

**[STAFF WORKING DRAFT]**

JULY 22, 2013

113TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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”; and**

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

13 **SEC. 3. APPLICATION.**

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

17 **“§ 3521. Application**

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

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

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

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

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

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

6 **SEC. 4. DEFINITIONS.**

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

10 **“§ 3522. Definitions**

11           “In this subchapter:

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

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

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

21 **SEC. 5. PASSENGER VESSEL CONSUMER SERVICE IM-**  
22 **PROVEMENTS.**

23           (a) IN GENERAL.—Chapter 35, as amended by sec-  
24 tion 2 of this Act, is further amended by adding at the  
25 end the following:

1 **“§ 3525. Passenger vessel consumer service improve-**  
2 **ments**

3 “(a) **PASSAGE CONTRACTS.**—

4 “(1) **IN GENERAL.**—Not later than 1 year after  
5 the date of enactment of the Cruise Passenger Pro-  
6 tection Act, the Secretary of Transportation shall  
7 develop standards for use by an owner of a pas-  
8 senger vessel to provide a prospective passenger with  
9 a summary that highlights key terms in the passage  
10 contract upfront and before they are binding. In de-  
11 veloping the standards, the Secretary of Transpor-  
12 tation may consult with other Federal agencies, per-  
13 sons with expertise on admiralty and maritime law,  
14 consumer advocates, industry representatives, and  
15 such other persons as the Secretary of Transpor-  
16 tation considers necessary.

17 “(2) **RECOMMENDATIONS.**—The standards shall  
18 include recommendations regarding the following:

19 “(A) **APPEARANCE.**—The standards shall  
20 recommend style, formatting, and placement  
21 that ensures that the summary is conspicuous.

22 “(B) **LANGUAGE.**—The standards shall  
23 recommend terminology that ensures that the  
24 summary is clear, unambiguous, unmistakable,  
25 and, to the greatest extent possible, uniform,  
26 concise, and not complex.

1           “(3) PERIODIC REVIEW.—The Secretary of  
2           Transportation shall periodically review and update,  
3           as appropriate, the standards.

4           “(4) REQUIREMENTS.—Not later than 180 days  
5           after the date that the standards are developed, an  
6           owner of a passenger vessel shall—

7                   “(A) provide each prospective passenger  
8                   with a summary in accordance with those  
9                   standards;

10                   “(B) include a prominently accessible link  
11                   to the summary on each Internet website that  
12                   the owner maintains for prospective passengers  
13                   to purchase or book passage on the passenger  
14                   vessel; and

15                   “(C) include the summary in any pro-  
16                   motional literature or advertising, through any  
17                   medium of communication in the United States  
18                   offering passage or soliciting passengers for  
19                   ocean voyages anywhere in the world, that the  
20                   Secretary of Transportation considers necessary  
21                   to adequately notify a prospective passenger of  
22                   the key terms in the passage contract before  
23                   they are binding.

24           “(5) PREEMPTION.—The standards developed  
25           under this subsection shall preempt any related

1 State standards that require a summary that pro-  
2 vides less information to a prospective passenger  
3 than that required to be provided under this sub-  
4 section, as determined by the Secretary of Transpor-  
5 tation.

6 “(b) CONSUMER COMPLAINTS.—

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

9 “(A) establish a consumer complaints toll-  
10 free hotline telephone number for passenger  
11 use;

12 “(B) establish a consumer complaints link  
13 for passenger use on the Internet website under  
14 section 3526(i); and

15 “(C) notify the public of—

16 “(i) the telephone number under sub-  
17 paragraph (A); and

18 “(ii) the Internet website under sec-  
19 tion 3526(i).

20 “(2) WEBSITE.—The Secretary of Transpor-  
21 tation shall maintain a statistical compilation of all  
22 consumer complaints on the Internet website under  
23 section 3526(i) that provides a numerical accounting  
24 of each category of consumer complaint. The data  
25 shall be updated not less frequently than quarterly,

1 be aggregated by passenger vessel, and identify each  
2 passenger vessel by name.

3 “(3) INVESTIGATIONS OF CONSUMER COM-  
4 PLAINTS.—The Secretary of Transportation, in co-  
5 ordination with other relevant Federal agencies, may  
6 investigate consumer complaints from passengers,  
7 including—

8 “(A) cancellations, delays, and port skip-  
9 ping;

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

11 “(C) conditions on board the passenger  
12 vessel;

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

15 “(E) incorrect or incomplete information  
16 about fares, discount fare conditions and avail-  
17 ability, overcharges, and fare increases;

18 “(F) deceptive or misleading advertising;  
19 and

20 “(G) compliance with Federal regulations.

21 “(4) REFERRAL TO FEDERAL AGENCY.—The  
22 Secretary of Transportation may refer any complaint  
23 received under this subsection to the Attorney Gen-  
24 eral or relevant Federal agency for action, as appro-  
25 priate.

1 “(5) NOTICE TO PASSENGERS.—

2 “(A) INTERNET WEBSITES.—Each owner  
3 of a passenger vessel shall include in a con-  
4 spicuous location on each Internet website that  
5 the owner of a passenger vessel maintains for  
6 passengers to purchase or book passage on a  
7 passenger vessel—

8 “(i) the telephone number under para-  
9 graph (1); and

10 “(ii) any other information necessary  
11 for a passenger to submit a consumer com-  
12 plaint for resolution.

13 “(B) BOARDING DOCUMENTATION.—The  
14 owner of a passenger vessel shall include the  
15 telephone number and Internet address for con-  
16 sumer complaints under paragraph (1) on—

17 “(i) any promotional literature or ad-  
18 vertising, through any medium of commu-  
19 nication in the United States offering pas-  
20 sage or soliciting passengers for ocean voy-  
21 ages on passenger vessels, that the Sec-  
22 retary of Transportation considers nec-  
23 essary to adequately notify a prospective  
24 passenger of the telephone number and  
25 Internet address; and



1                   “(ii) any electronic confirmation of  
2                   the purchase of passage on a passenger  
3                   vessel.

4           “(c) PENALTIES.—

5                   “(1) CIVIL PENALTY.—The Secretary of Trans-  
6                   portation may impose on any person that violates  
7                   this section or a regulation under this section a civil  
8                   penalty of not more than \$25,000 for each day dur-  
9                   ing which the violation continues, except that the  
10                  maximum penalty for a continuing violation is  
11                  \$50,000.

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

16                  “(d) REGULATIONS.—The Secretary of Transpor-  
17                  tation shall issue such regulations as are necessary to im-  
18                  plement this section.

19                  “(e) DEFINITIONS.—In this section:

20                          “(1) KEY TERMS.—The term ‘key terms’ in-  
21                          cludes terms related to undisclosed costs and fees,  
22                          indemnification, waivers, limitations on liability, no-  
23                          tice of claim and actions, time limitations, arbitra-  
24                          tion, forum, and jurisdiction.

1           “(2) **PASSAGE CONTRACT.**—The term ‘passage  
2           contract’ means a binding agreement for passage on  
3           a passenger vessel.

4           “(3) **PASSENGER.**—The term ‘passenger’ means  
5           a citizen of the United States carried on a passenger  
6           vessel.

7           “(4) **PASSENGER VESSEL.**—The term ‘pas-  
8           senger vessel’ means a passenger vessel (as defined  
9           in section 2101) to which this subchapter applies.”.

10          (b) **BILL OF RIGHTS.**—Not later than 180 days after  
11 the date of enactment of the Cruise Passenger Protection  
12 Act, the Secretary of Transportation shall determine  
13 whether any of the enumerated rights in the international  
14 cruise line passenger bill of rights, that was adopted by  
15 the members of the Cruise Lines International Associa-  
16 tion, are enforceable under Federal law. The Secretary  
17 shall include in the standards developed under section  
18 3525(a) of title 46 United States Code, a statement in-  
19 forming a prospective passenger—

20           (1) that the bill of rights is legally enforceable  
21           and that the passenger has a private right of action  
22           to enforce the bill of rights; and

23           (2) of any legal action that a prospective pas-  
24           senger may take to enforce the bill of rights.

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

3           (1) IN GENERAL.—The Secretary of Transpor-  
4 tation (referred to in this subsection as the “Sec-  
5 retary”) shall establish an advisory committee for  
6 passenger vessel consumer protection to advise the  
7 Secretary in carrying out activities relating to pas-  
8 senger 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 advi-  
5 sory committee shall serve without pay, but shall re-  
6 ceive 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 ap-  
11 pointed under paragraph (2), an individual to serve  
12 as chair of the advisory committee.

13           (6) DUTIES.—The duties of the advisory com-  
14 mittee shall include—

15                   (A) evaluating existing passenger vessel  
16 consumer protection programs or services;

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

20                   (C) recommending additional passenger  
21 vessel consumer protection programs or serv-  
22 ices, as necessary; and

23                   (D) recommending to the Secretary key  
24 terms in a passage contract that should be  
25 highlighted upfront, 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 enactment of this Act, the

1 Secretary shall transmit to Congress a report con-  
2 taining—

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

6 (B) an explanation of whether and how the  
7 industry has implemented each recommendation  
8 and, for each recommendation not implemented,  
9 the industry’s reason for not implementing the  
10 recommendation.

11 (8) DEFINITION OF PASSENGER VESSEL.—In  
12 this subsection, the term “passenger vessel” has the  
13 meaning given the term in section 3525 of title 46,  
14 United States Code.

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

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

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

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

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

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

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

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

14 (c) REPORTS BEFORE DEPARTURE.—Section  
15 3523(g)(3), as redesignated under section 2 of this Act,  
16 is amended by adding at the end the following:

17 “(C) REPORTS BEFORE DEPARTURE.—If  
18 an employee of a vessel to which this sub-  
19 chapter applies is notified of an incident under  
20 subparagraph (A)(i) while the vessel is within  
21 the admiralty and maritime jurisdiction of the  
22 United States and en route to a United States  
23 port or at a United States port, the owner of  
24 the vessel (or the owner’s designee) shall con-  
25 tact the nearest Federal Bureau of Investiga-

1           tion Field Office or Legal Attache not later  
2           than the time specified under subparagraph  
3           (A)(i) or before the vessel departs port, which-  
4           ever is earlier.”.

5           (d) REPORTS TO UNITED STATES CONSULATES.—  
6 Section 3523(g)(3), as amended by section 6(e) of this  
7 Act, is further amended by adding at the end the fol-  
8 lowing:

9                   “(D) REPORTS TO UNITED STATES CON-  
10           SULATES.—If an incident under subparagraph  
11           (A)(i) allegedly involves an offense by or  
12           against a United States national, in addition to  
13           contacting the nearest Federal Bureau of Inves-  
14           tigation Field Office or Legal Attache under  
15           that subparagraph, the owner of a vessel to  
16           which this subchapter applies (or the owner’s  
17           designee) shall contact the United States con-  
18           sulate at the next port of call not later than the  
19           time specified under subparagraph (A)(i).”.

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

23                   (1) in clause (ii), by striking “the incident to an  
24           Internet based portal maintained by the Secretary”  
25           and inserting “each incident under clause (i), includ-



1       ing the details under paragraph (2), to the Internet  
2       based portal maintained by the Secretary of Trans-  
3       portation under section 3526(i)”; and

4               (2) in clause (iii), by striking “by the Sec-  
5       retary” and inserting “by the Secretary of Transpor-  
6       tation under section 3526(i)”

7       (f) AVAILABILITY OF SECURITY GUIDE VIA INTER-  
8       NET.—Section 3523(c)(1), as redesignated under section  
9       2 of this Act, is amended—

10           (1) in subparagraph (A)—

11               (A) by striking “a guide (referred to in  
12       this subsection as the ‘security guide’ ” and in-  
13       serting “a security guide”; and

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

16           (2) in subparagraph (C), by striking “on the  
17       website of the vessel owner” and inserting “via a  
18       prominently accessible link on each Internet website  
19       that the cruise line maintains for passengers to pur-  
20       chase or book cruises on any vessel that the cruise  
21       line owns or operates, and to which this subchapter  
22       applies”.

1 **SEC. 7. CRIME PREVENTION, DOCUMENTATION, AND RE-**  
2 **SPONSE REQUIREMENTS.**

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

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

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

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

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

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

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

22 “(iii) place video surveillance equip-  
23 ment in each area identified under clauses  
24 (i) and (ii) in a manner that provides opti-  
25 mum surveillance of that area.”.

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

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

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

6 (A) by inserting “(A) LAW ENFORCE-  
7 MENT.—” before “The owner” and resetting  
8 the text accordingly; and

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

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

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

17 “(ii) that may provide evidence in a  
18 civil action.

19 “(C) LIMITED ACCESS.—Except as pro-  
20 vided under subparagraphs (A) and (B), the  
21 owner of a vessel to which this subchapter ap-  
22 plies shall ensure that access to records of video  
23 surveillance is limited to the purposes under  
24 this section.”.

1 (c) NOTICE OF VIDEO SURVEILLANCE.—Section  
2 3523(b), as amended by section 7(b) of this Act, is further  
3 amended by inserting before paragraph (3), the following:

4 “(2) NOTICE OF VIDEO SURVEILLANCE.—The  
5 owner of a vessel to which this subchapter applies  
6 shall provide clear and conspicuous signs on board  
7 the vessel notifying the public of the presence of  
8 video surveillance equipment.”.

9 (d) RETENTION REQUIREMENTS.—Section 3523(b),  
10 as amended by section 7(c) of this Act, is further amended  
11 by adding at the end, the following:

12 “(4) RETENTION REQUIREMENTS.—

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

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

1                   “(ii) be preserved by the vessel owner  
2                   for not less than 5 years from the date of  
3                   the alleged incident.

4                   “(B) INTERIM STANDARDS.—Not later  
5                   than 180 days after the date of enactment of  
6                   the Cruise Passenger Protection Act, the Com-  
7                   mandant, in consultation with the Federal Bu-  
8                   reau of Investigation, shall promulgate interim  
9                   standards for the retention of records of video  
10                  surveillance.

11                  “(C) FINAL STANDARDS.—Not later than  
12                  1 year after the date of enactment of the Cruise  
13                  Passenger Protection Act, the Commandant, in  
14                  consultation with the Federal Bureau of Inves-  
15                  tigation, shall promulgate final standards for  
16                  the retention of records of video surveillance.

17                  “(D) CONSIDERATIONS.—In promulgating  
18                  standards under subparagraphs (B) and (C),  
19                  the Commandant shall—

20                         “(i) consider factors that would aid in  
21                         the investigation of serious crimes, includ-  
22                         ing crimes that go unreported until after  
23                         the completion of a voyage;

24                         “(ii) consider the different types of  
25                         video surveillance systems and storage re-

1 requirements in creating standards both for  
2 vessels currently in operation and for ves-  
3 sels newly built;

4 “(iii) consider privacy, including  
5 standards for permissible access to and  
6 monitoring and use of the records of video  
7 surveillance; and

8 “(iv) consider technological advance-  
9 ments, including requirements to update  
10 technology.”.

11 (e) **AUTHORITY TO PROVIDE ASSISTANCE TO VIC-**  
12 **TIMS OF CRIMES ON BOARD PASSENGER VESSELS.—**  
13 Chapter 35, as amended by section 5 of this Act, is further  
14 amended by adding at the end the following:

15 **“SEC. 3526. ASSISTANCE TO VICTIMS OF CRIMES ON BOARD**  
16 **CERTAIN PASSENGER VESSELS.**

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

20 “(1) a written summary of rights;

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

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

25 “(b) **DIRECTOR OF VICTIM SUPPORT SERVICES.—**

1           “(1) INTERIM DESIGNATION.—The Secretary of  
2           Transportation shall designate an interim director of  
3           victim support services. The interim director shall be  
4           an employee of the Department of Transportation  
5           and shall serve in the position until a final designa-  
6           tion is made under paragraph (2).

7           “(2) FINAL DESIGNATION.—Not later than 180  
8           days after the date of enactment of the Cruise Pas-  
9           senger Protection Act, the Secretary of Transpor-  
10          tation, in consultation with the Department of Jus-  
11          tice and other relevant Federal agencies, shall—

12                   “(A) designate an employee of the Federal  
13                   Government to serve as the director of victim  
14                   support services under this section; and

15                   “(B) determine an effective way to pub-  
16                   licize the toll-free telephone number under sub-  
17                   section (c) and the availability of support serv-  
18                   ices.

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

21                   “(A) be responsible for acting as a primary  
22                   point of contact within the Federal Government  
23                   for the passenger described in subsection (a);

24                   “(B) coordinate with 1 or more non-profit  
25                   organizations or other entities that can provide

1 the types of support services described under  
2 subsection (d);

3 “(C) establish a process for the passenger  
4 described in subsection (a) to obtain the appro-  
5 priate types of support services described under  
6 subsection (d);

7 “(D) recommend a process for the pas-  
8 senger described in subsection (a) to obtain an  
9 appropriate continuum of care;

10 “(E) recommend a process for the pas-  
11 senger described in subsection (a) to obtain in-  
12 formation on the status of any related criminal  
13 investigation;

14 “(F) develop guidance, consistent with the  
15 purpose of this section, for the security guide  
16 under section 3523(c)(1), including a process to  
17 ensure that an owner of a passenger vessel pro-  
18 vides a copy of the security guide to a pas-  
19 senger immediately after the vessel is notified  
20 that the passenger is an alleged victim of an in-  
21 cident described under subsection (g)(3)(A)(i);

22 “(G) periodically update that guidance, as  
23 necessary; and

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



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

2 “(ii) any relevant Federal agency;

3 “(iii) any relevant United States em-  
4 bassy or United States consulate; and

5 “(iv) any other person that the direc-  
6 tor of victim support services considers  
7 necessary to carry out the purpose of this  
8 section.

9 “(c) TOLL-FREE TELEPHONE NUMBER.—The Sec-  
10 retary of Transportation shall establish a toll-free tele-  
11 phone number, available 24 hours each day, that a pas-  
12 senger described in subsection (a) can call to initiate the  
13 process under subsection (b)(3)(C).

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

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

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

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

1           “(4) arranging, if appropriate, for mental  
2 health and counseling services;

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

6           “(6) communicating with that passenger as to  
7 the roles of the organization, government agencies,  
8 and the owner of the passenger vessel involved with  
9 respect to the incident and the post-incident activi-  
10 ties.

11       “(e) SUMMARY OF RIGHTS.—Not later than 180 days  
12 after the date of enactment of the Cruise Passenger Pro-  
13 tection Act, the Secretary of Transportation, in consulta-  
14 tion with the Department of Justice, other relevant Fed-  
15 eral agencies, non-profit public interest groups with exper-  
16 tise in victim assistance, and such other persons that the  
17 Secretary of Transportation considers necessary, shall—

18           “(1) determine what rights a passenger de-  
19 scribed in subsection (a) may have under law, such  
20 as the right to contact the Federal Bureau of Inves-  
21 tigation to report the crime, the right to contact the  
22 director of victim support services, and the right to  
23 speak confidentially to Federal law enforcement, the  
24 director of victim support services, and any other

1 third-party victim advocate without any representa-  
2 tive or employee of the passenger vessel present;

3 “(2) develop a written summary of those rights;  
4 and

5 “(3) establish a process for a passenger de-  
6 scribed in subsection (a) to receive the written sum-  
7 mary of rights as soon as practicable after an al-  
8 leged incident described under section  
9 3523(g)(3)(A)(i).

10 “(f) GUARDIANS AND RELATIVES.—If a passenger  
11 described in subsection (a) is deceased or is a minor, or  
12 under such other circumstances that the director of victim  
13 support services considers necessary, the director may pro-  
14 vide support services under this section to a guardian or  
15 relative of that passenger.

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

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

1       “(i) AVAILABILITY OF INCIDENT DATA VIA INTER-  
2 NET.—

3           “(1) IN GENERAL.—The Secretary of Transpor-  
4 tation shall maintain a statistical compilation of all  
5 incidents described in section 3523(g)(3)(A) on an  
6 Internet website that provides a numerical account-  
7 ing of the missing persons and alleged crimes duly  
8 recorded in each report filed under paragraph (3) of  
9 that section. Each such incident shall be included in  
10 the statistical compilation irrespective of its inves-  
11 tigative status. The data shall be updated not less  
12 frequently than quarterly, be aggregated by cruise  
13 line, identify each cruise line by name, identify each  
14 crime and alleged crime as to whether it was com-  
15 mitted or allegedly committed by a passenger (as de-  
16 fined in section 2101) or crew member, identify each  
17 crime and alleged crime as to whether it was com-  
18 mitted or allegedly committed against a minor, and  
19 identify the number of alleged individuals overboard.  
20 The Secretary of Transportation shall ensure that  
21 the compilation, data, and any other information  
22 provided on the Internet website is in a user-friendly  
23 format.

24           “(2) ACCESS TO WEBSITE.—Each owner of a  
25 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 “(j) REGULATIONS.—The Secretary of Transpor-  
7 tation shall issue such regulations as are necessary to im-  
8 plement this section.

9 “(k) DEFINITIONS.—In this section:

10 “(1) PASSENGER.—Except as expressly pro-  
11 vided otherwise, the term ‘passenger’ means a cit-  
12 izen of the United States carried on a passenger ves-  
13 sel without regard to whether the individual pur-  
14 chased passage on the passenger vessel or is em-  
15 ployed by the owner of the passenger vessel.

16 “(2) PASSENGER VESSEL.—The term ‘pas-  
17 senger vessel’ means a passenger vessel (as defined  
18 in section 2101) to which this subchapter applies.”.

19 (f) STUDY.—Not later than 1 year after the date of  
20 enactment of this Act, the Secretary of Transportation,  
21 in coordination with the Secretary of the department in  
22 which the Coast Guard is operating, Attorney General,  
23 and heads of other relevant Federal agencies, shall con-  
24 duct a study to determine the feasibility of having an indi-  
25 vidual on board each passenger vessel (as defined in sec-

1 tion 3526 of title 46, United States Code) to provide vic-  
2 tim support services, including the support services under  
3 section 3526(d) of title 46, United States Code, and re-  
4 lated safety and security services, and shall report the  
5 findings to Congress. The study shall include consider-  
6 ation of the cost, the benefit to passengers, jurisdiction,  
7 and logistics.

8 (g) CRIMINAL ACTIVITY PREVENTION AND RE-  
9 SPONSE GUIDE.—Section 3523(c)(1), as amended by sec-  
10 tion 6(f) of this Act, is further amended—

11 (1) in subparagraph (A)—

12 (A) by redesignating clause (ii) as clause  
13 (vi);

14 (B) by inserting after clause (i), the fol-  
15 lowing:

16 “(ii) describes the availability of sup-  
17 port services under section 3526, including  
18 any contact information provided by the  
19 Secretary of Transportation or director of  
20 victim support services under that section;

21 “(iii) includes the summary of rights  
22 under section 3526;

23 “(iv) includes the summary under sec-  
24 tion 3525(a);

1 “(v) includes the toll-free hotline tele-  
2 phone number and consumer complaints  
3 Internet website link under section  
4 3525(b);”;

5 (C) by inserting “and” at the end of clause  
6 (vi), as redesignated; and

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

8 “(vii) includes such other information  
9 as the Secretary of Transportation rec-  
10 ommends under section 3526(b)(3)(F);”;  
11 and

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

14 “(B) provide a copy of the security guide  
15 to—

16 “(i) the Secretary of Transportation  
17 for review;

18 “(ii) the Federal Bureau of Investiga-  
19 tion for comment; and

20 “(iii) a passenger immediately after  
21 the vessel is notified that the passenger is  
22 an alleged victim of an incident described  
23 under subsection (g)(3)(A)(i); and”.

24 (h) MINIMUM NUMBER OF MEDICAL STAFF.—Not  
25 later than 1 year after the date of enactment of this Act,

1 the Secretary of Transportation shall determine and re-  
2 quire, by regulation, a minimum number of medical staff,  
3 and appropriate qualifications, under section 3523(d)(3)  
4 of title 46, United States Code, that should be available  
5 on a vessel per 1,000 passengers.

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

12 (j) SEXUAL ASSAULT; CONTACT INFORMATION.—  
13 Section 3523(d)(5)(A), as redesignated by section 2 of this  
14 Act, is amended by striking “the United States Coast  
15 Guard,”.

16 (k) SEXUAL ASSAULT; PRIVATE TELEPHONE  
17 LINE.—Section 3523(d)(5)(B), as redesignated by section  
18 2 of this Act, is amended by inserting “under section 3526  
19 or” after “the information and support services available”.

20 (l) CRIME SCENE PRESERVATION TRAINING; CER-  
21 TIFICATION OF ORGANIZATIONS BY MARAD.—Section  
22 3524(a), as redesignated by section 2 of this Act, is  
23 amended by striking “may certify” and inserting “shall  
24 certify”.



1 (m) CREW ACCESS TO PASSENGER STATEROOMS;  
2 PROCEDURES AND RESTRICTIONS.—Section 3523(f), as  
3 redesignated by section 2 of this Act, is amended—

4 (1) in paragraph (1)—

5 (A) by striking “and” at the end subpara-  
6 graph (A); and

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

8 “(C) a system that electronically records  
9 the date, time, and identity of each crew mem-  
10 ber accessing each passenger stateroom; and”;  
11 and

12 (2) in paragraph (2), by striking “are fully and  
13 properly implemented and periodically reviewed.”  
14 and inserting “are fully and properly implemented,  
15 reviewed annually, and updated as necessary.”.

16 **SEC. 8. PASSENGER VESSEL SECURITY AND SAFETY RE-**  
17 **QUIREMENTS.**

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

21 (1) in paragraph (1)—

22 (A) in the matter preceding subparagraph  
23 (A), by striking “to which this subsection ap-  
24 plies” and inserting “to which this subchapter  
25 applies”;

1 (B) in subparagraph (A)—

2 (i) by striking “The vessel” and in-  
3 sserting “Each exterior deck of a vessel”;  
4 and

5 (ii) by striking the period at the end  
6 and inserting “unless the height require-  
7 ment would interfere with the deployment  
8 of a lifesaving device or other emergency  
9 equipment as identified by the Com-  
10 mandant.”; and

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

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

23 “(4) WAIVERS; RECORD OF WAIVERS.—The  
24 Secretary—

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

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

6           (b) DEFINITION OF EXTERIOR DECK.—Section  
7 3523(l), as redesignated by section 2 of this Act, is  
8 amended to read as follows—

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

15 **SEC. 9. ENFORCEMENT.**

16           (a) INFORMATION SHARING.—

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

1 privilege any agency or person may claim with re-  
2 spect to that information under Federal or State  
3 law.

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

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

12 (1) by striking paragraph (2);

13 (2) by striking “**Enforcement.**—” in the  
14 heading and inserting “PENALTIES.—”;

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

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

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

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

1 **“§ 3527. 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.”; and

9           (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.”.

10 **SEC. 11. BUDGET COMPLIANCE.**

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