

**Calendar No. 156**

111TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
111-72

CRUISE VESSEL SAFETY AND SECURITY  
ACT OF 2009

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 588



SEPTEMBER 8, 2009.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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### CRUISE VESSEL SAFETY AND SECURITY ACT OF 2009

SEPTEMBER 8, 2009.—Ordered to be printed

Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, submitted the following

### REPORT

[To accompany S. 588]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (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, having considered the same, reports favorably thereon with an amendment and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

The Cruise Vessel Security and Safety Act of 2009 would increase the security and safety of cruise passengers by requiring safety enhancements onboard vessels and establishing clear reporting requirements for crimes that occur.

#### BACKGROUND AND NEEDS

In the past several years, reports of sexual assault, rape, missing persons, and other serious crimes on cruise ships have increased. Problems with uncertain jurisdiction and inaccurate reporting of statistics for crimes on cruise ships inhibit a better understanding of the scope of the issue. Jurisdiction over cruise ship crime can be complex. It is possible that a citizen of one nation can commit a crime against a citizen of a second nation, while underway on a vessel flagged by a third nation, and in the sovereign waters of a fourth. Foreign-flagged ships, which comprise all large passenger vessels that call on U.S. ports except for one passenger vessel operating in the coastwise trade in Hawaii, are not subject to laws that apply to U.S.-flagged vessels or land based vacation destinations. Foreign-flagged vessels are subject to U.S. laws only when they op-

erate in U.S. territorial waters, which extend 12 miles from the U.S. coastline, or when specific conditions are imposed on such vessels as a pre-requisite to their entry into a U.S. port. Foreign-flagged vessels are subject to the laws of the countries in which they are registered and to applicable provisions from international treaties that address the safety of passenger vessels. Cruise ships with foreign registry are required by title 33 CFR section 120.220 to report alleged crimes occurring on board their vessels to U.S. authorities when they occur within U.S. territorial waters. In addition to jurisdictional challenges, prosecuting a crime that occurs on-board a ship is more difficult because of the absence of law enforcement officials trained to preserve evidence and investigate a crime scene.

There is significant controversy about the accuracy and availability of criminal security incidents and reports of missing persons. The Federal Bureau of Investigation (FBI) is the repository for the voluntary notifications and statistical compilation of data, but the numbers reported by the FBI and by the cruise lines are inconsistent and difficult to obtain. On April 1, 2007, the Cruise Lines International Association (CLIA), the FBI, and the Coast Guard implemented a voluntary agreement to streamline the reporting of crimes on cruise ships under which CLIA members report by telephone any incidents involving an alleged serious violation of U.S. law to the nearest FBI Field Office or Legat. CLIA members must also provide a standardized written report. Reporting crimes that do not fall into any of the categories enumerated in the voluntary agreement, such as the theft of items valued at less than \$10,000, is optional. Upon receipt of reports of alleged serious violations of U.S. law, the agreement states that the FBI will determine on a case-by-case basis whether the reported information will be investigated and whether the investigation will be conducted by a Field Office or Legat. The agreement specifies that each cruise line will make available all accommodations necessary to support an FBI investigation. There is currently no federal requirement for reporting crimes to the FBI outside of U.S. territorial waters, even if involving a U.S. passenger, nor a process for confirming that CLIA members notify authorities of all crimes.

#### SUMMARY OF PROVISIONS

The Cruise Vessel Security and Safety Act of 2009 would require safety and security enhancements on cruise vessels to increase the safety of passengers. Requirements include installing peep holes in passenger room doors, installing security video cameras in targeted areas, limiting access to passenger rooms to select staff during specific times, installing acoustic hailing and warning devices capable of communicating and enforcing the 500 yard security zone in High Risk Areas. It would also require the reporting of all serious crime incidents to relevant authorities and a method for a victim to validate a crime against them is appropriately reported.

#### LEGISLATIVE HISTORY

S. 588 was introduced on March 12, 2009 by Senator Kerry. A hearing on cruise ship safety was held on June 19, 2008. On July 6, 2009, Senator Kerry, Senator Rockefeller, Senator Lautenberg,

and Senator Nelson offered an amendment in the nature of a substitute. On July 8, 2009, the Committee met in open executive session and ordered S.588 as amended reported favorably.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

JULY 29, 2009.

Hon. JOHN D. ROCKEFELLER IV,  
*Chairman, Committee on Commerce, Science, and Transportation,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 588, the Cruise Vessel Security and Safety Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

#### *S. 588—Cruise Vessel Security and Safety Act of 2009*

S. 588 would address the safety of passengers and crew members on cruise vessels. The bill would require the U.S. Coast Guard to promulgate safety regulations, develop training curricula for cruise-ship personnel, and establish certification and inspection procedures to facilitate enforcement.

Based on information provided by the agency and assuming the availability of appropriated funds, CBO estimates that those activities would cost about \$5 million over the 2010–2014 period. The bill also would establish new criminal and civil penalties, but CBO estimates that any resulting new revenues (from penalties) or related direct spending (of criminal penalties from the Crime Victims Fund) would be less than \$500,000 annually.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

S. 588 would impose private-sector mandates, as defined in UMRA, on owners and operators of certain cruise vessels that use U.S. ports. Cruise lines that own and operate those vessels would be required to meet certain safety standards, post information about the location of U.S. embassies and consulates for countries on the voyage itinerary, and limit crew access to passenger cabins. The bill also would require cruise lines to maintain a log book of alleged crimes, report suspected criminal activities that occur on their vessels to the appropriate law enforcement authorities, and provide online access to data on criminal acts that occur on cruise vessels. In addition, the bill would require cruise lines to adhere to specific procedures when assisting victims of a sexual assault and to carry certain medical supplies and equipment designated for use in such cases. Lastly, cruise lines would be required to have at

least one crewmember trained in crime scene investigation onboard while the vessel is in service.

According to the Maritime Administration and the U.S. Coast Guard, between 125 and 150 cruise vessels that use U.S. ports would have to comply with the requirements in the bill. Industry representatives indicate that those vessels already comply with most of the bill's requirements and that any needed adjustments in current practice would likely be minor. CBO therefore expects that the incremental costs of the mandates would fall below the annual threshold established in UMRA for private-sector mandates (\$139 million in 2009, adjusted annually for inflation).

The CBO staff contacts for this estimate are Deborah Reis (for federal costs) and Jacob Kuipers (for the private-sector impact). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

##### NUMBER OF PERSONS COVERED

There are approximately 300 ocean-going cruise ships in operation worldwide. Each ship carries an average of 2,000 passengers and 950 crewmembers. It is estimated that 12.6 million Americans took a cruise from a U.S. port in 2008. This bill is intended to increase the safety and security of those 12.6 million Americans.

##### ECONOMIC IMPACT

S. 588 would not have a negative economic impact on the United States. The cost associated with physically upgrading safety features onboard cruise ships is incurred by individual cruise lines. Any incidental costs associated with the crime reporting requirements are consistent with existing data requirements and will not exceed what is already authorized.

##### PRIVACY

Given the sensitivity necessary if crimes do occur, S. 588 has specific provisions to protect and increase the privacy of crime victims onboard passenger vessels.

##### PAPERWORK

Any additional paperwork for the Coast Guard or the Federal Bureau of Investigation that may result from the reporting requirements is aimed at fostering a safer cruise environment and helping consumers make more informed decisions about their vacation choices. Any additional paperwork will contribute to the understanding of crimes that occur onboard cruise ships and strengthen the ability to prosecute them.

##### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides the following identi-

fication of congressionally directed spending items contained in the bill, as reported:

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short Title; Table of Contents*

This section would title the bill the Cruise Vessel Security and Safety Act of 2009.

##### *Section 2. Findings*

This section would include the findings on cruise ship safety.

##### *Section 3. Cruise Vessel Security and Safety Requirements*

This section would create a new section 3507 and 3508 of title 46, United States Code, to implement security and safety requirements for passenger vessels embarking or disembarking passengers from a port in the United States.

Section 3507 would require various vessel design, equipment, and construction standards; the maintenance of video surveillance systems; the establishment of basic medical standards; log book and criminal reporting of certain crimes; and the publishing of a statistical compilation of such crimes after the FBI affirms an investigation is complete. The following provides a more specific description of each subsection.

*Subsection (a).* This subsection would require cruise vessels, as defined in chapter 35 of title 46, United States Code, within eighteen months from enactment to be equipped with: handrails not less than 42 inches above the cabin deck, entry doors that include peep holes on each passenger stateroom and crew cabin, technology to detect passengers who have fallen overboard, and acoustic warning and hailing devices for vessels operating in high risk areas. Any passenger vessel whose keel was laid after the date of enactment is required to be equipped with security latches and time-sensitive key technology on each passenger stateroom and crew cabin.

*Subsection (b).* This subsection would require the owner of a vessel to maintain a video surveillance system to monitor and document crimes as they occur on the vessel and to provide evidence for the prosecution of such crimes. The video surveillance records would be required to be provided to law enforcement officials, upon request.

*Subsection (c).* This subsection would require the owner of a vessel to prominently post in each passenger stateroom and crew cabin information regarding the locations of the United States embassy and each United States consulate for each country the cruise ship will visit during the voyage.

*Subsection (d).* This subsection would require the owner of a vessel to maintain adequate, in-date supplies of anti-retroviral and other medications used to prevent sexually transmitted diseases after a sexual assault, and maintain equipment and materials for performing a medical examination to evaluate a patient for trauma, treat injury, and collect forensic evidence.

The subsection would require an individual to meet guidelines developed by the American College of Emergency Physicians who has received training in conducting forensic sexual assault examination to be onboard the vessel at all times.

Further, the owner of the vessel would also be required to provide the victim of sexual assault free and immediate access to information for local law enforcement and the FBI and a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, or victim advocacy hotline services.

*Subsection (e).* This subsection would prevent guest services counselors, psychologists, and any post-assault service providers from releasing information to the cruise line or any legal representatives thereof without prior approval in writing.

*Subsection (f).* This subsection would require the establishment and implementation of procedures and restrictions concerning which crewmembers have access to passenger staterooms and the periods during which they have access.

*Subsection (g).* This subsection would require the owner, charterer or master of a passenger vessel to maintain a log book of reports on reported deaths, missing individuals, and each significant alleged crime committed on the vessel and all passenger and crewmember complaints regarding theft, sexual harassment, and assault. The log book must be made available to the FBI, Coast Guard, or law enforcement officers upon request. This section would require the master of a passenger vessel to contact the nearest FBI Field Office or Legal Attache immediately after a crime occurs.

Further, the passenger vessel operator must provide a written report of the incident to the Secretary of Transportation, the FBI and the Coast Guard. The reporting of an incident would be required if the ship is owned in whole or in part by a United States person and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States, the incident concerns an offense by or against a United States national outside the jurisdiction of any nation, the incident occurs in the Territorial Seas of the United States, or the incident concerns a victim or perpetrator who is a United States national during a voyage that departed from or will arrive at a United States port. Additionally, the Secretary of Transportation would be required to maintain a statistical compilation of all incidents after the FBI confirms their investigation is complete or unnecessary on a publically available website and all cruise lines operating in the United States would be required to link to this compilation from their website.

*Subsection (h).* This subsection would set separate civil penalties for the failure to comply with the requirements of this Section and a criminal penalty for the willful violation of this section of not more than one year. Additionally, the Coast Guard is authorized to deny a vessel entry into the United States for failing to comply with this new section of law.

*Subsection (i).* This subsection would require the Secretary to issue guidelines, training curricula, and inspection and certification procedures necessary to carry out this section within six months of enactment.

*Subsection (j).* This subsection would permit the Secretary of Transportation and the Commandant of the Coast Guard authority to issue regulations necessary to carry out this section.

*Subsection (k).* This subsection would clarify that the requirements would apply to any passenger vessel that embarks or dis-



embarks passengers in the United States or is a vessel of the United States.

Section 3508 of title 46, United States Code, would establish crime scene preservation training and certification for passenger vessel crew members. This section would require the Secretary of Transportation, in consultation the Director of the FBI, to develop a training curriculum for crewmembers and law enforcement officials of passenger vessels to educate them on the appropriate methods for the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. This section would prevent any passenger vessel from entering a United States port, beginning two years after enactment, unless at least one crewmember onboard is certified as having successfully completed training in the collection of crime scene evidence on passenger vessels.

*Section 4. Study and Report on the Security Needs of Passenger Vessels*

This section would require the Secretary of the department in which the Coast Guard is operating to conduct a study on the security needs of a passenger vessel, and report any recommendations to Congress. The Coast Guard is expected to conduct outreach with industry stakeholders, victim advocacy organizations, and other professionals engaged in protecting the safety and security of passengers and crew members on board large cruise ships.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 46. SHIPPING

SUBTITLE II. VESSELS AND SEAMEN

PART B. INSPECTION AND REGULATION OF VESSELS

CHAPTER 35. CARRIAGE OF PASSENGERS

**§3507. Passenger vessel security and safety requirements**

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

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

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

(B) *Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.*

(C) *For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, each passenger stateroom and crew cabin shall be equipped with—*

- (i) security latches; and
- (ii) time-sensitive key technology.

(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U. S. Coast Guard and under international law, as appropriate.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

(B) LATCH AND KEY REQUIREMENTS.—The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

(b) VIDEO RECORDING.—

(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

(2) ACCESS TO VIDEO RECORDS.—The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

(c) SAFETY INFORMATION.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

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

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

(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

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

(A) possesses a current physician's or registered nurse's license and—

(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

(5) provide the patient free and immediate access to—

(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

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

(e) **CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.**—The master or other individual in charge of a vessel to which this section applies shall—

(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

(B) information to secure the safety of passengers or crew on board the vessel; or

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

(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the

*cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.*

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

(1) *establish and implement procedures and restrictions concerning—*

(A) *which crewmembers have access to passenger staterooms; and*

(B) *the periods during which they have that access; and*

(2) *ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.*

(g) *LOG BOOK AND REPORTING REQUIREMENTS.—*

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

(A) *record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—*

(i) *all complaints of crimes described in paragraph*

(3)(A)(i),

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

(iii) *all complaints of other crimes, committed on any voyage that embarks or disembarks passengers in the United States; and*

(B) *make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.*

(2) *DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—*

(A) *the vessel operator;*

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

(C) *the flag under which the vessel was operating at the time the reported incident occurred;*

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

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

(F) *the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;*

(G) *the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;*

(H) *the time and date the incident occurred, if known;*

(I) *the total number of passengers and the total number of crew members on the voyage; and*

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

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

(A) *IN GENERAL.*—*The owner of a vessel to which this section applies (or the owner's designee)—*

(i) *shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000 to report the incident;*

(ii) *shall furnish a written report of the incident to an Internet based portal maintained by the Secretary of Transportation;*

(iii) *may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary of Transportation; and*

(iv) *may report any other criminal incident involving passengers or crewmembers, or both, to the proper State or local government law enforcement authority.*

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

(i) *the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;*

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

(iii) *the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or*

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

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

(A) *WEBSITE.*—*The Secretary of Transportation shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by cruise line, each cruise line shall be identified by name, and each crime shall be identified as to whether it was committed by a passenger or a crew member.*

(B) *ACCESS TO WEBSITE.*—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).

(h) *ENFORCEMENT.*—

(1) *PENALTIES.*—

(A) *CIVIL PENALTY.*—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is \$50,000.

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

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

(A) commits an act or omission for which a penalty may be imposed under this subsection; or

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

(i) *PROCEDURES.*—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

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

(k) *APPLICATION.*—

(1) *IN GENERAL.*—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

(A) is authorized to carry at least 250 passengers;

(B) has onboard sleeping facilities for each passenger;

(C) is on a voyage that embarks or disembarks passengers in the United States; and

(D) is not engaged on a coastwise voyage.

(2) *FEDERAL AND STATE VESSELS.*—This section and section 3508 do not apply to a vessel of the United States operated by the Federal Government or a vessel owned and operated by a State.

(l) *OWNER DEFINED.*—In this section and section 3508, the term “owner” means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

**§ 3508. Crime scene preservation training for passenger vessel crewmembers**

(a) *IN GENERAL.*—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administration, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crewmembers, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation,

and reporting of criminal activities in the international maritime environment. The Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

(b) *MINIMUM STANDARDS.*—The standards established by the Secretary under subsection (a) shall include—

(1) the training and certification of vessel security personnel, crewmembers, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a background check process for personnel trained and certified in foreign ports;

(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment; and

(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

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

(d) *INTERIM TRAINING REQUIREMENT.*—No vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who has been properly trained in the prevention detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of a such a vessel shall maintain certification or other documentation, as prescribed by the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Safety and Security Act of 2009 and shall remain in effect until superseded by the requirements of subsection (c).

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

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

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

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

