (2) In 2007 alone, approximately 12,000,000
15 passengers were projected to take a cruise world-
16 wide.

17 (3) Passengers on cruise vessels have an inad-
18 equate appreciation of their potential vulnerability to
19 crime while on ocean voyages, and those who may be
20 victimized lack the information they need to under-
21 stand their legal rights or to know whom to contact
22 for help in the immediate aftermath of the crime.

1 (4) Sexual violence, the disappearance of pas-
2 sengers from vessels on the high seas, and other se-
3 rious crimes have occurred during luxury cruises.

4 (5) Over the last 5 years, sexual assault and
5 physical assaults on cruise vessels were the leading
6 crimes investigated by the Federal Bureau of Inves-
7 tigation with regard to cruise vessel incidents.

8 (6) These crimes at sea can involve attacks
9 both by passengers and crew members on other pas-
10 sengers and crew members.

11 (7) Except for United States flagged vessels, or
12 foreign flagged vessels operating in an area subject
13 to the direct jurisdiction of the United States, there
14 are no Federal statutes or regulations that explicitly
15 require cruise lines to report alleged crimes to
16 United States Government officials.

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

22 (9) Obtaining reliable crime-related cruise data
23 from governmental sources can be difficult, because
24 multiple countries may be involved when a crime oc-
25 curs on the high seas, including the flag country for

1 the vessel, the country of citizenship of particular
2 passengers, and any countries having special or mar-
3 itime jurisdiction.

4 (10) It can be difficult for professional crime
5 investigators to immediately secure an alleged crime
6 scene on a cruise vessel, recover evidence of an on-
7 board offense, and identify or interview potential
8 witnesses to the alleged crime.

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

15 (12) The Coast Guard has found it necessary to
16 establish 500-yard security zones around cruise ves-
17 sels to limit the risk of terrorist attack. Recently pi-
18 racy has dramatically increased throughout the
19 world.

20 (13) To enhance the safety of cruise pas-
21 sengers, the owners of 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, and in-
2 stalling acoustic hailing and warning devices capable
3 of communicating over distances.

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

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

9 **“§ 3507. Passenger vessel security and safety require-**
10 **ments**

11 “(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION,
12 AND RETROFITTING REQUIREMENTS.—

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

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

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

23 “(C) For any vessel the keel of which is
24 laid after the date of enactment of the Cruise
25 Vessel Security and Safety Act of 2009, each

1 passenger stateroom and crew cabin shall be
2 equipped with—

3 “(i) security latches; and

4 “(ii) time-sensitive key technology.

5 “(D) The vessel shall integrate technology
6 that can be used for capturing images of pas-
7 sengers or detecting passengers who have fallen
8 overboard, to the extent that such technology is
9 available.

10 “(E) The vessel shall be equipped with a
11 sufficient number of operable acoustic hailing
12 or other such warning devices to provide com-
13 munication capability around the entire vessel
14 when operating in high risk areas (as defined
15 by the United States Coast Guard).

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

22 “(3) EFFECTIVE DATE.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the requirements of para-
25 graph (1) shall take effect 18 months after the

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

3 “(B) LATCH AND KEY REQUIREMENTS.—

4 The requirements of paragraph (1)(C) take ef-
5 fect on the date of enactment of the Cruise Ves-
6 sel Security and Safety Act of 2009.

7 “(b) VIDEO RECORDING.—

8 “(1) REQUIREMENT TO MAINTAIN SURVEIL-
9 LANCE.—The owner of a vessel to which this section
10 applies shall maintain a video surveillance system to
11 assist in documenting crimes on the vessel and in
12 providing evidence for the prosecution of such
13 crimes, as determined by the Secretary.

14 “(2) ACCESS TO VIDEO RECORDS.—The owner
15 of a vessel to which this section applies shall provide
16 to any law enforcement official performing official
17 duties in the course and scope of an investigation,
18 upon request, a copy of all records of video surveil-
19 lance that the official believes may provide evidence
20 of a crime reported to law enforcement officials.

21 “(c) SAFETY INFORMATION.—The owner of a vessel
22 to which this section applies shall provide in each pas-
23 senger stateroom, and post in a location readily accessible
24 to all crew and in other places specified by the Secretary,
25 information regarding the locations of the United States

1 embassy and each consulate of the United States for each
2 country the vessel will visit during the course of the voy-
3 age.

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

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

10 “(2) maintain on the vessel equipment and ma-
11 terials for performing a medical examination in sex-
12 ual assault cases to evaluate the patient for trauma,
13 provide medical care, and preserve relevant medical
14 evidence;

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

18 “(A) possesses a current physician’s or
19 registered nurse’s license and—

20 “(i) has at least 3 years of post-grad-
21 uate or post-registration clinical practice in
22 general and emergency medicine; or

23 “(ii) holds board certification in emer-
24 gency medicine, family practice medicine,
25 or internal medicine;

1 “(B) is able to provide assistance in the
2 event of an alleged sexual assault, has received
3 training in conducting forensic sexual assault
4 examination, and is able to promptly perform
5 such an examination upon request and provide
6 proper medical treatment of a victim, including
7 administration of anti-retroviral medications
8 and other medications that may prevent the
9 transmission of human immunodeficiency virus
10 and other sexually transmitted diseases; and

11 “(C) meets guidelines established by the
12 American College of Emergency Physicians re-
13 lating to the treatment and care of victims of
14 sexual assault;

15 “(4) prepare, provide to the patient, and main-
16 tain written documentation of the findings of such
17 examination that is signed by the patient; and

18 “(5) provide the patient free and immediate ac-
19 cess to—

20 “(A) contact information for local law en-
21 forcement, the Federal Bureau of Investigation,
22 the United States Coast Guard, the nearest
23 United States consulate or embassy, and the
24 National Sexual Assault Hotline program or

1 other third party victim advocacy hotline serv-
2 ice; and

3 “(B) a private telephone line and Internet-
4 accessible computer terminal by which the indi-
5 vidual may confidentially access law enforce-
6 ment officials, an attorney, and the information
7 and support services available through the Na-
8 tional Sexual Assault Hotline program or other
9 third party victim advocacy hotline service.

10 “(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAM-
11 INATION AND SUPPORT INFORMATION.—The master or
12 other individual in charge of a vessel to which this section
13 applies shall—

14 “(1) treat all information concerning an exam-
15 ination under subsection (d) confidential, so that no
16 medical information may be released to the cruise
17 line or other owner of the vessel or any legal rep-
18 resentative thereof without the prior knowledge and
19 approval in writing of the patient, or, if the patient
20 is unable to provide written authorization, the pa-
21 tient’s next-of-kin, except that nothing in this para-
22 graph prohibits the release of—

23 “(A) information, other than medical find-
24 ings, necessary for the owner or master of the
25 vessel to comply with the provisions of sub-

1 section (g) or other applicable incident report-
2 ing laws;

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

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

8 “(2) treat any information derived from, or ob-
9 tained in connection with, post-assault counseling or
10 other supportive services confidential, so no such in-
11 formation may be released to the cruise line or any
12 legal representative thereof without the prior knowl-
13 edge and approval in writing of the patient, or, if
14 the patient is unable to provide written authoriza-
15 tion, the patient’s next-of-kin.

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

18 “(1) establish and implement procedures and
19 restrictions concerning—

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

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

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

4 “(g) LOG BOOK AND REPORTING REQUIREMENTS.—

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

7 “(A) record in a log book, either electroni-
8 cally or otherwise, in a centralized location
9 readily accessible to law enforcement personnel,
10 a report on—

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

13 “(ii) all complaints of theft of prop-
14 erty valued in excess of \$1,000, and

15 “(iii) all complaints of other crimes,
16 committed on any voyage that embarks or dis-
17 embarks passengers in the United States; and

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

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

4 “(A) the vessel operator;

5 “(B) the name of the cruise line;

6 “(C) the flag under which the vessel was
7 operating at the time the reported incident oc-
8 curred;

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

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

15 “(F) the vessel’s position at the time of the
16 incident, if known, or the position of the vessel
17 at the time of the initial report;

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

21 “(H) the time and date the incident oc-
22 curred, if known;

23 “(I) the total number of passengers and
24 the total number of crew members on the voy-
25 age; and

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

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

6 “(A) IN GENERAL.—The owner of a vessel
7 to which this section applies (or the owner’s
8 designee)—

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

21 “(ii) shall furnish a written report of
22 the incident to the Secretary via an Inter-
23 net based portal;

24 “(iii) may report any serious incident
25 that does not meet the reporting require-

1 ments of clause (i) and that does not re-
2 quire immediate attention by the Federal
3 Bureau of Investigation via the Internet
4 based portal maintained by the Secretary
5 of Transportation; and

6 “(iv) may report any other criminal
7 incident involving passengers or crew mem-
8 bers, or both, to the proper State or local
9 government law enforcement authority.

10 “(B) INCIDENTS TO WHICH SUBPARA-
11 GRAPH (A) APPLIES.—Subparagraph (A) ap-
12 plies to an incident involving criminal activity
13 if—

14 “(i) the vessel, regardless of registry,
15 is owned, in whole or in part, by a United
16 States person, regardless of the nationality
17 of the victim or perpetrator, and the inci-
18 dent occurs when the vessel is within the
19 admiralty and maritime jurisdiction of the
20 United States and outside the jurisdiction
21 of any State;

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

1 “(iii) the incident occurs in the Terri-
2 torial Sea of the United States, regardless
3 of the nationality of the vessel, the victim,
4 or the perpetrator; or

5 “(iv) the incident concerns a victim or
6 perpetrator who is a United States na-
7 tional on a vessel during a voyage that de-
8 parted from or will arrive at a United
9 States port.

10 “(4) AVAILABILITY OF INCIDENT DATA VIA
11 INTERNET.—

12 “(A) WEBSITE.—The Secretary of Trans-
13 portation shall maintain a statistical compila-
14 tion of all incidents described in paragraph
15 (3)(A)(i) on an Internet site that provides a nu-
16 merical accounting of the missing persons and
17 alleged crimes recorded in each report filed
18 under paragraph (3)(A)(i) that are no longer
19 under investigation by the Federal Bureau of
20 Investigation. The data shall be updated no less
21 frequently than quarterly, aggregated by—

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

24 “(ii) whether each crime was com-
25 mitted by a passenger or a crew member.

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

6 “(h) ENFORCEMENT.—

7 “(1) PENALTIES.—

8 “(A) CIVIL PENALTY.—Any person that
9 violates this section or a regulation under this
10 section shall be liable for a civil penalty of not
11 more than \$25,000 for each day during which
12 the violation continues, except that the max-
13 imum penalty for a continuing violation is
14 \$50,000.

15 “(B) CRIMINAL PENALTY.—Any person
16 that willfully violates this section or a regula-
17 tion under this section shall be fined not more
18 than \$250,000 or imprisoned not more than 1
19 year, or both.

20 “(2) DENIAL OF ENTRY.—The Secretary may
21 deny entry into the United States to a vessel to
22 which this section applies if the owner of the ves-
23 sel—

1 “(A) commits an act or omission for which
2 a penalty may be imposed under this sub-
3 section; or

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

6 “(i) PROCEDURES.—Within 6 months after the date
7 of enactment of the Cruise Vessel Security and Safety Act
8 of 2009, the Secretary shall issue guidelines, training cur-
9 ricula, and inspection and certification procedures nec-
10 essary to carry out the requirements of this section.

11 “(j) REGULATIONS.—The Secretary of Transpor-
12 tation and the Commandant shall each issue such regula-
13 tions as are necessary to implement this section.

14 “(k) APPLICATION.—

15 “(1) IN GENERAL.—This section and section
16 3508 apply to a passenger vessel (as defined in sec-
17 tion 2101(22)) that—

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

20 “(B) has onboard sleeping facilities for
21 each passenger;

22 “(C) is on a voyage that embarks or dis-
23 embarks passengers in the United States; and

24 “(D) is not engaged on a coastwise voyage.

1 “(2) FEDERAL AND STATE VESSELS.—This sec-
2 tion and section 3508 do not apply to a vessel that
3 is owned and operated by the United States Govern-
4 ment or a vessel that is owned and operated by a
5 State.

6 “(1) OWNER DEFINED.—In this section and section
7 3508, the term ‘owner’ means the owner, charterer, man-
8 aging operator, master, or other individual in charge of
9 a vessel.

10 **“§ 3508. Crime scene preservation training for pas-**
11 **senger vessel crew members**

12 “(a) IN GENERAL.—Within 1 year after the date of
13 enactment of the Cruise Vessel Security and Safety Act
14 of 2009, the Secretary, in consultation with the Director
15 of the Federal Bureau of Investigation and the Maritime
16 Administrator, shall develop training standards and cur-
17 ricula to allow for the certification of passenger vessel se-
18 curity personnel, crew members, and law enforcement offi-
19 cials on the appropriate methods for prevention, detection,
20 evidence preservation, and reporting of criminal activities
21 in the international maritime environment. The Adminis-
22 trator of the Maritime Administration may certify organi-
23 zations in the United States and abroad that offer the cur-
24 riculum for training and certification under subsection (c).

1 “(b) MINIMUM STANDARDS.—The standards estab-
2 lished by the Secretary under subsection (a) shall in-
3 clude—

4 “(1) the training and certification of vessel se-
5 curity personnel, crew members, and law enforce-
6 ment officials in accordance with accepted law en-
7 forcement and security guidelines, policies, and pro-
8 cedures, including recommendations for incor-
9 porating a background check process for personnel
10 trained and certified in foreign countries;

11 “(2) the training of students and instructors in
12 all aspects of prevention, detection, evidence preser-
13 vation, and reporting of criminal activities in the
14 international maritime environment; and

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

23 “(c) CERTIFICATION REQUIREMENT.—Beginning 2
24 years after the standards are established under subsection
25 (b), no vessel to which this section applies may enter a

1 United States port on a voyage (or voyage segment) on
2 which a United States citizen is a passenger unless there
3 is at least 1 crew member onboard who is certified as hav-
4 ing successfully completed training in the prevention, de-
5 tection, evidence preservation, and reporting of criminal
6 activities in the international maritime environment on
7 passenger vessels under subsection (a).

8 “(d) INTERIM TRAINING REQUIREMENT.—No vessel
9 to which this section applies may enter a United States
10 port on a voyage (or voyage segment) on which a United
11 States citizen is a passenger unless there is at least 1 crew
12 member onboard who has been properly trained in the pre-
13 vention, detection, evidence preservation and the reporting
14 requirements of criminal activities in the international
15 maritime environment. The owner of such a vessel shall
16 maintain certification or other documentation, as pre-
17 scribed by the Secretary, verifying the training of such in-
18 dividual and provide such documentation upon request for
19 inspection in connection with enforcement of the provi-
20 sions of this section. This subsection shall take effect 1
21 year after the date of enactment of the Cruise Vessel Safe-
22 ty and Security Act of 2009 and shall remain in effect
23 until superseded by the requirements of subsection (c).

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

4 “(f) DENIAL OF ENTRY.—The Secretary may deny
 5 entry into the United States to a vessel to which this sec-
 6 tion applies if the owner of the vessel—

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

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

11 (b) CLERICAL AMENDMENT.—The table of contents
 12 for such chapter is amended by adding at the end the fol-
 13 lowing:

“3507. Passenger vessel security and safety requirements.

“3508. Crime scene preservation training for passenger vessel crew members.”.

14 **SEC. 4. STUDY AND REPORT ON THE SECURITY NEEDS OF**
 15 **PASSENGER VESSELS.**

16 (a) IN GENERAL.—Within 3 months after the date
 17 of enactment of this Act, the Secretary of the department
 18 in which the United States Coast Guard is operating shall
 19 conduct a study of the security needs of passenger vessels
 20 depending on number of passengers on the vessels, and
 21 report to the Congress findings of the study and rec-
 22 ommendations for improving security on those vessels.

23 (b) REPORT CONTENTS.—In recommending appro-
 24 priate security on those vessels, the report shall take into

- 1 account typical crew member shifts, working conditions of
- 2 crew members, and length of voyages.

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