

116TH CONGRESS 1ST SESSION H.R. 5096

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2019

Ms. Matsui (for herself and Mr. Fortenberry) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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

SEC. 2. CRUISE VESSEL SUBCHAPTER. 2 Chapter 35 is amended— 3 (1) by inserting before section 3501 the fol-4 lowing: 5 "SUBCHAPTER I—GENERAL PROVISIONS"; (2) by inserting before section 3507 the fol-6 7 lowing: "SUBCHAPTER II—CRUISE VESSELS"; 8 9 and 10 (3) by redesignating sections 3507 and 3508 as 11 sections 3523 and 3524, respectively. 12 SEC. 3. APPLICATION. 13 Chapter 35, as amended by section 2 of this Act, is further amended by inserting before section 3523 the fol-15 lowing: "§ 3521. Application "(a) IN GENERAL.—This subchapter applies to a 17 passenger vessel that— 18 19 "(1) is authorized to carry at least 250 pas-20 sengers; 21 "(2) has on board sleeping facilities for each 22 passenger; 23 "(3) is on a voyage that embarks or disembarks 24 passengers in the United States; and

"(4) is not engaged on a coastwise voyage.

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- 1 "(b) Federal and State Vessels.—This sub-
- 2 chapter does not apply to a vessel of the United States
- 3 operated by the Federal Government or a vessel owned
- 4 and operated by a State.".

5 SEC. 4. DEFINITIONS.

- 6 Chapter 35, as amended by sections 2 and 3 of this
- 7 Act, is further amended by inserting after section 3521
- 8 the following:

9 "§ **3522. Definitions**

- 10 "In this subchapter, the following definitions apply:
- 11 "(1) COMMANDANT.—The term 'Commandant'
- means the Commandant of the Coast Guard.
- 13 "(2) OWNER.—The term 'owner' means the
- owner, charterer, managing operator, master, or
- other individual in charge of a vessel.".

16 SEC. 5. BILL OF RIGHTS.

- Not later than 180 days after the date of enactment
- 18 of this Act, the Secretary of Transportation shall deter-
- 19 mine whether any of the enumerated rights in the inter-
- 20 national cruise line passenger bill of rights, that was
- 21 adopted by the members of the Cruise Lines International
- 22 Association, are enforceable under Federal law.

23 SEC. 6. CRIME REPORTING AND PUBLIC NOTICE.

- 24 (a) Availability of Log Book and Entries to
- 25 FBI AND OTHER INVESTIGATORS.—Section 3523(g)(1),

- 1 as redesignated under section 2 of this Act, is further
- 2 amended—
- 3 (1) in subparagraph (A) by striking "in a cen-
- 4 tralized location readily accessible to law enforce-
- 5 ment personnel,"; and
- 6 (2) in subparagraph (B) by striking "make
- 7 such log book available" and inserting "make the
- 8 Captain's log, the security log, and the engine room
- 9 log and all others available, whether the log book
- and entries are maintained on board the vessel or at
- a centralized location off the vessel,".
- 12 (b) Deadline To Notify Federal Bureau of In-
- 13 VESTIGATION REGARDING CERTAIN INCIDENTS.—Section
- 14 3523(g)(3)(A)(i), as redesignated under section 2 of this
- 15 Act, is further amended—
- 16 (1) by striking "shall contact" and inserting
- 17 "subject to subparagraph (C), shall contact"; and
- 18 (2) by striking "after the occurrence on board
- the vessel of an incident involving" and inserting ",
- but not later than 4 hours, after an employee of the
- vessel is notified of an incident on board the vessel
- allegedly involving".
- 23 (c) Reports Before Departure.—Section
- 24 3523(g)(3), as redesignated under section 2 of this Act,
- 25 is further amended by adding at the end the following:

1 "(C) Reports before departure.—If 2 an employee of a vessel to which this sub-3 chapter applies is notified of an incident de-4 scribed under subparagraph (A)(i) while the 5 vessel is within the admiralty and maritime ju-6 risdiction of the United States and en route to 7 a United States port or at a United States port, 8 the owner of the vessel (or the owner's des-9 ignee) shall contact the nearest Federal Bureau 10 of Investigation Field Office or Legal Attache 11 within the time period specified under subpara-12 graph (A)(i) or before the vessel departs port, 13 whichever is earlier.".

15 Section 3523(g)(3), as redesignated under section 2 of this Act and as amended by subsection (c) of this section, 16 is further amended by adding at the end the following: 17 18 "(D) REPORTS TO UNITED STATES CON-19 SULATES.—If an incident described under sub-20 paragraph (A)(i) allegedly involves an offense 21 by or against a United States national, in addi-22 tion to contacting the nearest Federal Bureau 23 of Investigation Field Office or Legal Attache 24 under that subparagraph, the owner of a vessel

to which this subchapter applies (or the owner's

(d) Reports to United States Consulates.—

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1	designee) shall contact the United States con-
2	sulate at the next port of call within the time
3	period specified under subparagraph (A)(i).".
4	(e) AVAILABILITY OF SECURITY GUIDE VIA INTER-
5	NET.—Section 3523(c)(1), as redesignated under section
6	2 of this Act, is further amended—
7	(1) in subparagraph (A)—
8	(A) by striking "a guide (referred to in
9	this subsection as the 'security guide')" and in-
10	serting "a security guide"; and
11	(B) by striking "English, which" and in-
12	serting "English, that"; and
13	(2) in subparagraph (C) by striking "on the
14	website of the vessel owner" and inserting "via a
15	prominently accessible link on each Internet website
16	that the vessel owner maintains for passengers to
17	purchase or book trips on any vessel that the vessel
18	owner owns or operates, and to which this sub-
19	chapter applies".
20	(f) Reporting Requirements.—Section
21	3523(g)(3), as redesignated under section 2 of this Act
22	and as amended by subsections (c) and (d) of this section,
23	is further amended by adding at the end the following:
24	"(E) Reporting requirements.—All re-
25	ports required under subparagraphs (B), (C),

1	and (D) shall be reported to the State Fusion
2	Center where the ship originally embarked from
3	or disembarks, whichever is the sooner.".
4	SEC. 7. CRIME PREVENTION, DOCUMENTATION, AND RE-
5	SPONSE REQUIREMENTS.
6	(a) Maintenance and Placement of Video Sur-
7	VEILLANCE EQUIPMENT.—Section 3523(b)(1), as redesig-
8	nated under section 2 of this Act, is further amended—
9	(1) by striking "The owner" and inserting the
10	following:
11	"(A) In general.—The owner";
12	(2) by striking ", as determined by the Sec-
13	retary"; and
14	(3) by adding at the end, the following:
15	"(B) Placement of video surveil-
16	LANCE EQUIPMENT.—With regard to the place-
17	ment of video surveillance equipment on a ves-
18	sel under subparagraph (A), the owner shall—
19	"(i) place video surveillance equipment
20	in each passenger common area where a
21	person has no reasonable expectation of
22	privacy;
23	"(ii) place video surveillance equip-
24	ment in other areas where a person has no
25	reasonable expectation of privacy; and

1	"(iii) place video surveillance equip-
2	ment in each area identified under clause
3	(i) or (ii) in a manner that provides opti-
4	mum surveillance of that area.".
5	(b) Access to Video Records.—Section 3523(b),
6	as redesignated under section 2 of this Act, is further
7	amended—
8	(1) by redesignating paragraph (2) as para-
9	graph (3); and
10	(2) in paragraph (3), as redesignated—
11	(A) by striking "The owner" and inserting
12	the following:
13	"(A) Law enforcement.—The owner";
14	and
15	(B) by adding at the end, the following:
16	"(B) CIVIL ACTIONS.—The owner of a ves-
17	sel to which this subchapter applies shall pro-
18	vide to any individual or the individual's legal
19	representative, upon written request, a copy of
20	all records of video surveillance—
21	"(i) in which the individual is a sub-
22	ject of the video surveillance; and
23	"(ii) that may provide evidence in a
24	civil action.

1 "(C) Limited access.—Except as pro-2 vided under subparagraphs (A) and (B), the 3 owner of a vessel to which this subchapter ap-4 plies shall ensure that access to records of video 5 surveillance is limited to the purposes described 6 under this section.". 7 NOTICE OF VIDEO SURVEILLANCE.—Section 8 3523(b), as redesignated under section 2 of this Act and 9 as amended by subsection (b) of this section, is further 10 amended by inserting before paragraph (3) the following: 11 "(2) Notice of video surveillance.—The 12 owner of a vessel to which this subchapter applies 13 shall provide clear and conspicuous signs on board 14 the vessel notifying the public of the presence of 15 video surveillance equipment.". 16 (d) RETENTION REQUIREMENTS.—Section 3523(b), as redesignated under section 2 of this Act and as amend-17 ed by subsections (b) and (c) of this section, is further 18 amended by adding at the end the following: 19 20 "(4) Retention requirements.— "(A) IN GENERAL.—The owner of a vessel 21 22 to which this subchapter applies shall retain all 23 records of video surveillance for a voyage for 24 not less than 1 year after completion of the voy-25 age. If an incident described in subsection

1	(g)(3)(A)(i) is alleged and reported to law en-
2	forcement, all records of video surveillance from
3	the voyage that the Federal Bureau of Inves-
4	tigation determines are relevant shall—
5	"(i) be provided to the Federal Bu-
6	reau of Investigation; and
7	"(ii) be preserved by the vessel owner
8	for not less than 5 years from the date of
9	the alleged incident.
10	"(B) Interim standards.—Not later
11	than 180 days after the date of enactment of
12	the Cruise Passenger Protection Act, the Com-
13	mandant, in consultation with the Federal Bu-
14	reau of Investigation, shall promulgate interim
15	standards for the retention of records of video
16	surveillance.
17	"(C) Final standards.—Not later than
18	1 year after the date of enactment of the Cruise
19	Passenger Protection Act, the Commandant, in
20	consultation with the Federal Bureau of Inves-
21	tigation, shall promulgate final standards for
22	the retention of records of video surveillance.
23	"(D) Considerations.—In promulgating
24	standards under subparagraphs (B) and (C),
25	the Commandant shall—

1	"(i) consider factors that would aid in
2	the investigation of serious crimes, includ-
3	ing crimes that go unreported until after
4	the completion of a voyage;
5	"(ii) consider the different types of
6	video surveillance systems and storage re-
7	quirements in creating standards both for
8	vessels currently in operation and for ves-
9	sels newly built;
10	"(iii) consider privacy, including
11	standards for permissible access to and
12	monitoring and use of the records of video
13	surveillance; and
14	"(iv) consider technological advance-
15	ments, including requirements to update
16	technology.".
17	(e) Availability of Incident Data Via Inter-
18	NET.—Section 3523(g)(4)(A)(ii), as redesignated under
19	section 2 of this Act, is further amended—
20	(1) by redesignating subclauses (V) and (VI) as
21	subclauses (VI) and (VII), respectively; and
22	(2) by inserting after subclause (IV) the fol-
23	lowing:
24	"(V) identify whether each crime
25	or alleged crime identified under sub-

1	clause (IV) was committed or alleg-
2	edly committed against a minor;".
3	(f) STUDY.—Not later than 1 year after the date of
4	enactment of this Act, the Secretary of Transportation,
5	in coordination with the Secretary of the department in
6	which the Coast Guard is operating, the Attorney General,
7	and the heads of other relevant Federal agencies, shall
8	conduct a study to determine the feasibility of having an
9	individual on board each passenger vessel to which sub-
10	chapter II of chapter 35 of title 46, United States Code,
11	applies to provide victim support services and related safe-
12	ty and security services, and shall report the findings of
13	such study to Congress. The study shall include consider-
14	ation of costs, benefits to passengers, jurisdiction, and lo-
15	gistics.
16	(g) Criminal Activity Prevention and Re-
17	SPONSE GUIDE.—Section 3523(c)(1), as redesignated by
18	section 2 of this Act and as amended by section 6(e) of
19	this Act, is further amended by amending subparagraph
20	(B) to read as follows:
21	"(B) provide a copy of the security guide
22	to—
23	"(i) the Secretary of Transportation
24	for review;

1	"(11) the Federal Bureau of Investiga-
2	tion for comment; and
3	"(iii) a passenger immediately after
4	the vessel is notified that the passenger is
5	an alleged victim of an incident described
6	under subsection (g)(3)(A)(i) and such
7	passenger shall be informed that they have
8	the right to notify the FBI themselves that
9	they have been a victim of a crime on a
10	cruise ship; and".
11	(h) Maintenance of Supplies To Prevent Sexu-
12	ALLY TRANSMITTED DISEASES.—Section 3523(d)(1), as
13	redesignated by section 2 of this Act, is further amended
14	by inserting "(taking into consideration the length of the
15	voyage and the number of passengers and crewmembers
16	that the vessel can accommodate)" after "a sexual as-
17	sault".
18	(i) Crime Scene Preservation Training; Cer-
19	TIFICATION OF ORGANIZATIONS BY MARAD.—Section
20	3524(a), as redesignated by section 2 of this Act, is fur-
21	ther amended by striking "may certify" and inserting
22	"shall certify".
23	(j) Crew Access to Passenger Staterooms
24	PROCEDURES AND RESTRICTIONS.—Section 3523(f), as

1	redesignated by section 2 of this Act, is further amend-
2	ed—
3	(1) in paragraph (1)—
4	(A) by striking "and" at the end of sub-
5	paragraph (A); and
6	(B) by adding at the end the following:
7	"(C) a system that electronically records
8	the date, time, and identity of each crew mem-
9	ber accessing each passenger stateroom; and";
10	and
11	(2) in paragraph (2), by striking "are fully and
12	properly implemented and periodically reviewed."
13	and inserting "are fully and properly implemented,
14	reviewed annually, and updated as necessary.".
15	(k) Technology for Detecting Passengers
16	Who Have Fallen Overboard Required.—Section
17	3523(a)(1)(D), as redesignated by section 2 of this Act,
18	is further amended—
19	(1) by striking "or" and inserting "and"; and
20	(2) inserting "to the extent that the Inter-
21	national Maritime Organization deems such tech-
22	nology is available" after "available".
23	(l) Requirements for Reporting.—Section
24	3523(b), as redesignated by section 2 of this Act and

1	amended by subsections (b), (c), and (d) of this section,
2	is further amended by adding at the end:
3	"(F) Requirements for reporting.—
4	Any reporting requirement under this sub-
5	section is required regardless of whether or not
6	the Federal Bureau of Investigation has opened
7	a formal investigation.".
8	SEC. 8. PASSENGER VESSEL SECURITY AND SAFETY RE-
9	QUIREMENTS.
10	(a) Vessel Design, Equipment, Construction,
11	AND RETROFITTING REQUIREMENTS.—Section 3523(a),
12	as redesignated by section 2 of this Act, is further amend-
13	ed—
14	(1) in paragraph (1)—
15	(A) in the matter preceding subparagraph
16	(A) by striking "to which this subsection ap-
17	plies" and inserting "to which this subchapter
18	applies";
19	(B) in subparagraph (A)—
20	(i) by striking "The vessel" and in-
21	serting "Each exterior deck of a vessel";
22	and
23	(ii) by striking the period at the end
24	and inserting "unless the height require-
25	ment would interfere with the deployment

1	of a lifesaving device or other emergency
2	equipment as identified by the Com-
3	mandant."; and
4	(C) in subparagraph (B) by striking "entry
5	doors that include peep holes or other means of
6	visual identification." and inserting "an entry
7	door that includes a peep hole or other means
8	of visual identification that provides an unob-
9	structed view of the area outside the stateroom
10	or crew cabin and, for purposes of this subpara-
11	graph, the addition of an optional privacy cover
12	on the interior side of the entry shall not in and
13	of itself constitute an obstruction."; and
14	(2) by adding at the end the following:
15	"(3) Waivers; record of waivers.—The
16	Secretary—
17	"(A) may waive a requirement under para-
18	graph (1) as the Secretary determines nec-
19	essary;
20	"(B) shall maintain a record of each waiv-
21	er made under subparagraph (A); and
22	"(C) shall include in such record the jus-
23	tification for the waiver.".
24	(b) Medical Standards.—

1	(1) In general.—Section 3523, as redesig-
2	nated by section 2 of this Act, is further amended—
3	(A) by striking subsections (k) and (l); and
4	(B) by inserting after subsection (j) the
5	following:
6	"(k) Medical Standards.—
7	"(1) In general.—The owner of a vessel to
8	which this subchapter applies shall ensure that—
9	"(A) a physician is always present and
10	available to treat any passengers who may be
11	on board the vessel in the event of an emer-
12	gency situation;
13	"(B) there is a sufficient number of quali-
14	fied medical staff on board the vessel to treat
15	the number of passengers who may be on board
16	the vessel, as determined by the Secretary by
17	regulation;
18	"(C) if a United States citizen dies on
19	board the vessel and the citizen's next of kin re-
20	quests that the citizen's body return to the
21	United States on board the vessel, such request
22	is granted;
23	"(D) every crew member on board the ves-
24	sel has received basic life support training and
25	is certified in cardiopulmonary resuscitation;

1	"(E) automated external defibrillators
2	are—
3	"(i) placed throughout the vessel in
4	clearly designated locations;
5	"(ii) available for passenger access in
6	the event of an emergency; and
7	"(iii) capable of contacting cruise
8	medical staff through tracing or callbox ca-
9	pability; and
10	"(F) the initial safety briefing given to the
11	passengers on board the vessel includes—
12	"(i) the location of the vessel's med-
13	ical facilities;
14	"(ii) the appropriate steps passengers
15	should follow during a medical emergency;
16	"(iii) the location and proper use of
17	automated external defibrillators; and
18	"(iv) the proper way to report an inci-
19	dent or to seek security assistance in the
20	event of a medical emergency.
21	"(2) Physician defined.—In this subsection,
22	the term 'physician' means a medical doctor who—
23	"(A) has at least 3 years of post-graduate,
24	post-registration experience in general and
25	emergency medicine; or

1	"(B) is board certified in emergency medi-
2	cine, family medicine, or internal medicine.
3	"(3) Qualified medical staff defined.—In
4	this subsection, the term 'qualified medical staff'
5	means a medical professional certified in ACLS and
6	ATLS training.".
7	(2) APPLICATION.—The amendment made by
8	paragraph (1)(B) shall apply on and after the date
9	that is 180 days after the date of the enactment of
10	this Act.
11	(c) Definition of Exterior Deck.—Section 3523,
12	as redesignated by section 2 of this Act and as amended
13	by subsection (b) of this section, is further amended by
14	inserting after subsection (k) the following:
15	"(l) Definition of Exterior Deck.—In this sec-
16	tion, the term 'exterior deck' means any exterior weather
17	deck on which a passenger may be present, including pas-
18	senger stateroom balconies, exterior promenades on pas-
19	senger decks, muster stations, and similar exterior weath-
20	er deck areas.''.
21	SEC. 9. ENFORCEMENT.
22	(a) Information Sharing.—
23	(1) In general.—To the extent not prohibited
24	by other law, the head of a designated agency shall
25	make available to another head of a designated

1	agency any information necessary to carry out the
2	provisions of subchapter II of chapter 35 of title 46,
3	United States Code. The provision by the head of a
4	designated agency of any information under this
5	subsection to another head of a designated agency
6	shall not constitute a waiver, or otherwise affect, any
7	privilege any agency or person may claim with re-
8	spect to that information under Federal or State
9	law.
10	(2) Definition of head of a designated
11	AGENCY.—In this subsection, the term "head of a
12	designated agency" means the Secretary of Trans-
13	portation, the Secretary of Homeland Security, or
14	the Attorney General.
15	(b) Passenger Vessel Security and Safety Re-
16	QUIREMENTS; DENIAL OF ENTRY.—Section 3523(h), as
17	redesignated by section 2 of this Act, is further amend-
18	ed—
19	(1) by striking paragraph (2);
20	(2) in the subsection heading by striking "En-
21	FORCEMENT" and inserting "PENALTIES"; and
22	(3) in paragraph (1)—
23	(A) by striking "(1) Penalties.—" and
24	all that follows through "(A) CIVIL PENALTY.—
25	" and inserting "(1) CIVIL PENALTY.—"; and

1	(B) by redesignating subparagraph (B) as
2	paragraph (2), and adjusting the margin appro-
3	priately.
4	(c) Enforcement.—Chapter 35, as amended by this
5	Act, is further amended by adding at the end the fol-
6	lowing:
7	"§ 3525. Refusal of clearance; denial of entry
8	"(a) Clearance.—The Secretary of Homeland Se-
9	curity may withhold or revoke the clearance required
10	under section 60105 of any vessel of the owner of a vessel
11	to which this subchapter applies, wherever the vessel is
12	found, if the owner of the vessel—
13	"(1) commits an act or omission for which a
14	penalty may be imposed under this subchapter; or
15	"(2) fails to pay a penalty imposed on the
16	owner under this subchapter.
17	"(b) Denial of Entry.—The Secretary of the de-
18	partment in which the Coast Guard is operating may deny
19	entry into the United States to a vessel to which this sub-
20	chapter applies if the owner of the vessel—
21	"(1) commits an act or omission for which a
22	penalty may be imposed under this subchapter; or
23	"(2) fails to pay a penalty imposed on the
24	owner under this subchanter"

SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.

- 2 (a) In General.—Section 3523, as redesignated by
- 3 section 2 of this Act and as otherwise amended by this
- 4 Act, is further amended by striking "to which this section
- 5 applies" each place it appears and inserting "to which this
- 6 subchapter applies".
- 7 (b) Conforming Amendment.—Section 3524, as
- 8 redesignated by section 2 of this Act and as otherwise
- 9 amended by this Act, is further amended by striking "to
- 10 which this section applies" each place it appears and in-
- 11 serting "to which this subchapter applies".
- 12 SEC. 11. LIMITATIONS IN CERTAIN CASES.
- 13 (a) IN GENERAL.—Section 30307 is amended—
- 14 (1) in the section heading by striking "**Com-**
- 15 mercial aviation accidents" and inserting
- 16 "Limitations in certain cases";
- 17 (2) by striking subsection (a) and inserting the
- 18 following:
- 19 "(a) Definition of Cruise Ship.—In this section,
- 20 the term 'cruise ship' means a passenger vessel, other than
- 21 a vessel of the United States operated by the Federal Gov-
- 22 ernment or a vessel owned and operated by a State, that—
- "(1) is authorized to carry at least 250 pas-
- 24 sengers;
- 25 "(2) has onboard sleeping facilities for each
- passenger;

1	"(3) is on a voyage that embarks or disembarks
2	passengers in the United States; and
3	"(4) is not engaged on a coastwise voyage.";
4	(3) in subsection (b) by inserting "or a death
5	on a cruise ship resulting from a wrongful act, ne-
6	glect, or default" after "commercial aviation acci-
7	dent''; and
8	(4) in subsection (c) by inserting "or a death
9	on a cruise ship resulting from a wrongful act, ne-
10	glect, or default" after "commercial aviation acci-
11	dent".
12	(b) Clerical Amendment.—The table of sections
13	for chapter 303 is amended by striking the item relating
14	to section 30307 and inserting the following:
	"30307. Limitations in certain cases.".

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