

117TH CONGRESS  
2D SESSION

# H. R. 6866

To amend title 46, United States Code, to provide for certain protections against sexual harassment and sexual assault, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2022

Mr. DEFAZIO (for himself, Mr. CARBAJAL, Ms. NORTON, Mr. LARSEN of Washington, Mr. CARSON, Ms. TITUS, Mr. SEAN PATRICK MALONEY of New York, Ms. BROWNLEY, Ms. WILSON of Florida, Mr. PAYNE, Mr. LOWENTHAL, Mr. LYNCH, Mr. BROWN of Maryland, and Miss GONZÁLEZ-COLÓN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 46, United States Code, to provide for certain protections against sexual harassment and sexual assault, 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.**

4 This Act may be cited as the “Safer Seas Act”.

1 **SEC. 2. DEFINITIONS.**

2 (a) IN GENERAL.—Section 2101 of title 46, United  
3 States Code, is amended—

4 (1) by redesignating paragraphs (45) through  
5 (54) as paragraphs (47) through (56), respectively;  
6 and

7 (2) by inserting after paragraph (44) the fol-  
8 lowing:

9 “(45) ‘sexual assault’ means any form of abuse  
10 or contact as defined in chapter 109A of title 18, or  
11 a substantially similar State, local, or Tribal offense.

12 “(46) ‘sexual harassment’ means—

13 “(A) conduct that—

14 “(i) involves unwelcome sexual ad-  
15 vances, requests for sexual favors, or delib-  
16 erate or repeated offensive comments or  
17 gestures of a sexual nature if any—

18 “(I) submission to such conduct  
19 is made either explicitly or implicitly a  
20 term or condition of employment, pay,  
21 career, benefits, or entitlements of the  
22 individual;

23 “(II) submission to, or rejection,  
24 of such conduct by an individual is  
25 used as a basis for decisions affecting

1 that individual's job, pay, career, ben-  
2 efits, or entitlements;

3 “(III) such conduct has the pur-  
4 pose or effect of unreasonably inter-  
5 fering with an individual's work per-  
6 formance or creates an intimidating,  
7 hostile, or offensive work environment;  
8 or

9 “(IV) conduct may have been by  
10 an individual's supervisor, a super-  
11 visor in another area, a co-worker, or  
12 another credentialed mariner; and

13 “(ii) is so severe or pervasive that a  
14 reasonable person would perceive, and the  
15 victim does perceive, the environment as  
16 hostile or offensive;

17 “(B) any use or condonation associated  
18 with firsthand or personal knowledge, by any  
19 individual in a supervisory or command posi-  
20 tion, of any form of sexual behavior to control,  
21 influence, or affect the career, pay, benefits, en-  
22 titlements, or employment of a subordinate; and

23 “(C) any deliberate or repeated unwelcome  
24 verbal comment or gesture of a sexual nature  
25 by any fellow employee of the complainant.”.

1 (b) REPORT.—The Commandant of the Coast Guard  
2 shall submit to the Committee on Transportation and In-  
3 frastructure of the House of Representatives and the Com-  
4 mittee on Commerce, Science, and Transportation of the  
5 Senate a report describing any changes the Commandant  
6 may propose to the definitions added by the amendments  
7 in subsection (a).

8 **SEC. 3. CONVICTED SEX OFFENDER AS GROUNDS FOR DE-**  
9 **NIAL.**

10 (a) IN GENERAL.—Chapter 75 of title 46, United  
11 States Code, is amended by adding at the end the fol-  
12 lowing:

13 **“§ 7511. Convicted sex offender as grounds for denial**

14 “(a) SEXUAL ABUSE.—A license, certificate of reg-  
15 istry, or merchant mariner’s document authorized to be  
16 issued under this part shall be denied to an individual who  
17 has been convicted of a sexual offense prohibited under  
18 chapter 109A of title 18, except for subsection (b) of sec-  
19 tion 2244 of title 18, or a substantially similar State, local,  
20 or Tribal offense.

21 “(b) ABUSIVE SEXUAL CONTACT.—A license, certifi-  
22 cate of registry, or merchant mariner’s document author-  
23 ized to be issued under this part may be denied to an indi-  
24 vidual who within 5 years before applying for the license,  
25 certificate, or document, has been convicted of a sexual



1 this part, within 10 years before the beginning of the sus-  
2 pension and revocation proceedings, is the subject of an  
3 official finding of sexual assault, then the license, certifi-  
4 cate of registry, or merchant mariner's document shall be  
5 revoked.

6 “(c) OFFICIAL FINDING.—

7 “(1) IN GENERAL.—In this section, the term  
8 ‘official finding’ means—

9 “(A) a legal proceeding or agency finding  
10 or decision that determines the individual com-  
11 mitted sexual harassment or sexual assault in  
12 violation of any Federal, State, local, or Tribal  
13 law or regulation; or

14 “(B) a determination after an investigation  
15 by the Coast Guard that, by a preponderance of  
16 the evidence, the individual committed sexual  
17 harassment or sexual assault if the investiga-  
18 tion affords appropriate due process rights to  
19 the subject of the investigation.

20 “(2) INVESTIGATION BY THE COAST GUARD.—

21 An investigation by the Coast Guard under para-  
22 graph (1)(B) shall include, at a minimum, evalua-  
23 tion of the following materials that, upon request,  
24 shall be provided to the Coast Guard:

1           “(A) Any inquiry or determination made  
2 by the employer or former employer of the indi-  
3 vidual as to whether the individual committed  
4 sexual harassment or sexual assault.

5           “(B) Any investigative materials, docu-  
6 ments, records, or files in the possession of an  
7 employer or former employer of the individual  
8 that are related to the claim of sexual harass-  
9 ment or sexual assault by the individual.

10           “(3) ADMINISTRATIVE LAW JUDGE REVIEW.—

11           “(A) COAST GUARD INVESTIGATION.—A  
12 determination under paragraph (1)(B) shall be  
13 reviewed and affirmed by an administrative law  
14 judge within the same proceeding as any sus-  
15 pension or revocation of a license, certificate of  
16 registry, or merchant mariner’s document under  
17 subsection (a) or (b).

18           “(B) LEGAL PROCEEDING.—A determina-  
19 tion under paragraph (1)(A) that an individual  
20 committed sexual harassment or sexual assault  
21 is conclusive in suspension and revocation pro-  
22 ceedings.”.

23           (b) CLERICAL AMENDMENT.—The chapter analysis  
24 of chapter 77 of title 46, United States Code, is amended

1 by inserting after the item relating to section 7704 the  
 2 following:

“7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.”.

3 **SEC. 5. ACCOMMODATION; NOTICES.**

4 Section 11101 of title 46, United States Code, is  
 5 amended—

6 (1) in subsection (a)(3), by striking “and” at  
 7 the end;

8 (2) in subsection (a)(4), by striking the period  
 9 at the end and inserting “; and”;

10 (3) in subsection (a), by adding at the end the  
 11 following:

12 “(5) each crew berthing area shall be equipped  
 13 with information regarding—

14 “(A) vessel owner or company policies pro-  
 15 hibiting sexual assault and sexual harassment,  
 16 retaliation, and drug and alcohol usage; and

17 “(B) procedures and resources to report  
 18 crimes, including sexual assault and sexual har-  
 19 assment, including information—

20 “(i) on the contact information,  
 21 website address, and mobile application to  
 22 the Coast Guard Investigative Services for  
 23 reporting of crimes and the Coast Guard  
 24 National Command Center;



1 “(ii) on vessel owner or company pro-  
2 cedures to report violations of company  
3 policy and access resources;

4 “(iii) on resources provided by outside  
5 organizations such as sexual assault hot-  
6 lines and counseling;

7 “(iv) on the retention period for sur-  
8 veillance video recording after an incident  
9 of sexual harassment or sexual assault is  
10 reported; and

11 “(v) additional items specified in reg-  
12 ulations issued by, and at the discretion of,  
13 the Secretary of the department in which  
14 the Coast Guard is operating.”; and

15 (4) in subsection (d), by adding at the end the  
16 following: “In each washing space in a visible loca-  
17 tion there shall be information regarding procedures  
18 and resources to report crimes upon the vessel, in-  
19 cluding sexual assault and sexual harassment, and  
20 vessel owner or company policies prohibiting sexual  
21 assault and sexual harassment, retaliation, and drug  
22 and alcohol usage.”.

23 **SEC. 6. PROTECTION AGAINST DISCRIMINATION.**

24 Section 2114(a)(1) of title 46, United States Code,  
25 is amended—

1           (1) by redesignating subparagraphs (B)  
2 through (G) as subsections (C) through (H), respec-  
3 tively; and

4           (2) by inserting after subparagraph (A) the fol-  
5 lowing:

6           “(B) the seaman in good faith has reported or  
7 is about to report to the vessel owner, Coast Guard  
8 or other appropriate Federal agency or department  
9 sexual harassment or sexual assault against the sea-  
10 man or knowledge of sexual harassment or sexual  
11 assault against another seaman;”.

12 **SEC. 7. ALCOHOL PROHIBITION.**

13           (a) REGULATIONS.—

14           (1) IN GENERAL.—Not later than 1 year after  
15 the date of enactment of this Act, the Secretary of  
16 the department in which the Coast Guard is oper-  
17 ating shall, taking into account the safety and secu-  
18 rity of every individual on documented vessels, issue  
19 such regulations as are necessary relating to alcohol  
20 consumption on documented vessels, according to  
21 the following requirements:

22           (A) The Secretary shall determine safe lev-  
23 els of alcohol consumption by crewmembers  
24 aboard documented vessels engaged in commer-  
25 cial service.

1 (B) If the Secretary determines there is no  
2 alcohol policy that can be implemented to en-  
3 sure a safe environment for crew and pas-  
4 sengers, the Secretary shall implement a prohi-  
5 bition on possession and consumption of alcohol  
6 by crewmembers while aboard a vessel, except  
7 when possession is associated with the commer-  
8 cial sale or gift to non-crewmembers aboard the  
9 vessel.

10 (2) IMMUNITY FROM CIVIL LIABILITY.—Any  
11 crewmember who reports an incident of sexual as-  
12 sault or sexual harassment that is directly related to  
13 a violation of the regulations issued under paragraph  
14 (1) is immune from civil liability for any related vio-  
15 lation of such regulations.

16 **SEC. 8. SURVEILLANCE REQUIREMENTS.**

17 (a) IN GENERAL.—Part B of subtitle II of title 46,  
18 United States Code, is amended by adding at the end the  
19 following:

20 **“CHAPTER 49—OCEANGOING NON-**  
21 **PASSENGER COMMERCIAL VESSELS**

“Sec.

“4901. Surveillance requirements.

1 **“§ 4901. Surveillance requirements**

2 “(a) IN GENERAL.—A vessel engaged in commercial  
3 service that does not carry passengers, shall maintain a  
4 video surveillance system.

5 “(b) APPLICABILITY.—The requirements in this sec-  
6 tion shall apply to—

7 “(1) documented vessels with overnight accom-  
8 modations for at least 10 persons on board—

9 “(A) is on a voyage of at least 600 miles  
10 and crosses seaward of the Boundary Line; or

11 “(B) is at least 24 meters (79 feet) in  
12 overall length and required to have a load line  
13 under chapter 51;

14 “(2) documented vessels of at least 500 gross  
15 tons as measured under section 14502, or an alter-  
16 nate tonnage measured under section 14302 as pre-  
17 scribed by the Secretary under section 14104 on an  
18 international voyage; and

19 “(3) vessels with overnight accommodations for  
20 at least 10 persons on board that are operating for  
21 no less than 72 hours on waters superjacent to the  
22 Outer Continental Shelf.

23 “(c) PLACEMENT OF VIDEO AND AUDIO SURVEIL-  
24 LANCE EQUIPMENT.—

25 “(1) IN GENERAL.—The owner of a vessel to  
26 which this section applies shall install video and

1 audio surveillance equipment aboard the vessel not  
2 later than 2 years after enactment of the Safer Seas  
3 Act, or during the next scheduled drydock, which-  
4 ever is later.

5 “(2) LOCATIONS.—Video and audio surveillance  
6 equipment shall be placed in passageways on to  
7 which doors from staterooms open. Such equipment  
8 shall be placed in a manner ensuring the visibility of  
9 every door in each such passageway.

10 “(d) NOTICE OF VIDEO AND AUDIO SURVEIL-  
11 LANCE.—The owner of a vessel to which this section ap-  
12 plies shall provide clear and conspicuous signs on board  
13 the vessel notifying the crew of the presence of video and  
14 audio surveillance equipment.

15 “(e) ACCESS TO VIDEO AND AUDIO RECORDS.—

16 “(1) IN GENERAL.—The owner of a vessel to  
17 which this section applies shall provide to any Fed-  
18 eral, State, or other law enforcement official per-  
19 forming official duties in the course and scope of a  
20 criminal or marine safety investigation, upon re-  
21 quest, a copy of all records of video and audio sur-  
22 veillance that the official believes is relevant to the  
23 investigation.

24 “(2) CIVIL ACTIONS.—Except as proscribed by  
25 law enforcement authorities or court order, the

1 owner of a vessel to which this section applies shall,  
2 upon written request, provide to any individual or  
3 the individual's legal representative a copy of all  
4 records of video and audio surveillance—

5 “(A) in which the individual is a subject of  
6 the video and audio surveillance;

7 “(B) the request is in conjunction with a  
8 legal proceeding or investigation; and

9 “(C) that may provide evidence of any sex-  
10 ual harassment or sexual assault incident in a  
11 civil action.

12 “(3) LIMITED ACCESS.—The owner of a vessel  
13 to which this section applies shall ensure that access  
14 to records of video and audio surveillance is limited  
15 to the purposes described in this paragraph and not  
16 used as part of a labor action against a crewmember  
17 or employment dispute unless used in a criminal or  
18 civil action.

19 “(f) RETENTION REQUIREMENTS.—The owner of a  
20 vessel to which this section applies shall retain all records  
21 of audio and video surveillance for not less than 150 days  
22 after the footage is obtained. Any video and audio surveil-  
23 lance found to be associated with an alleged incident  
24 should be preserved for not less than 4 years from the  
25 date of the alleged incident. The Federal Bureau of Inves-

1 tigation and the Coast Guard are authorized access to all  
 2 records of video and audio surveillance relevant to an in-  
 3 vestigation into criminal conduct.

4 “(g) DEFINITION.—In this section, the term ‘owner’  
 5 means the owner, charterer, managing operator, master,  
 6 or other individual in charge of a vessel.

7 “(h) EXEMPTION.—Fishing vessels, fish processing  
 8 vessels, and fish tender vessels are exempt from this sec-  
 9 tion.”.

10 (b) CLERICAL AMENDMENT.—The table of chapters  
 11 for subtitle II of title 46, United States Code, is amended  
 12 by adding after the item related to chapter 47 the fol-  
 13 lowing:

“49. **Oceangoing non-passenger commercial vessels** ..... **4901**”.

14 **SEC. 9. MASTER KEY CONTROL.**

15 (a) IN GENERAL.—Chapter 31 of title 46, United  
 16 States Code, is amended by adding at the end the fol-  
 17 lowing:

18 **“§ 3106. Master key control system**

19 “(a) IN GENERAL.—The owner of a vessel subject to  
 20 inspection under section 3301 shall—

21 “(1) ensure that such vessel is equipped with a  
 22 vessel master key control system, manual or elec-  
 23 tronic, which provides controlled access to all copies  
 24 of the vessel’s master key of which access shall only

1 be available to the individuals described in para-  
2 graph (2);

3 “(2) establish a list of all crew, identified by po-  
4 sition, allowed to access and use the master key and  
5 maintain such list upon the vessel, within owner  
6 records and included in the vessel safety manage-  
7 ment system.

8 “(3) record in a logbook, located in a central-  
9 ized location that is readily accessible to law enforce-  
10 ment personnel, information on all access and use of  
11 the vessel’s master key; and

12 “(4) make the list under paragraph (2) and the  
13 logbook under paragraph (3) available upon request  
14 to any agent of the Federal Bureau of Investigation,  
15 any member of the Coast Guard, and any law en-  
16 forcement officer performing official duties in the  
17 course and scope of an investigation.

18 “(b) PROHIBITED USE.—Crew not included on the  
19 list described in subsection (a)(2) shall not have access  
20 to or use the master key unless in an emergency and shall  
21 immediately notify the master and owner of the vessel fol-  
22 lowing use of such key.

23 “(c) REQUIREMENTS FOR LOGBOOK.—The logbook  
24 described in subsection (a)(3)—

25 “(1) may be—



1 “(A) electronic;

2 “(B) included in the vessel safety manage-  
3 ment system; and

4 “(2) shall include—

5 “(A) dates and times of access;

6 “(B) the room or location accessed; and

7 “(C) the name and rank of the crew-  
8 member who used the master key.

9 “(d) PENALTY.—Any crewmember who uses the mas-  
10 ter key without having been granted access pursuant to  
11 subsection (a)(2) shall be liable to the United States Gov-  
12 ernment for a civil penalty of not more than \$1,000 and  
13 may be subject to suspension or revocation under section  
14 7703.

15 “(e) EXEMPTION.—This section shall not apply to  
16 vessels subject to section 3507(f).”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-  
18 ter 31 of title 46, United States Code, is amended by add-  
19 ing at the end the following:

“3106. Master key control system.”.

20 **SEC. 10. SAFETY MANAGEMENT SYSTEMS.**

21 Section 3203 of title 46, United States Code, is  
22 amended—

23 (1) in subsection (a)—

24 (A) by redesignating paragraphs (5) and

25 (6) as paragraphs (7) and (8); and

1 (B) by inserting after paragraph (4) the  
2 following:

3 “(5) with respect to sexual harassment and sexual  
4 assault, procedures for, and annual training re-  
5 quirements for all shipboard personnel on—

6 “(A) prevention;

7 “(B) bystander intervention;

8 “(C) reporting;

9 “(D) response; and

10 “(E) investigation;

11 “(6) the logbook required under section 3106;”;

12 (2) by redesignating subsections (b) and (c) as  
13 subsections (c) and (d), respectively; and

14 (3) by inserting after subsection (a) the fol-  
15 lowing:

16 “(b) PROCEDURES AND TRAINING REQUIRE-  
17 MENTS.—In prescribing regulations for the procedures  
18 and training requirements described in subsection (a)(5),  
19 such procedures and requirements shall be consistent with  
20 the requirements to report sexual harassment or sexual  
21 assault under section 10104.”.

1 **SEC. 11. REQUIREMENT TO REPORT SEXUAL ASSAULT AND**  
2 **HARASSMENT.**

3 Section 10104 of title 46, United States Code is  
4 amended by striking paragraphs (a) and (b) and inserting  
5 the following:

6 “(a) MANDATORY REPORTING BY CREWMEMBER.—

7 “(1) IN GENERAL.—A crewmember of a docu-  
8 mented vessel shall report to the Secretary any com-  
9 plaint or incident of sexual harassment or sexual as-  
10 sault of which the crewmember has firsthand or per-  
11 sonal knowledge.

12 “(2) PENALTY.—A crewmember with firsthand  
13 or personal knowledge of a sexual assault or sexual  
14 harassment incident on a documented vessel who  
15 knowingly fails to report in compliance with para-  
16 graph (a)(1) is liable to the United States Govern-  
17 ment for a civil penalty of not more than \$5,000.

18 “(3) AMNESTY.—A crewmember who fails to  
19 make the required reporting in paragraph (a)(1)  
20 shall not be subject to the penalty described in para-  
21 graph (a)(2) if the complaint is shared in confidence  
22 with the crewmember directly from the assaulted in-  
23 dividual or the crewmember is a victim advocate as  
24 defined in section 12291 of title 34, United States  
25 Code.

26 “(b) MANDATORY REPORTING BY VESSEL OWNER.—

1           “(1) IN GENERAL.—A vessel owner or man-  
2           aging operator of a documented vessel or the em-  
3           ployer of a seafarer on that vessel shall report to the  
4           Secretary any complaint or incident of harassment,  
5           sexual harassment, or sexual assault in violation of  
6           employer policy or law, of which such vessel owner  
7           or managing operator of a vessel engaged in com-  
8           mercial service, or the employer of the seafarer is  
9           made aware. Such reporting shall include results of  
10          any investigation into the incident, if applicable, and  
11          any action taken against the offending crewmember.

12          “(2) PENALTY.—A vessel owner or managing  
13          operator of a vessel engaged in commercial service,  
14          or the employer of a seafarer on that vessel who  
15          knowingly fails to report in compliance with para-  
16          graph (b)(1) is liable to the United States Govern-  
17          ment for a civil penalty of not more than \$25,000.

18          “(c) REPORTING PROCEDURES.—

19                 “(1) A report required by subsection (a) shall  
20                 be made as soon as practicable, but no later than 10  
21                 days after the individual develops firsthand or per-  
22                 sonal knowledge of the sexual assault or sexual har-  
23                 assment incident to the Coast Guard National Com-  
24                 mand Center by the fastest telecommunication chan-  
25                 nel available.

1           “(2) A report required under subsection (b)  
2 shall be made immediately after the vessel owner,  
3 managing operator, or employer of the seafarer  
4 gains knowledge of a sexual assault or sexual har-  
5 assment incident by the fastest telecommunication  
6 channel available, and such report shall be made to  
7 the Coast Guard National Command Center—

8           “(A) the nearest Coast Guard Captain of  
9 the Port; or

10           “(B) the appropriate officer or agency of  
11 the government of the country in whose waters  
12 the incident occurs.

13           “(3) A report in subsections (a) and (b) shall  
14 include, to the best of the reporter’s knowledge—

15           “(A) the name, official position or role in  
16 relation to the vessel, and contact information  
17 of the individual making the report;

18           “(B) the name and official number of the  
19 documented vessel;

20           “(C) the time and date of the incident;

21           “(D) the geographic position or location of  
22 the vessel when the incident occurred; and

23           “(E) a brief description of the alleged sex-  
24 ual harassment or sexual assault being re-  
25 ported.

1           “(4) After receipt of the report made under this  
2 subsection, the Coast Guard will collect information  
3 related to the identity of each alleged victim, alleged  
4 perpetrator, and witness through means designed to  
5 protect, to the extent practicable, the personal iden-  
6 tifiable information of such individuals.

7           “(d) REGULATIONS.—The requirements of this sec-  
8 tion are effective as of the date of enactment of Safer Seas  
9 Act. The Secretary may issue additional regulations to im-  
10 plement the requirements of this section.”.

11 **SEC. 12. CIVIL ACTIONS FOR PERSONAL INJURY OR DEATH**  
12 **OF SEAMEN.**

13           (a) PERSONAL INJURY TO OR DEATH OF SEAMEN.—  
14 Section 30104 of title 46, United States Code, is amended  
15 by inserting “, including an injury resulting from sexual  
16 assault or sexual harassment,” after “in the course of em-  
17 ployment”.

18           (b) TIME LIMIT ON BRINGING MARITIME ACTION.—  
19 Section 30106 of title 46, United States Code, is amend-  
20 ed—

21           (1) in the section heading by striking “**for**  
22 **personal injury or death**”;

23           (2) by striking “Except as otherwise” and in-  
24 serting the following:

25           “(a) IN GENERAL.—Except as otherwise”; and

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

2 “(b) **EXTENSION FOR SEXUAL OFFENSE.**—A civil ac-  
3 tion under subsection (a) arising out of a maritime tort  
4 for a claim of sexual harassment or sexual assault shall  
5 be brought not less than 5 years after the cause of action  
6 for a claim of sexual harassment or sexual assault arose.”.

7 (c) **CLERICAL AMENDMENT.**—The analysis for chap-  
8 ter 301 of title 46, United States Code, is amended by  
9 striking the item related to section 30106 and inserting  
10 the following:

“30106. Time limit on bringing maritime action.”.

11 **SEC. 13. EXEMPTION FROM REQUIREMENT TO OBTAIN**  
12 **MARINER LICENSE.**

13 Section 51309 of title 46, United States Code, is  
14 amended by adding at the end the following:

15 “(d) **EXEMPTION FROM REQUIREMENT TO OBTAIN**  
16 **LICENSE.**—The Secretary may modify or waive the re-  
17 quirements of section 51306(a)(2) for students who pro-  
18 vide reasonable concerns with obtaining a merchant mar-  
19 iner license, including fear for safety while at sea after  
20 instances of trauma, medical condition, or inability to ob-  
21 tain required sea time or endorsement so long as such in-  
22 ability is not due to a lack of proficiency or violation of  
23 Academy policy. The issuance of a modification or waiver  
24 under this subsection shall not delay or impede graduation  
25 from the Academy.”.

1 **SEC. 14. PROTECTION OF CADETS FROM SEXUAL ASSAULT**  
2 **ONBOARD VESSELS.**

3 (a) IN GENERAL.—Section 51322 of title 46, United  
4 States Code, is amended—

5 (1) by striking subsection (a) and inserting the  
6 following:

7 “(a) SAFETY CRITERIA.—The Maritime Adminis-  
8 trator, after consulting with the United States Coast  
9 Guard, shall establish—

10 “(1) criteria, to which an owner or operator of  
11 a vessel engaged in commercial service shall adhere  
12 prior to carrying a cadet performing their Sea Year  
13 service from the United States Merchant Marine  
14 Academy that addresses prevention of, and response  
15 to, sexual harassment, dating violence, domestic vio-  
16 lence, sexual assault, and stalking; and

17 “(2) a process for collecting pertinent informa-  
18 tion from such owners or operators and verifying  
19 their compliance with the criteria.

20 “(b) MINIMUM STANDARDS.—At a minimum, the cri-  
21 teria established under subsection (a) shall require the  
22 vessel owners or operators to have policies that address—

23 “(1) communication between a cadet and an in-  
24 dividual ashore who is trained in responding to inci-  
25 dents of sexual harassment, dating violence, domes-  
26 tic violence, sexual assault, and stalking;



1           “(2) the safety and security of cadet staterooms  
2 while a cadet is onboard the vessel, including the in-  
3 stallation of functional door locks and policies pro-  
4 hibiting shipboard personnel from entering cadet  
5 staterooms;

6           “(3) requirements for crew to report complaints  
7 or incidents of sexual assault, sexual harassment,  
8 dating violence, domestic violence, and stalking con-  
9 sistent with the requirements in section 10104;

10           “(4) the maintenance of records of reports of  
11 sexual harassment, dating violence, domestic vio-  
12 lence, sexual assault, and stalking onboard a vessel  
13 carrying a cadet;

14           “(5) the maintenance of records of sexual har-  
15 assment, dating violence, domestic violence, sexual  
16 assault, and stalking training as required under sub-  
17 section (f);

18           “(6) a requirement for the owner or operator  
19 provide each cadet a copy of the policies and proce-  
20 dures related to sexual harassment, dating violence,  
21 domestic violence, sexual assault, and stalking poli-  
22 cies that pertain to the vessel on which they will be  
23 employed; and

1           “(7) any other issues the Maritime Adminis-  
2           trator determines necessary to ensure the safety of  
3           cadets during Sea Year training.

4           “(c) SELF-CERTIFICATION BY OWNERS OR OPERA-  
5           TORS.—The Maritime Administrator shall require the  
6           owner or operator of any commercial vessel that is car-  
7           rying a cadet from the United States Merchant Marine  
8           Academy to annually certify that—

9           “(1) the vessel owner or operator is in compli-  
10          ance with the criteria established under subsection  
11          (a); and

12          “(2) the vessel is in compliance with the Inter-  
13          national Convention of Safety of Life at Sea, 1974  
14          (32 UST 47) and sections 8106 and 70103(c).

15          “(d) INFORMATION, TRAINING, AND RESOURCES.—  
16          The Maritime Administrator shall ensure that a cadet par-  
17          ticipating in Sea Year—

18          “(1) receives training specific to vessel safety,  
19          including sexual harassment, dating violence, domes-  
20          tic violence, sexual assault, and stalking prevention  
21          and response training, prior to the cadet boarding a  
22          vessel for Sea Year training;

23          “(2) is equipped with a satellite communication  
24          device and has been trained on its use;

1           “(3) has access to a helpline to report incidents  
2 of sexual harassment, dating violence, domestic vio-  
3 lence, sexual assault, or stalking that is monitored  
4 by trained personnel; and

5           “(4) is informed of the legal requirements for  
6 vessel owners and operators to provide for the secu-  
7 rity of individuals onboard, including requirements  
8 under section 70103(c) and chapter 81.”;

9           (2) by redesignating subsections (b) through (d)  
10 as subsections (e) through (g), respectively;

11           (3) in subsection (e), by striking paragraph (2)  
12 and inserting the following:

13           “(2) ACCESS TO INFORMATION.—The vessel op-  
14 erator shall make available to staff conducting a ves-  
15 sel check such information as the Maritime Adminis-  
16 trator determines is necessary to determine whether  
17 the vessel is being operated in compliance with safe-  
18 ty criteria developed pursuant to subsection (a).

19           “(3) REMOVAL OF STUDENTS.—If staff of the  
20 Academy or staff of the Maritime Administration de-  
21 termine that a commercial vessel is not in compli-  
22 ance with the criteria established under subsection  
23 (a), the staff—

24           “(A) may remove a cadet of the Academy  
25 from the vessel; and

1           “(B) shall report such determination of  
2           non-compliance to the owner or operator of the  
3           vessel.”;

4           (4) in subsection (f), as so redesignated, by  
5           striking “or the seafarer union” and inserting “and  
6           the seafarer union”; and

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

8           “(h) NONCOMMERCIAL VESSELS.—

9           “(1) IN GENERAL.—A public vessel (as defined  
10          in section 2101) shall not be subject to the require-  
11          ments of this section.

12          “(2) REQUIREMENTS FOR PARTICIPATION.—

13          The Maritime Administrator may establish criteria  
14          and requirements that the operators of public vessels  
15          shall meet to participate in the Sea Year program of  
16          the United States Merchant Marine Academy that  
17          addresses prevention of, and response to, sexual har-  
18          assment, dating violence, domestic violence, sexual  
19          assault, and stalking.”.

20          (b) REGULATIONS.—

21          “(1) IN GENERAL.—The Maritime Administrator  
22          may prescribe rules as necessary to carry out the  
23          amendments made by this section.

24          “(2) INTERIM RULES.—The Maritime Adminis-  
25          trator may prescribe interim rules necessary to carry

1 out the amendments made by this section. For this  
2 purpose, the Maritime Administrator in prescribing  
3 rules under paragraph (1) is excepted from compli-  
4 ance with the notice and comment requirements of  
5 section 553 of title 5, United States Code. All rules  
6 prescribed under the authority of the amendments  
7 made by this section shall remain in effect until su-  
8 perseded by a final rule.

9 (c) CONFORMING AMENDMENTS.—

10 (1) SEA YEAR COMPLIANCE.—Section 3514 of  
11 the National Defense Authorization Act for Fiscal  
12 Year 2017 (46 U.S.C. 51318 note) is repealed.

13 (2) ACCESS OF ACADEMY CADETS TO DOD SAFE  
14 OR EQUIVALENT HELPLINE.—Section 3515 of the  
15 National Defense Authorization Act for Fiscal Year  
16 2018 (46 U.S.C. 51518 note) is amended by striking  
17 subsection (b) and redesignating subsection (c) as  
18 subsection (b).

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