AMENDMENT TO H.R. 4005
OFFERED BY MR. GARAMENDI OF CALIFORNIA

Add at the end of the bill the following:

TITLE VII—CRUISE VESSEL
PASSENGER PROTECTIONS

SEC. 701. SHORT TITLE.
This title may be cited as the “Cruise Vessel Consumer Confidence Act of 2014”.

SEC. 702. CRUISE VESSEL PASSENGER PROTECTIONS.
(a) In general.—Subtitle VIII of title 46, United States Code, is amended by adding at the end the following:

“CHAPTER 807—CRUISE VESSEL
PASSENGER PROTECTIONS

§80701. Unfair or deceptive practices and unfair methods of competition
“(a) In general.—The Federal Maritime Commission may investigate an action by an owner of a cruise
vessel relating to the sale of a ticket for passenger travel
on a cruise vessel to determine if such action is—

“(1) an unfair or deceptive practice; or

“(2) an unfair method of competition.

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

“(e) ENFORCEMENT.—

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

“(A) shall order the owner of a cruise ves-

 sel carrying out such action to cease such ac-
tion; and

“(B) if such owner violates the order under
subparagraph (A), may impose on such owner

ea civil penalty of not more than $25,000.

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

“(d) DISCLOSURE REQUIREMENTS.—
“(1) IN GENERAL.—It shall be an unfair or deceptive practice for purposes of subsection (a) for any owner of a cruise vessel offering to sell a ticket for passenger travel on a cruise vessel to fail to disclose, in writing, prior to such offer—

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

“(B) the casualty history of the cruise vessel, including an identification of all man overboard instances;

“(C) a list of all complaints of crimes committed on any voyage of the cruise vessel that embarked or disembarked passengers in the United States, including all incidents reported to the Federal Bureau of Investigation without regard to investigative status, which shall indicate, for each complaint—

“(i) whether a crew member was involved;

“(ii) whether a passenger was involved; and

“(iii) whether a minor was involved;

“(D) the number of gastric illness outbreaks on the cruise vessel for which the Cen-
ters for Disease Control and Prevention required—

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

“(ii) quarantining more than 10 passengers;

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

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

“(G) where criminal and civil investigations and proceedings will be held for incidents that occur outside of United States waters;

“(H) a statement of whether the ticket price includes all applicable taxes and fees, including taxes and fees relating to ports of call;

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

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

“(K) instructions to passengers on how to file complaints with the Commission regarding
the cruise vessel and any violations of this chapter.

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

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

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

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

“§ 80702. Reimbursement for delays

“(a) IN GENERAL.—The Federal Maritime Commission shall establish a process to ensure that, in any case in which the initial departure or the final disembarking of a cruise vessel for a cruise is delayed for a period of
more than 24 hours, a passenger with a ticket for the vessel subject to such delay is reimbursed by an owner of the vessel in an amount that—

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

“(A) half the price of the ticket of the passenger; or

“(B) $500; or

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

“(b) EXCEPTIONS.—The Commission shall ensure that the process under subsection (a) establishes appropriate exceptions for delays that are the result of an unforeseeable event and are not related to a mechanical failure, including—

“(1) inclement weather;

“(2) political unrest;

“(3) piracy; or

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

“(c) ENFORCEMENT.—If the Commission determines that an owner of a cruise vessel failed to reimburse a passenger as required under this section, the Commission, after notice and an opportunity for a hearing, may impose on such person a civil penalty of not more than $25,000.
§ 80703. Customer service plans

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

(1) appropriately notifying passengers of delays and cancellations;

(2) ensuring transparent cancellation policies;

(3) issuing prompt ticket refunds after cancellations;

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

(5) ensuring responsiveness to passenger complaints;

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

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

(A) adequate food and potable water;

(B) adequate restroom facilities;

(C) electrical power;

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

(E) cabin ventilation and comfortable cabin temperatures; and

(F) necessary medical treatment.
“(b) Ticket Contracts.—

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

“(2) Availability on Internet.—An owner of a cruise vessel shall make the ticket contract of that owner, including the plan submitted under subsection (a), available on the Web site of that owner in an easily accessible form.

“(c) Review.—The Commission shall review each plan submitted under subsection (a) to determine if such plan is complete and may require modifications of that plan for completeness as the Commission determines necessary.

“(d) Timing.—

“(1) Initial Submission of Plans.—An owner of a cruise vessel shall submit a plan under subsection (a) with respect to the vessel—

“(A) if the vessel is owned or operated by the owner on the date of enactment of this section, not later than 120 days after such date of enactment; and

“(B) if ownership or operation of the vessel is acquired by the owner after the date of
enactment of this section, not later than 120
days after the date of such acquisition.

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

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

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

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

“(2) filing of the plans, including contact infor-

“(g) ENFORCEMENT.—

“(1) IN GENERAL.—The Commission may im-
pose, after notice and an opportunity for a hearing,
on any owner of a cruise vessel who violates this sec-
tion and any owner of a cruise vessel determined to
be operating in violation of a plan submitted under
this section, a civil penalty of not more than
$25,000.

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

“§ 80704. Passenger complaints

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

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

“§ 80705. Report

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

“§ 80706. Authorization of fees

“(a) IN GENERAL.—The Federal Maritime Commiss-
ion may establish, adjust, and collect fees in cruise vessel
ticket prices to fund the implementation of this chapter.
“(b) RELATIONSHIP TO COSTS.—The Federal Maritime Commission shall ensure that fees under subsection (a) are reasonably related to the costs incurred by the Commission in implementing this chapter.

“(c) LIMITATIONS ON JUDICIAL REVIEW.—The following shall not be subject to judicial review:

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

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

“(3) The allocation of costs by the Commission to services it provides pursuant to this chapter and the processes and procedures applied by the Commission in establishing such allocation.

“(d) COSTS DEFINED.—In this section, the term ‘costs’ includes operation and maintenance costs, leasing costs, and overhead expenses associated with services provided by the Federal Maritime Commission under this chapter and the facilities and equipment used in providing such services.

“§ 80707. Definitions

“In this chapter, the following definitions apply:
“(1) CRUISE VESSEL.—The term ‘cruise vessel’ means 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; and

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

“(2) MECHANICAL FAILURE.—The term ‘mechanical failure’ means, with respect to a cruise vessel, the failure of any machine or mechanical system of that vessel to function within the parameters that the manufacturer or engineer of that machine or system has specified is normal.

“(3) OWNER.—The term ‘owner’ means, with respect to a cruise vessel, the owner, charterer, managing operator, master, or other individual in charge of the vessel.”.

(b) CLERICAL AMENDMENT.—The analysis for subtitle VIII of title 46, United States Code, is amended by adding after the item relating to chapter 805 the following:

“807. Cruise Vessel Passenger Protections ........................................ 80701”.

(c) RULE OF CONSTRUCTION.—Nothing in this section, including any amendment made in this section, may
be construed to eliminate or replace authority provided to a department or agency under other Federal or State law.