

111TH CONGRESS
1ST SESSION

S. 588

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

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2009

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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

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

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

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

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Cruise vessel security and safety requirements.

Sec. 4. 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.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) There are approximately 200 overnight
4 ocean-going cruise vessels worldwide. The average
5 ocean-going cruise vessel carries 2,000 passengers
6 with a crew of 950 people.

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

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

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

21 (5) Over the last five years, sexual assault and
22 physical assaults on cruise vessels were the leading
23 crimes reported to and investigated by the Federal

1 Bureau of Investigation with regard to cruise vessel
2 incidents.

3 (6) These crimes at sea can involve attacks
4 both by passengers and crewmembers on other pas-
5 sengers and crewmembers.

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

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

16 (9) Obtaining reliable crime-related cruise data
17 from governmental sources can be difficult, because
18 multiple countries may be involved when a crime oc-
19 curs on the high seas, including the flag country for
20 the vessel, the country of citizenship of particular
21 passengers, and any countries having special or mar-
22 itime jurisdiction.

23 (10) Due to the absence of law enforcement of-
24 ficials on ocean voyages, it can be difficult or impos-
25 sible for professional criminal investigators to imme-

1 diately secure an alleged crime scene on a cruise ves-
2 sel, recover evidence of an onboard offense, and
3 identify or interview potential witnesses to the al-
4 leged crime.

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

11 (12) The Department of Homeland Security
12 has found it necessary to establish 500-yard security
13 zones around vessels to limit the risk of terrorist at-
14 tack, but no viable means of communicating and en-
15 forcing the security zones has been established. Re-
16 cently piracy has dramatically increased throughout
17 the world and vessels have limited if any means of
18 protection against piracy and terrorism while on the
19 high seas.

20 (13) To enhance safety of cruise passengers,
21 the owner of these cruise vessels could upgrade,
22 modernize, and retrofit the safety and security infra-
23 structure on such vessels by installing peep holes in
24 passenger room doors, installing security video cam-
25 eras in targeted areas, limiting access to passenger

1 rooms to select staff during specific times, installing
 2 acoustic hailing and warning devices capable of com-
 3 municating and enforcing the 500-yard security
 4 zone.

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

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

10 **“§ 3507. Cruise vessel security and safety require-**
 11 **ments**

12 “(a) VESSEL DESIGN, CONSTRUCTION, AND RETRO-
 13 FITTING REQUIREMENTS.—

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

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

20 “(B) Each passenger stateroom and crew
 21 cabin shall be equipped with entry doors that
 22 include—

23 “(i) peep holes;

24 “(ii) security latches; and

25 “(iii) time sensitive key technology.

1 “(C) Fire safety codes shall be imple-
2 mented.

3 “(D) The vessel shall integrate technology
4 that can be used for detecting passengers who
5 have fallen overboard, to the extent that such
6 technology is available.

7 “(E) The vessel shall be equipped with a
8 sufficient number of operable acoustic hailing
9 and warning devices to provide 360 degrees of
10 communication capability around the vessel.
11 The acoustic hailing and warning devices shall
12 be capable of communicating clear voice in-
13 structions to approaching vessels that are 500
14 yards away, over 88 dB of background noise at
15 the listener’s position with 90 percent intelli-
16 gibility. The broadcasts made by such devices
17 shall be directional in nature so as not confuse
18 other vessel operators who are not in the secu-
19 rity zone and to limit unnecessary noise. The
20 device controls shall be manned and operable
21 during transits in and out of harbors and when-
22 ever another vessel approaches within 500 yards
23 of the passenger vessel.

24 “(2) EFFECTIVE DATES.—The requirements of
25 paragraph (1) shall take effect 36 months after the

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

3 “(b) CREW ACCESS TO PASSENGER STATEROOMS.—

4 The owner, charterer, managing operator, master, or indi-
5 vidual in charge of a vessel to which this section applies
6 shall—

7 “(1) establish and implement procedures and
8 restrictions concerning—

9 “(A) which crewmembers have access to
10 passenger staterooms; and

11 “(B) the periods during which they have
12 that access; and

13 “(2) ensure that the procedures and restrictions
14 are fully and properly implemented and periodically
15 reviewed.

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

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

20 “(A) record in a log book reports on re-
21 ported deaths, missing individuals, and each
22 significant alleged crime committed on the ves-
23 sel, and all passenger and crewmember com-
24 plaints regarding theft, sexual harassment, and
25 assaults; and

1 “(B) make such log book available—

2 “(i) upon request to any agent of the
3 Federal Bureau of Investigation, any mem-
4 ber of the Coast Guard, and any law en-
5 forcement officer; and

6 “(ii) to the Coast Guard in an elec-
7 tronic format prescribed by the Com-
8 mandant.

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

12 “(A) the type of vessel;

13 “(B) the name of the cruise line;

14 “(C) the flag under which the vessel was
15 operating at the time the reported incident oc-
16 curred;

17 “(D) the age of the victim;

18 “(E) the nature of the alleged crime or
19 complaint, as applicable, including whether the
20 perpetrator was a passenger or a crewmember;

21 “(F) the vessel’s position at the time of the
22 incident, if known, or the position of the vessel
23 at the time of the initial report;

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

4 “(H) the case number or other identifier
5 provided by the law enforcement authority to
6 which the initial report was made; and

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

9 “(3) REQUIREMENT TO REPORT CRIMES AND
10 OTHER INFORMATION.—

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

13 “(i) shall contact the nearest Federal
14 Bureau of Investigation Field Office or
15 Legal Attache by telephone as soon as pos-
16 sible after the occurrence on board the ves-
17 sel of an incident involving homicide, sus-
18 picious death, a missing United States na-
19 tional, kidnapping, assault with serious
20 bodily injury, any offense to which section
21 2241, 2242, 2243, or 2244 (a) or (c) of
22 title 18, United States Code, applies, firing
23 or tampering with the vessel, or theft of
24 money or property in excess of \$10,000 to
25 report the incident;

1 “(ii) shall furnish a written report of
2 the incident by facsimile or electronic mail
3 to the Coast Guard National Command
4 Center and by facsimile to the Federal Bu-
5 reau of Investigation;

6 “(iii) may report any serious incident
7 that does not meet the reporting require-
8 ments of clause (i) and that does not re-
9 quire immediate attention by the Federal
10 Bureau of Investigation to the nearest
11 Field Office or Legal Attache by facsimile
12 or electronic mail; and

13 “(iv) may report any other criminal
14 incident involving passengers or crew-
15 members, or both, to the proper State or
16 local government law enforcement author-
17 ity.

18 “(B) INCIDENTS TO WHICH SUBPARA-
19 GRAPH (A) APPLIES.—Subparagraph (A) ap-
20 plies to an incident involving criminal activity
21 if—

22 “(i) the ship, regardless of registry, is
23 owned, in whole or in part, by a United
24 States person, regardless of the nationality
25 of the victim or perpetrator, and the inci-

1 dent occurs when the vessel is within the
2 admiralty and maritime jurisdiction of the
3 United States and outside the jurisdiction
4 of any State;

5 “(ii) the incident concerns an offense
6 by or against a United States national
7 committed outside the jurisdiction of any
8 nation;

9 “(iii) the incident occurs in the Terri-
10 torial Sea of the United States, regardless
11 of the nationality of the vessel, the victim,
12 or the perpetrator; or

13 “(iv) the incident concerns a victim or
14 perpetrator who is a United States na-
15 tional on a vessel during a voyage that de-
16 parted from or will arrive at a United
17 States port.

18 “(4) AVAILABILITY OF INCIDENT DATA VIA
19 INTERNET.—

20 “(A) WEBSITE.—The Secretary shall
21 maintain, on an Internet site of the department
22 in which the Coast Guard is operating, a nu-
23 merical accounting of the missing persons and
24 alleged crimes recorded in each report filed
25 under paragraph (1)(A). The data shall be up-

1 dated no less frequently than quarterly, aggre-
2 gated by cruise line, and each cruise line shall
3 be identified by name.

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

9 “(d) CREW DATABASE REQUIREMENT.—The Sec-
10 retary shall prescribe regulations that require the owner
11 of each vessel to which this section applies to participate
12 in the establishment and maintenance of a database for
13 reporting all individuals whose employment on such a ves-
14 sel has been terminated for a matter reported under sub-
15 section (c)(1)(A).

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

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

22 “(2) maintain on the vessel equipment and ma-
23 terials for performing a medical examination to
24 evaluate the patient for trauma, treat injury, and
25 collect forensic evidence;

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

11 “(4) prepare, provide to the individual, and
12 maintain written documentation of the performance
13 and findings of such examination that is signed by
14 the individual and ensure that no medical informa-
15 tion is released to the cruise line or any legal rep-
16 resentative thereof without the prior knowledge and
17 approval in writing of the victim, or, if the victim is
18 unable to provide written authorization, the victim’s
19 next-of-kin; and

20 “(5) provide the individual free and immediate
21 access to—

22 “(A) a description of the toll-free telephone
23 number and website by which the individual
24 may access the National Sexual Assault Hotline
25 and the National Sexual Assault Online Hotline

1 referred to in section 628 of the Adam Walsh
2 Child Protection and Safety Act of 2006 (Pub-
3 lic Law 109–248; 42 U.S.C. 16985);

4 “(B) information for local law enforcement
5 and the Federal Bureau of Investigation; and

6 “(C) a private telephone line and Internet-
7 accessible computer terminal on the cruise ship
8 by which the individual may confidentially ac-
9 cess such hotline services.

10 “(f) CRIME SCENE INVESTIGATION TRAINING FOR
11 PASSENGER VESSEL CREWMEMBERS.—The Secretary, in
12 consultation with the Director of the Federal Bureau of
13 Investigation, shall develop a training curriculum for crew-
14 members and law enforcement officials of passenger ves-
15 sels to educate them concerning appropriate methods for
16 collecting evidence at a crime scene and proper evidence
17 preservation. The Administrator of the Maritime Adminis-
18 tration may certify organizations that offer the curriculum
19 for training and certification under subsection (g).

20 “(g) CERTIFICATION REQUIREMENT.—Beginning 2
21 years after the date of enactment of the Cruise Vessel Se-
22 curity and Safety Act of 2009, no passenger vessel may
23 enter a United States port on a voyage (or voyage seg-
24 ment) on which a United States citizen is a passenger un-
25 less there is at least 1 crewmember onboard who is cer-

1 tified as having successfully completed training in the col-
2 lection of crime scene evidence on passenger vessels under
3 subsection (f).

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

10 “(i) VIDEO RECORDING.—

11 “(1) REQUIREMENT TO MAINTAIN SURVEIL-
12 LANCE.—The owner of a vessel to which this section
13 applies shall maintain video surveillance to monitor
14 and document crimes as they occur on the vessel and
15 to provide evidence for the prosecution of such
16 crimes, as determined by the Secretary.

17 “(2) ACCESS TO VIDEO RECORDS.—The owner
18 of a vessel to which this section applies shall provide
19 to law enforcement officials, upon request, a copy of
20 all records of video surveillance that may provide
21 evidence of a crime reported to law enforcement offi-
22 cials.

23 “(j) SAFETY INFORMATION.—The owner of a vessel
24 to which this section applies shall—

1 “(1) prominently post in each stateroom and
2 crew cabin and in other places specified by the Sec-
3 retary information regarding—

4 “(A) the name of each country the cruise
5 ship will visit during the course of such car-
6 riage;

7 “(B) the locations in such country of the
8 embassy and each consulate of the United
9 States;

10 “(C) the contact information for the Na-
11 tional Sexual Assault Hotline and the National
12 Sexual Assault Online Hotline referred to in
13 section 628 of the Adam Walsh Child Protec-
14 tion and Safety Act of 2006 (Public Law 109–
15 248; 42 U.S.C. 16985);

16 “(D) telephone numbers for the Federal
17 Bureau of Investigation; and

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

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

25 “(k) CRIMINAL PENALTIES.—

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

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

8 “(A) commits an act or omission for which
9 a penalty may be imposed under this sub-
10 section; or

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

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

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

21 “(n) APPLICATION.—This section applies to any pas-
22 senger vessel that embarks or disembarks passengers in
23 the United States or that is a vessel of the United
24 States.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following:

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

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

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

9 “(3) dispatch properly trained and qualified
10 armed Coast Guard Personnel on vessels and public
11 or commercial structures on or adjacent to waters
12 subject to United States jurisdiction—

13 “(A) to deter or respond to acts of ter-
14 rorism or transportation security incidents, as
15 defined in section 70101 of title 46, United
16 States Code;

17 “(B) to act as environmental observers for
18 the purposes of—

19 “(i) monitoring compliance with the
20 requirements of all applicable Federal laws
21 and regulations regarding the discharge of
22 waste into United States territorial waters;

23 “(ii) observing operation and mainte-
24 nance procedures for onboard waste treat-
25 ment systems;

1 “(iii) ensuring the proper handling
2 and disposal of all hazardous wastes; and

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

6 “(C) to act as public safety officers for the
7 purposes of—

8 “(i) assisting vessel passengers and
9 crew, as needed, with the reporting and in-
10 vestigation of potential criminal activities
11 occurring on board vessels to which section
12 3507 of title 46, United States Code, ap-
13 plies while such vessels are in United
14 States territorial waters;

15 “(ii) securing, to the degree possible,
16 suspected crime scenes on such vessels;
17 and

18 “(iii) collecting evidence of alleged
19 crimes against passengers and crew on
20 such vessels.”.

21 (b) FEES AND CHARGES.—The Commandant of the
22 Coast Guard may promulgate regulations under section
23 9701 of title 31, United States Code, establishing charges
24 for services provided by the Coast Guard under section

1 7(b)(3)(C) of the Ports and Waterways Safety Act (33
2 U.S.C. 1226(b)(3)(C)) as amended by subsection (a).

3 **SEC. 5. STUDY AND REPORT ON THE SECURITY NEEDS OF**
4 **PASSENGER VESSELS.**

5 (a) **IN GENERAL.**—Within 3 months after the date
6 of enactment of this Act, the Secretary of the department
7 in which the Coast Guard is operating shall conduct a
8 study of the security needs of a passenger vessel depend-
9 ing on number of passengers on the vessel, and report to
10 the Congress findings of the study and recommendations
11 for improving security on those vessels.

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

16 **SEC. 6. AMENDMENT OF THE DEATH ON THE HIGH SEAS**
17 **ACT.**

18 (a) **APPLICATION OF ACT.**—Section 30302 of title
19 46, United States Code, is amended by striking “3 nau-
20 tical miles” and inserting “12 nautical miles”.

21 (b) **NONAPPLICATION TO INCIDENTS WITHIN 12-**
22 **MILE LIMIT.**—Section 30308 of title 46, United States
23 Code, is amended by adding at the end thereof the fol-
24 lowing:

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

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

8 (1) by inserting “and nonpecuniary” after “pe-
9 cuniary”; and

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

15 (d) CONFORMING AMENDMENT.—

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

18 (2) The chapter analysis for such chapter is
19 amended by striking the item relating to section
20 30307.

○