

**Calendar No. 156**111TH CONGRESS  
1ST SESSION**S. 588****[Report No. 111-72]**

To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

MARCH 12, 2009

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

SEPTEMBER 8, 2009

Reported by Mr. ROCKEFELLER, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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**A BILL**

To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Cruise vessel security and safety requirements.
- Sec. 4. Detailing Coast Guard personnel to enforce cruise ship requirements.
- Sec. 5. Study and report on the security needs of passenger vessels.
- Sec. 6. Amendment of the Death on the High Seas Act.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

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

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

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

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

5           (5) Over the last five years, sexual assault and  
6 physical assaults on cruise vessels were the leading  
7 crimes reported to and investigated by the Federal  
8 Bureau of Investigation with regard to cruise vessel  
9 incidents.

10          (6) These crimes at sea can involve attacks  
11 both by passengers and crewmembers on other pas-  
12 sengers and crewmembers.

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

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

23          (9) Obtaining reliable crime-related cruise data  
24 from governmental sources can be difficult, because  
25 multiple countries may be involved when a crime oc-

1 eurs on the high seas, including the flag country for  
2 the vessel, the country of citizenship of particular  
3 passengers, and any countries having special or mar-  
4 itime jurisdiction.

5 (10) Due to the absence of law enforcement of-  
6 ficials on ocean voyages, it can be difficult or impos-  
7 sible for professional criminal investigators to imme-  
8 diately secure an alleged crime scene on a cruise ves-  
9 sel, recover evidence of an onboard offense, and  
10 identify or interview potential witnesses to the al-  
11 leged crime.

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

18 (12) The Department of Homeland Security  
19 has found it necessary to establish 500-yard security  
20 zones around vessels to limit the risk of terrorist at-  
21 tack, but no viable means of communicating and en-  
22 forcing the security zones has been established. Re-  
23 cently piracy has dramatically increased throughout  
24 the world and vessels have limited if any means of

1 protection against piracy and terrorism while on the  
2 high seas.

3 (13) To enhance safety of cruise passengers,  
4 the owner of these cruise vessels could upgrade,  
5 modernize, and retrofit the safety and security infra-  
6 structure on such vessels by installing peep holes in  
7 passenger room doors, installing security video cam-  
8 eras in targeted areas, limiting access to passenger  
9 rooms to select staff during specific times, installing  
10 acoustic hailing and warning devices capable of com-  
11 municating and enforcing the 500-yard security  
12 zone.

13 **SEC. 3. CRUISE VESSEL SECURITY AND SAFETY REQUIRE-**  
14 **MENTS.**

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

18 **“§ 3507. Cruise vessel security and safety require-**  
19 **ments**

20 **“(a) VESSEL DESIGN, CONSTRUCTION, AND RETRO-**  
21 **FITTING REQUIREMENTS.—**

22 **“(1) IN GENERAL.—**Each passenger vessel to  
23 which this subsection applies shall comply with the  
24 following design and construction standards:

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

4           “(B) Each passenger stateroom and crew  
5 cabin shall be equipped with entry doors that  
6 include—

7                   “(i) peep holes;

8                   “(ii) security latches; and

9                   “(iii) time sensitive key technology.

10           “(C) Fire safety codes shall be imple-  
11 mented.

12           “(D) The vessel shall integrate technology  
13 that can be used for detecting passengers who  
14 have fallen overboard, to the extent that such  
15 technology is available.

16           “(E) The vessel shall be equipped with a  
17 sufficient number of operable acoustic hailing  
18 and warning devices to provide 360 degrees of  
19 communication capability around the vessel.  
20 The acoustic hailing and warning devices shall  
21 be capable of communicating clear voice in-  
22 structions to approaching vessels that are 500  
23 yards away, over 88 dB of background noise at  
24 the listener’s position with 90 percent intelli-  
25 gibility. The broadcasts made by such devices

1 shall be directional in nature so as not confuse  
 2 other vessel operators who are not in the secu-  
 3 rity zone and to limit unnecessary noise. The  
 4 device controls shall be manned and operable  
 5 during transits in and out of harbors and when-  
 6 ever another vessel approaches within 500 yards  
 7 of the passenger vessel.

8 “(2) EFFECTIVE DATES.—The requirements of  
 9 paragraph (1) shall take effect 36 months after the  
 10 date of enactment of the Cruise Vessel Security and  
 11 Safety Act of 2009.

12 “(b) CREW ACCESS TO PASSENGER STATEROOMS.—  
 13 The owner, charterer, managing operator, master, or indi-  
 14 vidual in charge of a vessel to which this section applies  
 15 shall—

16 “(1) establish and implement procedures and  
 17 restrictions concerning—

18 “(A) which crewmembers have access to  
 19 passenger staterooms; and

20 “(B) the periods during which they have  
 21 that access; and

22 “(2) ensure that the procedures and restrictions  
 23 are fully and properly implemented and periodically  
 24 reviewed.

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

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

4                   “(A) record in a log book reports on re-  
 5                   ported deaths, missing individuals, and each  
 6                   significant alleged crime committed on the ves-  
 7                   sel, and all passenger and crewmember com-  
 8                   plaints regarding theft, sexual harassment, and  
 9                   assaults; and

10                   “(B) make such log book available—

11                           “(i) upon request to any agent of the  
 12                           Federal Bureau of Investigation, any mem-  
 13                           ber of the Coast Guard, and any law en-  
 14                           forcement officer; and

15                           “(ii) to the Coast Guard in an elec-  
 16                           tronic format prescribed by the Com-  
 17                           mandant.

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

21                   “(A) the type of vessel;

22                   “(B) the name of the cruise line;

23                   “(C) the flag under which the vessel was  
 24           operating at the time the reported incident oc-  
 25           curred;



1           “(D) the age of the victim;

2           “(E) the nature of the alleged crime or  
3 complaint, as applicable, including whether the  
4 perpetrator was a passenger or a crewmember;

5           “(F) the vessel’s position at the time of the  
6 incident, if known, or the position of the vessel  
7 at the time of the initial report;

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

11           “(H) the case number or other identifier  
12 provided by the law enforcement authority to  
13 which the initial report was made; and

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

16           “(3) REQUIREMENT TO REPORT CRIMES AND  
17 OTHER INFORMATION.—

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

20           “(i) shall contact the nearest Federal  
21 Bureau of Investigation Field Office or  
22 Legal Attache by telephone as soon as pos-  
23 sible after the occurrence on board the ves-  
24 sel of an incident involving homicide, sus-  
25 picious death, a missing United States na-

1 tional, kidnapping, assault with serious  
2 bodily injury, any offense to which section  
3 2241, 2242, 2243, or 2244 (a) or (e) of  
4 title 18, United States Code, applies, firing  
5 or tampering with the vessel, or theft of  
6 money or property in excess of \$10,000 to  
7 report the incident;

8 “(ii) shall furnish a written report of  
9 the incident by facsimile or electronic mail  
10 to the Coast Guard National Command  
11 Center and by facsimile to the Federal Bu-  
12 reau of Investigation;

13 “(iii) may report any serious incident  
14 that does not meet the reporting require-  
15 ments of clause (i) and that does not re-  
16 quire immediate attention by the Federal  
17 Bureau of Investigation to the nearest  
18 Field Office or Legal Attache by facsimile  
19 or electronic mail; and

20 “(iv) may report any other criminal  
21 incident involving passengers or crew-  
22 members, or both, to the proper State or  
23 local government law enforcement author-  
24 ity.

1           “(B) INCIDENTS TO WHICH SUBPARA-  
2           GRAPH (A) APPLIES.—Subparagraph (A) ap-  
3           plies to an incident involving criminal activity  
4           if—

5           “(i) the ship, regardless of registry, is  
6           owned, in whole or in part, by a United  
7           States person, regardless of the nationality  
8           of the victim or perpetrator, and the inci-  
9           dent occurs when the vessel is within the  
10          admiralty and maritime jurisdiction of the  
11          United States and outside the jurisdiction  
12          of any State;

13          “(ii) the incident concerns an offense  
14          by or against a United States national  
15          committed outside the jurisdiction of any  
16          nation;

17          “(iii) the incident occurs in the Terri-  
18          torial Sea of the United States, regardless  
19          of the nationality of the vessel, the victim,  
20          or the perpetrator; or

21          “(iv) the incident concerns a victim or  
22          perpetrator who is a United States na-  
23          tional on a vessel during a voyage that de-  
24          parted from or will arrive at a United  
25          States port.

1           “(4) AVAILABILITY OF INCIDENT DATA VIA  
2 INTERNET.—

3           “(A) WEBSITE.—The Secretary shall  
4 maintain, on an Internet site of the department  
5 in which the Coast Guard is operating, a nu-  
6 merical accounting of the missing persons and  
7 alleged crimes recorded in each report filed  
8 under paragraph (1)(A). The data shall be up-  
9 dated no less frequently than quarterly, aggre-  
10 gated by cruise line, and each cruise line shall  
11 be identified by name.

12           “(B) ACCESS TO WEBSITE.—Each cruise  
13 line taking on or discharging passengers in the  
14 United States shall include a link on its Inter-  
15 net website to the website maintained by the  
16 Secretary under subparagraph (A).

17           “(d) CREW DATABASE REQUIREMENT.—The Sec-  
18 retary shall prescribe regulations that require the owner  
19 of each vessel to which this section applies to participate  
20 in the establishment and maintenance of a database for  
21 reporting all individuals whose employment on such a ves-  
22 sel has been terminated for a matter reported under sub-  
23 section (e)(1)(A).

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

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

5           “(2) maintain on the vessel equipment and ma-  
6 terials for performing a medical examination to  
7 evaluate the patient for trauma, treat injury, and  
8 collect forensic evidence;

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

19           “(4) prepare, provide to the individual, and  
20 maintain written documentation of the performance  
21 and findings of such examination that is signed by  
22 the individual and ensure that no medical informa-  
23 tion is released to the cruise line or any legal rep-  
24 resentative thereof without the prior knowledge and  
25 approval in writing of the victim, or, if the victim is

1 unable to provide written authorization; the victim's  
2 next-of-kin; and

3 ~~“(5) provide the individual free and immediate~~  
4 ~~access to—~~

5 ~~“(A) a description of the toll-free telephone~~  
6 ~~number and website by which the individual~~  
7 ~~may access the National Sexual Assault Hotline~~  
8 ~~and the National Sexual Assault Online Hotline~~  
9 ~~referred to in section 628 of the Adam Walsh~~  
10 ~~Child Protection and Safety Act of 2006 (Pub-~~  
11 ~~lic Law 109–248; 42 U.S.C. 16985);~~

12 ~~“(B) information for local law enforcement~~  
13 ~~and the Federal Bureau of Investigation; and~~

14 ~~“(C) a private telephone line and Internet-~~  
15 ~~accessible computer terminal on the cruise ship~~  
16 ~~by which the individual may confidentially ac-~~  
17 ~~cess such hotline services.~~

18 ~~“(f) CRIME SCENE INVESTIGATION TRAINING FOR~~  
19 ~~PASSENGER VESSEL CREWMEMBERS.—The Secretary, in~~  
20 ~~consultation with the Director of the Federal Bureau of~~  
21 ~~Investigation, shall develop a training curriculum for crew-~~  
22 ~~members and law enforcement officials of passenger ves-~~  
23 ~~sels to educate them concerning appropriate methods for~~  
24 ~~collecting evidence at a crime scene and proper evidence~~  
25 ~~preservation. The Administrator of the Maritime Adminis-~~

1 tration may certify organizations that offer the curriculum  
2 for training and certification under subsection (g).

3       “(g) CERTIFICATION REQUIREMENT.—Beginning 2  
4 years after the date of enactment of the Cruise Vessel Se-  
5 curity and Safety Act of 2009, no passenger vessel may  
6 enter a United States port on a voyage (or voyage seg-  
7 ment) on which a United States citizen is a passenger un-  
8 less there is at least 1 crewmember onboard who is cer-  
9 tified as having successfully completed training in the col-  
10 lection of crime scene evidence on passenger vessels under  
11 subsection (f).

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

18       “(i) VIDEO RECORDING.—

19               “(1) REQUIREMENT TO MAINTAIN SURVEIL-  
20 LANCE.—The owner of a vessel to which this section  
21 applies shall maintain video surveillance to monitor  
22 and document crimes as they occur on the vessel and  
23 to provide evidence for the prosecution of such  
24 crimes, as determined by the Secretary.

1           ~~“(2) ACCESS TO VIDEO RECORDS.—~~The owner  
2 of a vessel to which this section applies shall provide  
3 to law enforcement officials, upon request, a copy of  
4 all records of video surveillance that may provide  
5 evidence of a crime reported to law enforcement offi-  
6 cials.

7           ~~“(j) SAFETY INFORMATION.—~~The owner of a vessel  
8 to which this section applies shall—

9           ~~“(1) prominently post in each stateroom and~~  
10 crew cabin and in other places specified by the Sec-  
11 retary information regarding—

12           ~~“(A) the name of each country the cruise~~  
13 ship will visit during the course of such ear-  
14 riage;

15           ~~“(B) the locations in such country of the~~  
16 embassy and each consulate of the United  
17 States;

18           ~~“(C) the contact information for the Na-~~  
19 tional Sexual Assault Hotline and the National  
20 Sexual Assault Online Hotline referred to in  
21 section 628 of the Adam Walsh Child Protec-  
22 tion and Safety Act of 2006 (Public Law 109-  
23 248; 42 U.S.C. 16985);

24           ~~“(D) telephone numbers for the Federal~~  
25 Bureau of Investigation; and



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

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

8           “(k) CRIMINAL PENALTIES.—

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

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

16                 “(A) commits an act or omission for which  
17                 a penalty may be imposed under this sub-  
18                 section; or

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

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

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

4       “(n) APPLICATION.—This section applies to any pas-  
5 senger vessel that embarks or disembarks passengers in  
6 the United States or that is a vessel of the United  
7 States.”.

8       (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of such chapter is amended by adding  
10 at the end the following:

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

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

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

16               “(3) dispatch properly trained and qualified  
17 armed Coast Guard Personnel on vessels and public  
18 or commercial structures on or adjacent to waters  
19 subject to United States jurisdiction—

20                       “(A) to deter or respond to acts of ter-  
21 rorism or transportation security incidents, as  
22 defined in section 70101 of title 46, United  
23 States Code;

24                       “(B) to act as environmental observers for  
25 the purposes of—

1           “(i) monitoring compliance with the  
2 requirements of all applicable Federal laws  
3 and regulations regarding the discharge of  
4 waste into United States territorial waters;

5           “(ii) observing operation and mainte-  
6 nance procedures for onboard waste treat-  
7 ment systems;

8           “(iii) ensuring the proper handling  
9 and disposal of all hazardous wastes; and

10          “(iv) verifying logbook entries for all  
11 records required by the Coast Guard re-  
12 lated to waste treatment and disposal; and

13          “(C) to act as public safety officers for the  
14 purposes of—

15           “(i) assisting vessel passengers and  
16 crew, as needed, with the reporting and in-  
17 vestigation of potential criminal activities  
18 occurring on board vessels to which section  
19 3507 of title 46, United States Code, ap-  
20 plies while such vessels are in United  
21 States territorial waters;

22           “(ii) securing, to the degree possible,  
23 suspected crime scenes on such vessels;  
24 and

1                   “(iii) collecting evidence of alleged  
2                   crimes against passengers and crew on  
3                   such vessels.”.

4           (b) FEES AND CHARGES.—The Commandant of the  
5 Coast Guard may promulgate regulations under section  
6 9701 of title 31, United States Code, establishing charges  
7 for services provided by the Coast Guard under section  
8 7(b)(3)(C) of the Ports and Waterways Safety Act (33  
9 U.S.C. 1226(b)(3)(C)) as amended by subsection (a).

10 **SEC. 5. STUDY AND REPORT ON THE SECURITY NEEDS OF**  
11 **PASSENGER VESSELS.**

12           (a) IN GENERAL.—Within 3 months after the date  
13 of enactment of this Act, the Secretary of the department  
14 in which the Coast Guard is operating shall conduct a  
15 study of the security needs of a passenger vessel depend-  
16 ing on number of passengers on the vessel, and report to  
17 the Congress findings of the study and recommendations  
18 for improving security on those vessels.

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

1 **SEC. 6. AMENDMENT OF THE DEATH ON THE HIGH SEAS**  
 2 **ACT.**

3 (a) APPLICATION OF ACT.—Section 30302 of title  
 4 46, United States Code, is amended by striking “3 nau-  
 5 tical miles” and inserting “12 nautical miles”.

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

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

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

17 (1) by inserting “and nonpecuniary” after “pe-  
 18 cuniary”; and

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

24 (d) CONFORMING AMENDMENT.—

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

1           (2) The chapter analysis for such chapter is  
 2           amended by striking the item relating to section  
 3           30307.

4 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

7           (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 8           *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.*

9 **SEC. 2. FINDINGS.**

10           *The Congress makes the following findings:*

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

15           (2) *In 2007 alone, approximately 12,000,000*  
 16           *passengers were projected to take a cruise worldwide.*

17           (3) *Passengers on cruise vessels have an inad-*  
 18           *equately appreciate 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 seri-*  
3           *ous 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 both*  
9           *by passengers and crewmembers on other passengers*  
10          *and crewmembers.*

11          (7) *Except for United States flagged vessels, or*  
12          *foreign flagged vessels operating in an area subject to*  
13          *the direct jurisdiction of the United States, there are*  
14          *no Federal statutes or regulations that explicitly re-*  
15          *quire cruise lines to report alleged crimes to United*  
16          *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 cruise*  
20          *line companies do not make comprehensive, crime-re-*  
21          *lated 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 pas-*  
2        *sengers, and any countries having special or mari-*  
3        *time jurisdiction.*

4            (10) *It can be difficult for professional crime in-*  
5        *vestigators 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 wit-*  
8        *nesses to the alleged crime.*

9            (11) *Most cruise vessels that operate into and out*  
10       *of United States ports are registered under the laws*  
11       *of another country, and investigations and prosecu-*  
12       *tions of crimes against passengers and crewmembers*  
13       *may involve the laws and authorities of multiple na-*  
14       *tions.*

15           (12) *The Department of Homeland Security has*  
16       *found it necessary to establish 500-yard security zones*  
17       *around cruise vessels to limit the risk of terrorist at-*  
18       *tack. Recently piracy has dramatically increased*  
19       *throughout the world.*

20           (13) *To enhance the safety of cruise passengers,*  
21       *the owners of cruise vessels could upgrade, modernize,*  
22       *and retrofit the safety and security infrastructure on*  
23       *such vessels by installing peep holes in passenger*  
24       *room doors, installing security video cameras in tar-*  
25       *geted areas, limiting access to passenger rooms to se-*



1       lect staff during specific times, and installing acoustic  
 2       hailing and warning devices capable of commu-  
 3       nicating 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 following:

8   **“§ 3507. Passenger vessel security and safety require-**  
 9       **ments**

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

12       “(1) *IN GENERAL.*—Each vessel to which this  
 13   subsection applies shall comply with the following de-  
 14   sign and construction standards:

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

18       “(B) *Each passenger stateroom and crew*  
 19       *cabin shall be equipped with entry doors that in-*  
 20       *clude peep holes or other means of visual identi-*  
 21       *fication.*

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

1           *stateroom and crew cabin shall be equipped*  
2           *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 or*  
12           *other such warning devices to provide commu-*  
13           *nication capability around the entire vessel when*  
14           *operating in high risk areas (as defined by the*  
15           *United States Coast Guard).*

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

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 effect*  
5           *on the date of enactment of the Cruise Vessel Se-*  
6           *curity 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 crimes,*  
13          *as determined by the Secretary.*

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

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

1 *and each consulate of the United States for each country*  
2 *the vessel will visit during the course of the voyage.*

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

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

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

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

17 “(A) *possesses a current physician’s or reg-*  
18 *istered nurse’s license and—*

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

22 “(ii) *holds board certification in emer-*  
23 *gency medicine, family practice medicine,*  
24 *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 relat-  
13          ing to the treatment and care of victims of sex-  
14          ual assault;

15           “(4) prepare, provide to the patient, and main-  
16          tain written documentation of the findings of such ex-  
17          amination 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 Na-  
24          tional Sexual Assault Hotline program or other  
25          third party victim advocacy hotline service; and

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

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

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

21           “(A) information, other than medical find-  
 22          ings, necessary for the owner or master of the  
 23          vessel to comply with the provisions of subsection  
 24          (g) or other applicable incident reporting laws;

1           “(B) information to secure the safety of pas-  
2           sengers or crew on board the vessel; or

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

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

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

16                 “(1) establish and implement procedures and re-  
17                 strictions concerning—

18                         “(A) which crewmembers have access to pas-  
19                         senger staterooms; and

20                         “(B) the periods during which they have  
21                         that access; and

22                 “(2) ensure that the procedures and restrictions  
23                 are fully and properly implemented and periodically  
24                 reviewed.

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

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

3                   “(A) *record in a log book, either electroni-*  
4                   *cally or otherwise, in a centralized location read-*  
5                   *ily accessible to law enforcement personnel, a re-*  
6                   *port on—*

7                           “(i) *all complaints of crimes described*  
8                           *in paragraph (3)(A)(i),*

9                           “(ii) *all complaints of theft of property*  
10                          *valued in excess of \$1,000, and*

11                          “(iii) *all complaints of other crimes,*  
12                          *committed on any voyage that embarks or dis-*  
13                          *embarks passengers in the United States; and*

14                          “(B) *make such log book available upon re-*  
15                          *quest to any agent of the Federal Bureau of In-*  
16                          *vestigation, any member of the United States*  
17                          *Coast Guard, and any law enforcement officer*  
18                          *performing official duties in the course and scope*  
19                          *of an investigation.*

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

23                          “(A) *the vessel operator;*

24                          “(B) *the name of the cruise line;*



1           “(C) *the flag under which the vessel was op-*  
2           *erating at the time the reported incident oc-*  
3           *curred;*

4           “(D) *the age and gender of the victim and*  
5           *the accused assailant;*

6           “(E) *the nature of the alleged crime or com-*  
7           *plaint, as applicable, including whether the al-*  
8           *leged perpetrator was a passenger or a crew-*  
9           *member;*

10          “(F) *the vessel’s position at the time of the*  
11          *incident, if known, or the position of the vessel*  
12          *at the time of the initial report;*

13          “(G) *the time, date, and method of the ini-*  
14          *tial report and the law enforcement authority to*  
15          *which the initial report was made;*

16          “(H) *the time and date the incident oc-*  
17          *curred, if known;*

18          “(I) *the total number of passengers and the*  
19          *total number of crew members on the voyage;*  
20          *and*

21          “(J) *the case number or other identifier*  
22          *provided by the law enforcement authority to*  
23          *which the initial report was made.*

24          “(3) *REQUIREMENT TO REPORT CRIMES AND*  
25          *OTHER INFORMATION.—*

1           “(A) *IN GENERAL.*—*The owner of a vessel to*  
2           *which this section applies (or the owner’s des-*  
3           *ignee)—*

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

16                   “(ii) *shall furnish a written report of*  
17                   *the incident to an Internet based portal*  
18                   *maintained by the Secretary of Transpor-*  
19                   *tation;*

20                   “(iii) *may report any serious incident*  
21                   *that does not meet the reporting require-*  
22                   *ments of clause (i) and that does not require*  
23                   *immediate attention by the Federal Bureau*  
24                   *of Investigation via the Internet based por-*

1 *tal maintained by the Secretary of Trans-*  
2 *portation; and*

3 *“(iv) may report any other criminal*  
4 *incident involving passengers or crew-*  
5 *members, or both, to the proper State or*  
6 *local government law enforcement authority.*

7 *“(B) INCIDENTS TO WHICH SUBPARAGRAPH*  
8 *(A) APPLIES.—Subparagraph (A) applies to an*  
9 *incident involving criminal activity if—*

10 *“(i) the vessel, regardless of registry, is*  
11 *owned, in whole or in part, by a United*  
12 *States person, regardless of the nationality*  
13 *of the victim or perpetrator, and the inci-*  
14 *dent occurs when the vessel is within the ad-*  
15 *miralty and maritime jurisdiction of the*  
16 *United States and outside the jurisdiction*  
17 *of any State;*

18 *“(ii) the incident concerns an offense*  
19 *by or against a United States national*  
20 *committed outside the jurisdiction of any*  
21 *nation;*

22 *“(iii) the incident occurs in the Terri-*  
23 *torial Sea of the United States, regardless of*  
24 *the nationality of the vessel, the victim, or*  
25 *the perpetrator; or*

1                   “(iv) *the incident concerns a victim or*  
2                   *perpetrator who is a United States national*  
3                   *on a vessel during a voyage that departed*  
4                   *from or will arrive at a United States port.*

5                   “(4) *AVAILABILITY OF INCIDENT DATA VIA*  
6                   *INTERNET.—*

7                   “(A) *WEBSITE.—The Secretary of Trans-*  
8                   *portation shall maintain a statistical compila-*  
9                   *tion of all incidents described in paragraph*  
10                   *(3)(A)(i) on an Internet site that provides a nu-*  
11                   *merical accounting of the missing persons and*  
12                   *alleged crimes recorded in each report filed*  
13                   *under paragraph (3)(A)(i) that are no longer*  
14                   *under investigation by the Federal Bureau of In-*  
15                   *vestigation. The data shall be updated no less*  
16                   *frequently than quarterly, aggregated by cruise*  
17                   *line, each cruise line shall be identified by name,*  
18                   *and each crime shall be identified as to whether*  
19                   *it was committed by a passenger or a crew mem-*  
20                   *ber.*

21                   “(B) *ACCESS TO WEBSITE.—Each cruise*  
22                   *line taking on or discharging passengers in the*  
23                   *United States shall include a link on its Internet*  
24                   *website to the website maintained by the Sec-*  
25                   *retary under subparagraph (A).*

1       “(h) *ENFORCEMENT.*—

2               “(1) *PENALTIES.*—

3                       “(A) *CIVIL PENALTY.*—*Any person that vio-*  
4                       *lates this section or a regulation under this sec-*  
5                       *tion shall be liable for a civil penalty of not*  
6                       *more than \$25,000 for each day during which*  
7                       *the violation continues, except that the max-*  
8                       *imum penalty for a continuing violation is*  
9                       *\$50,000.*

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

15                      “(2) *DENIAL OF ENTRY.*—*The Secretary may*  
16                      *deny entry into the United States to a vessel to which*  
17                      *this section applies if the owner of the vessel—*

18                               “(A) *commits an act or omission for which*  
19                               *a penalty may be imposed under this subsection;*  
20                               *or*

21                               “(B) *fails to pay a penalty imposed on the*  
22                               *owner under this subsection.*

23                      “(i) *PROCEDURES.*—*Within 6 months after the date*  
24                      *of enactment of the Cruise Vessel Security and Safety Act*  
25                      *of 2009, the Secretary shall issue guidelines, training cur-*

1 *ricula, and inspection and certification procedures nec-*  
2 *essary to carry out the requirements of this section.*

3 “(j) *REGULATIONS.*—*The Secretary of Transportation*  
4 *and the Commandant shall each issue such regulations as*  
5 *are necessary to implement this section.*

6 “(k) *APPLICATION.*—

7 “(1) *IN GENERAL.*—*This section and section*  
8 *3508 apply to a passenger vessel (as defined in sec-*  
9 *tion 2101(22)) that—*

10 “(A) *is authorized to carry at least 250 pas-*  
11 *sengers;*

12 “(B) *has onboard sleeping facilities for each*  
13 *passenger;*

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

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

17 “(2) *FEDERAL AND STATE VESSELS.*—*This sec-*  
18 *tion and section 3508 do not apply to a vessel of the*  
19 *United States operated by the Federal Government or*  
20 *a vessel owned and operated by a State.*

21 “(l) *OWNER DEFINED.*—*In this section and section*  
22 *3508, the term ‘owner’ means the owner, charterer, man-*  
23 *aging operator, master, or other individual in charge of a*  
24 *vessel.*

1 **“§ 3508. Crime scene preservation training for pas-**  
2 **senger vessel crewmembers**

3       “(a) *IN GENERAL.*—Within 1 year after the date of  
4 enactment of the Cruise Vessel Security and Safety Act of  
5 2009, the Secretary, in consultation with the Director of  
6 the Federal Bureau of Investigation and the Maritime Ad-  
7 ministration, shall develop training standards and cur-  
8 ricula to allow for the certification of passenger vessel secu-  
9 rity personnel, crewmembers, and law enforcement officials  
10 on the appropriate methods for prevention, detection, evi-  
11 dence preservation, and reporting of criminal activities in  
12 the international maritime environment. The Adminis-  
13 trator of the Maritime Administration may certify organi-  
14 zations in the United States and abroad that offer the cur-  
15 riculum for training and certification under subsection (c).

16       “(b) *MINIMUM STANDARDS.*—The standards estab-  
17 lished by the Secretary under subsection (a) shall include—

18               “(1) the training and certification of vessel secu-  
19 rity personnel, crewmembers, and law enforcement of-  
20 ficials in accordance with accepted law enforcement  
21 and security guidelines, policies, and procedures, in-  
22 cluding recommendations for incorporating a back-  
23 ground check process for personnel trained and cer-  
24 tified in foreign ports;

25               “(2) the training of students and instructors in  
26 all aspects of prevention, detection, evidence preserva-

1        *tion, and reporting of criminal activities in the inter-*  
2        *national maritime environment; and*

3                *“(3) the provision or recognition of off-site train-*  
4        *ing and certification courses in the United States and*  
5        *foreign countries to develop and provide the required*  
6        *training and certification described in subsection (a)*  
7        *and to enhance security awareness and security prac-*  
8        *tices related to the preservation of evidence in re-*  
9        *sponse to crimes on board passenger vessels.*

10        *“(c) CERTIFICATION REQUIREMENT.—Beginning 2*  
11        *years after the standards are established under subsection*  
12        *(b), no vessel to which this section applies may enter a*  
13        *United States port on a voyage (or voyage segment) on*  
14        *which a United States citizen is a passenger unless there*  
15        *is at least 1 crewmember onboard who is certified as having*  
16        *successfully completed training in the prevention, detection,*  
17        *evidence preservation, and reporting of criminal activities*  
18        *in the international maritime environment on passenger*  
19        *vessels under subsection (a).*

20        *“(d) INTERIM TRAINING REQUIREMENT.—No vessel to*  
21        *which this section applies may enter a United States port*  
22        *on a voyage (or voyage segment) on which a United States*  
23        *citizen is a passenger unless there is at least 1 crewmember*  
24        *onboard who has been properly trained in the prevention*  
25        *detection, evidence preservation and the reporting require-*



1 *ments of criminal activities in the international maritime*  
 2 *environment. The owner of a such a vessel shall maintain*  
 3 *certification or other documentation, as prescribed by the*  
 4 *Secretary, verifying the training of such individual and*  
 5 *provide such documentation upon request for inspection in*  
 6 *connection with enforcement of the provisions of this sec-*  
 7 *tion. This subsection shall take effect 1 year after the date*  
 8 *of enactment of the Cruise Vessel Safety and Security Act*  
 9 *of 2009 and shall remain in effect until superseded by the*  
 10 *requirements of subsection (c).*

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

14       “(f) *DENIAL OF ENTRY.*—*The Secretary may deny*  
 15 *entry into the United States to a vessel to which this section*  
 16 *applies if the owner of the vessel—*

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

19               “(2) *fails to pay a penalty imposed on the owner*  
 20 *under subsection (e).”.*

21       “(b) *CLERICAL AMENDMENT.*—*The table of contents for*  
 22 *such chapter is amended by adding at the end the following:*

“3507. *Passenger vessel security and safety requirements*

“3508. *Crime scene preservation training for passenger vessel crewmembers”.*

1 **SEC. 4. STUDY AND REPORT ON THE SECURITY NEEDS OF**  
2 **PASSENGER VESSELS.**

3 (a) *IN GENERAL.*—Within 3 months after the date of  
4 enactment of this Act, the Secretary of the department in  
5 which the United States Coast Guard is operating shall con-  
6 duct a study of the security needs of passenger vessels de-  
7 pending on number of passengers on the vessels, and report  
8 to the Congress findings of the study and recommendations  
9 for improving security on those vessels.

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



Calendar No. 156

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 588**

[Report No. 111-72]

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## **A BILL**

To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

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SEPTEMBER 8, 2009

Reported with an amendment