

AMENDMENT TO H.R. 4005

OFFERED BY MR. GARAMENDI OF CALIFORNIA

Add at the end of the bill the following:

1 **TITLE VII—CRUISE VESSEL**
2 **PASSENGER PROTECTIONS**

3 **SEC. 701. SHORT TITLE.**

4 This title may be cited as the “Cruise Vessel Con-
5 sumer Confidence Act of 2014”.

6 **SEC. 702. CRUISE VESSEL PASSENGER PROTECTIONS.**

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

10 **“CHAPTER 807—CRUISE VESSEL**
11 **PASSENGER PROTECTIONS**

“Sec.

“80701. Unfair or deceptive practices and unfair methods of competition.

“80702. Reimbursement for delays.

“80703. Customer service plans.

“80704. Passenger complaints.

“80705. Report.

“80706. Authorization of fees.

“80707. Definitions.

12 **“§ 80701. Unfair or deceptive practices and unfair**
13 **methods of competition**

14 “(a) IN GENERAL.—The Federal Maritime Commis-
15 sion may investigate an action by an owner of a cruise

1 vessel relating to the sale of a ticket for passenger travel
2 on a cruise vessel to determine if such action is—

3 “(1) an unfair or deceptive practice; or

4 “(2) an unfair method of competition.

5 “(b) ORIGINATION OF INVESTIGATIONS.—The Com-
6 mission may conduct an investigation under subsection (a)
7 on the initiative of the Commission or upon receiving a
8 complaint submitted to the Commission.

9 “(c) ENFORCEMENT.—

10 “(1) IN GENERAL.—If the Commission deter-
11 mines that an action is an unfair or deceptive prac-
12 tice or an unfair method of competition under this
13 section, the Commission, after notice and an oppor-
14 tunity for a hearing—

15 “(A) shall order the owner of a cruise ves-
16 sel carrying out such action to cease such ac-
17 tion; and

18 “(B) if such owner violates the order under
19 subparagraph (A), may impose on such owner
20 a civil penalty of not more than \$25,000.

21 “(2) CONTINUING VIOLATIONS.—For purposes
22 of paragraph (1)(B), each day of a continuing viola-
23 tion shall be treated as a separate violation.

24 “(d) DISCLOSURE REQUIREMENTS.—

1 “(1) IN GENERAL.—It shall be an unfair or de-
2 ceptive practice for purposes of subsection (a) for
3 any owner of a cruise vessel offering to sell a ticket
4 for passenger travel on a cruise vessel to fail to dis-
5 close, in writing, prior to such offer—

6 “(A) the name of the cruise vessel on
7 which the travel will take place;

8 “(B) the casualty history of the cruise ves-
9 sel, including an identification of all man over-
10 board instances;

11 “(C) a list of all complaints of crimes com-
12 mitted on any voyage of the cruise vessel that
13 embarked or disembarked passengers in the
14 United States, including all incidents reported
15 to the Federal Bureau of Investigation without
16 regard to investigative status, which shall indi-
17 cate, for each complaint—

18 “(i) whether a crew member was in-
19 volved;

20 “(ii) whether a passenger was in-
21 volved; and

22 “(iii) whether a minor was involved;

23 “(D) the number of gastric illness out-
24 breaks on the cruise vessel for which the Cen-

1 ters for Disease Control and Prevention re-
2 quired—

3 “(i) reporting of an outbreak to the
4 Centers; or

5 “(ii) quarantining more than 10 pas-
6 sengers;

7 “(E) the number and length of delays of
8 the cruise vessel due to mechanical failures;

9 “(F) the country under the laws of which
10 the cruise vessel is documented;

11 “(G) where criminal and civil investiga-
12 tions and proceedings will be held for incidents
13 that occur outside of United States waters;

14 “(H) a statement of whether the ticket
15 price includes all applicable taxes and fees, in-
16 cluding taxes and fees relating to ports of call;

17 “(I) an estimate of all applicable taxes and
18 fees, including taxes and fees relating to ports
19 of call;

20 “(J) any other material condition of the
21 travel determined appropriate for disclosure by
22 the Commission; and

23 “(K) instructions to passengers on how to
24 file complaints with the Commission regarding

1 the cruise vessel and any violations of this
2 chapter.

3 “(2) INTERNET OFFERS.—In the case of an
4 offer to sell tickets for passenger travel on a cruise
5 vessel through an Internet Web site, disclosure of
6 the information required under paragraph (1) shall
7 be—

8 “(A) provided on the first display of the
9 Web site that follows a search of a requested
10 itinerary; and

11 “(B) in a format that is easily visible to a
12 viewer.

13 “(e) ELECTRONIC TICKETS.—It shall be an unfair or
14 deceptive practice for purposes of subsection (a) for any
15 owner of a cruise vessel offering to sell a ticket for pas-
16 senger travel on a cruise vessel through an Internet Web
17 site to require that the ticket purchaser provide a printed
18 version of that ticket for such travel if the purchaser is
19 able to provide identification determined appropriate by
20 the Commission at the time of such travel.

21 **“§ 80702. Reimbursement for delays**

22 “(a) IN GENERAL.—The Federal Maritime Commis-
23 sion shall establish a process to ensure that, in any case
24 in which the initial departure or the final disembarking
25 of a cruise vessel for a cruise is delayed for a period of

1 more than 24 hours, a passenger with a ticket for the ves-
2 sel subject to such delay is reimbursed by an owner of
3 the vessel in an amount that—

4 “(1) if the delay is more than 24 hours but less
5 than 48 hours, is equal to the lesser of—

6 “(A) half the price of the ticket of the pas-
7 senger; or

8 “(B) \$500; or

9 “(2) if the delay is 48 hours or more, is equal
10 to the price of the ticket of the passenger.

11 “(b) EXCEPTIONS.—The Commission shall ensure
12 that the process under subsection (a) establishes appro-
13 priate exceptions for delays that are the result of an un-
14 foreseeable event and are not related to a mechanical fail-
15 ure, including—

16 “(1) inclement weather;

17 “(2) political unrest;

18 “(3) piracy; or

19 “(4) an action necessary to preserve the safety
20 of passengers.

21 “(c) ENFORCEMENT.—If the Commission determines
22 that an owner of a cruise vessel failed to reimburse a pas-
23 senger as required under this section, the Commission,
24 after notice and an opportunity for a hearing, may impose
25 on such person a civil penalty of not more than \$25,000.

1 **“§ 80703. Customer service plans**

2 “(a) IN GENERAL.—An owner of a cruise vessel shall
3 submit to the Federal Maritime Commission a plan with
4 respect to customer service that includes processes for—

5 “(1) appropriately notifying passengers of
6 delays and cancellations;

7 “(2) ensuring transparent cancellation policies;

8 “(3) issuing prompt ticket refunds after can-
9 cellations;

10 “(4) properly accommodating passengers with
11 disabilities or special needs;

12 “(5) ensuring responsiveness to passenger com-
13 plaints;

14 “(6) notifying passengers in a timely manner of
15 changes to planned itineraries or ports of call; and

16 “(7) meeting the essential needs of passengers
17 during lengthy delays, including by providing access
18 to—

19 “(A) adequate food and potable water;

20 “(B) adequate restroom facilities;

21 “(C) electrical power;

22 “(D) real-time updates with respect to the
23 delay;

24 “(E) cabin ventilation and comfortable
25 cabin temperatures; and

26 “(F) necessary medical treatment.

1 “(b) TICKET CONTRACTS.—

2 “(1) INCORPORATION.—An owner of a cruise
3 vessel shall incorporate the plan submitted under
4 subsection (a) into the ticket contract of that owner.

5 “(2) AVAILABILITY ON INTERNET.—An owner
6 of a cruise vessel shall make the ticket contract of
7 that owner, including the plan submitted under sub-
8 section (a), available on the Web site of that owner
9 in an easily accessible form.

10 “(c) REVIEW.—The Commission shall review each
11 plan submitted under subsection (a) to determine if such
12 plan is complete and may require modifications of that
13 plan for completeness as the Commission determines nec-
14 essary.

15 “(d) TIMING.—

16 “(1) INITIAL SUBMISSION OF PLANS.—An
17 owner of a cruise vessel shall submit a plan under
18 subsection (a) with respect to the vessel—

19 “(A) if the vessel is owned or operated by
20 the owner on the date of enactment of this sec-
21 tion, not later than 120 days after such date of
22 enactment; and

23 “(B) if ownership or operation of the ves-
24 sel is acquired by the owner after the date of

1 enactment of this section, not later than 120
2 days after the date of such acquisition.

3 “(2) REVIEW OF PLANS.—The Commission
4 shall determine the completeness of each plan sub-
5 mitted to the Commission under subsection (a) not
6 later than 120 days after receiving such plan.

7 “(e) UPDATES.—The Commission may periodically
8 review plans submitted under subsection (a) for complete-
9 ness and require updates of such plans as the Commission
10 determines necessary.

11 “(f) GUIDANCE.—Not later than 90 days after the
12 date of enactment of this section, the Commission shall
13 issue guidance with respect to the plans required under
14 this section, which shall include information regarding—

15 “(1) plan elements and the requirements for
16 each of those elements; and

17 “(2) filing of the plans, including contact infor-
18 mation.

19 “(g) ENFORCEMENT.—

20 “(1) IN GENERAL.—The Commission may im-
21 pose, after notice and an opportunity for a hearing,
22 on any owner of a cruise vessel who violates this sec-
23 tion and any owner of a cruise vessel determined to
24 be operating in violation of a plan submitted under

1 this section, a civil penalty of not more than
2 \$25,000.

3 “(2) CONTINUING VIOLATIONS.—For purposes
4 of paragraph (1), each day of a continuing violation
5 shall be treated as a separate violation.

6 **“§ 80704. Passenger complaints**

7 “(a) IN GENERAL.—The Federal Maritime Commis-
8 sion shall establish a process for cruise vessel passengers
9 to report to the Commission complaints relating to sub-
10 jects addressed under this chapter, which shall include a
11 telephone number, an email address, and other appro-
12 priate electronic means for complaint submission.

13 “(b) NOTICE.—The Commission shall notify the pub-
14 lic and require cruise vessel owners to notify passengers
15 of the process established under subsection (a).

16 **“§ 80705. Report**

17 “Not later than 3 years after the date of enactment
18 of this section, and every 3 years thereafter, the Federal
19 Maritime Commission shall submit to Congress a report
20 on the implementation of this chapter by the Commission,
21 including any penalties imposed under this chapter.

22 **“§ 80706. Authorization of fees**

23 “(a) IN GENERAL.—The Federal Maritime Commis-
24 sion may establish, adjust, and collect fees in cruise vessel
25 ticket prices to fund the implementation of this chapter.

1 “(b) RELATIONSHIP TO COSTS.—The Federal Mari-
2 time Commission shall ensure that fees under subsection
3 (a) are reasonably related to the costs incurred by the
4 Commission in implementing this chapter.

5 “(c) LIMITATIONS ON JUDICIAL REVIEW.—The fol-
6 lowing shall not be subject to judicial review:

7 “(1) The establishment or adjustment of a fee
8 by the Commission under this section.

9 “(2) The validity of a determination by the
10 Commission for purposes of this section of the costs
11 to implement this chapter and the processes and
12 procedures applied by the Commission in reaching
13 such determination.

14 “(3) The allocation of costs by the Commission
15 to services it provides pursuant to this chapter and
16 the processes and procedures applied by the Com-
17 mission in establishing such allocation.

18 “(d) COSTS DEFINED.—In this section, the term
19 ‘costs’ includes operation and maintenance costs, leasing
20 costs, and overhead expenses associated with services pro-
21 vided by the Federal Maritime Commission under this
22 chapter and the facilities and equipment used in providing
23 such services.

24 **“§ 80707. Definitions**

25 ““In this chapter, the following definitions apply:

1 “(1) CRUISE VESSEL.—The term ‘cruise vessel’
2 means a passenger vessel (as defined in section
3 2101(22)) that—

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

6 “(B) has onboard sleeping facilities for
7 each passenger; and

8 “(C) is used for voyages that embark or
9 disembark passengers in the United States.

10 “(2) MECHANICAL FAILURE.—The term ‘me-
11 chanical failure’ means, with respect to a cruise ves-
12 sel, the failure of any machine or mechanical system
13 of that vessel to function within the parameters that
14 the manufacturer or engineer of that machine or
15 system has specified is normal.

16 “(3) OWNER.—The term ‘owner’ means, with
17 respect to a cruise vessel, the owner, charterer, man-
18 aging operator, master, or other individual in charge
19 of the vessel.”.

20 (b) CLERICAL AMENDMENT.—The analysis for sub-
21 title VIII of title 46, United States Code, is amended by
22 adding after the item relating to chapter 805 the fol-
23 lowing:

 “807. Cruise Vessel Passenger Protections 80701”.

24 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion, including any amendment made in this section, may

- 1 be construed to eliminate or replace authority provided to
- 2 a department or agency under other Federal or State law.

