

**Congress of the United States**  
**Washington, DC 20515**

April 15, 2015

Admiral Paul F. Zukunft  
Commandant of the Coast Guard  
United States Coast Guard  
2701 Martin Luther King Jr Avenue Southeast  
Washington, DC 20032

Dear Admiral Zukunft:

We write pursuant to the United States Coast Guard's request for comment on the notice of proposed rulemaking (NPRM) published in the Federal Register on January 16, 2015 (80 FR 2350) regarding the passenger vessel regulations to implement the Cruise Vessel Security and Safety Act (CVSSA). The CVSSA became law in 2010, and as longtime advocates for stronger passenger protections on cruises and sponsors of the Cruise Passenger Protection Act, follow-up legislation to the CVSSA, we have a particular interest in making certain that the final regulations implemented pursuant to the legislation are in line with the original intent of Congress.

We appreciate this opportunity to comment as we are concerned with several items in the NPRM. These items must be addressed in order to ensure that the CVSSA is truly improving safety on cruise ships and protecting the lives and well-being of all passengers. Although we are pleased that many of the mandated items from the CVSSA were included in the NPRM – such as requirements for peep holes in cabin doors, security latches and time-sensitive key technology – there are several oversights in the proposed rules that bring us great concern.

First, the CVSSA requires a Man Overboard (MOB) System to be installed on all cruise ships as the technology becomes available. The legislation was enacted five years ago, and the technology is indeed now available for installation. Accordingly, the Coast Guard should require a MOB system on all cruise ships. This system should have both an alarm and video capture feature. The clear intent of Congress was for these systems to have the capability to immediately capture and detect a man-overboard event. Video capture alone is insufficient because an alarm feature is needed to expedite a search for an overboard passenger and to prevent valuable time from being wasted reviewing camera footage. Thus, it is very important that the fall detection system should have both the detection capability to sound an immediate alarm and a capture system to record the event for documentation and evidence purposes for criminal investigations.

Second, the CVSSA gives victims the right to keep information confidential from the cruise line unless written permission is given by the victim to disclose such information. However, the proposed regulations state that the Coast Guard will train an

employee from the cruise lines to oversee the handling of victims of a sexual crime. The proposed rules inappropriately designate such an employee to be the first point of contact for victims of sexual assault. This is contrary to the intent of the CVSSA because potentially confidential and sensitive information would be given to the cruise lines without the victim first knowing of their legal rights. In addition, crime victims, under the CVSSA, were given the legal right to report crimes directly to a government agency rather than to a cruise line's security personnel who have no legal authority to arrest, skill to provide care, or training to properly investigate or collect evidence. Moreover, the training of a cruise line employee to counsel a victim of sexual assault would also be a breach of the law not only under CVSSA's confidentiality clauses, but also under the Victims' Rights and Restitution Act. The remedy that we urge the Coast Guard to consider would be for the agency to certify a Victim's Advocate to make certain the victim was informed of his or her rights and ensure the cruise line was in compliance with the laws.

Third, medical staff credentialing and certifying processes outlined and required in the CVSSA must be adhered to and considered applicable in the course of treating and caring for all medical cases onboard a ship, not just in cases of sexual assault. We believe that the proposed eight hour course prepared and issued by the Coast Guard, FBI, and U.S. Merchant Marine Academy in crime prevention, detection, evidence preservation and reporting will not meet an acceptable standard. Outside experts including private maritime training academies have concurred that this course must be improved. This training should be mandatory and certified by an independent third party entity and not including in-house training by the cruise lines themselves.

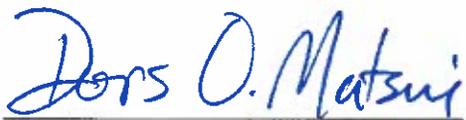
Fourth, the CVSSA required that cruise ships add acoustic sounding devices. This would serve to enforce the Homeland Security requirement that no ship -- such as a ship manned by pirates or terrorists -- should come within 500 feet of a cruise ship. For the proposed regulations not to consider terrorism a possibility in US waterways, ports and harbors, or that cruise ships are a terrorist target, is to deny the circumstances of September 11, 2001, and the recent terrorist attack in the National Bardo Museum in Tunisia, which left 17 cruise passengers dead. Acoustic hailing devices are a critical way for a cruise ship to confront small vessel threats at safe distances before those vessels become threats both domestically and in overseas ports. A ship's public address system is not enough to satisfy this requirement because it does not have the technical capability, nor was it designed to be audible at great distances from the ship.

Finally, the requirements of the CVSSA should be applicable to all voyages regardless of whether or not a voyage "embarks or disembarks passengers in the United States." There is no reason for any cruise ship to be given special dispensation or exemption from critical, life-saving measures simply because of a "temporary" visiting status.

We would appreciate clarification regarding our concerns with the NPRM and we urge the Coast Guard to consider these changes. The CVSSA was signed into law for the purpose of protecting those onboard cruise ships and we believe these provisions must be

fully implemented as originally intended to ensure the safety of cruise line passengers. We look forward to your cooperation as we work together to strengthen the final regulations in order to prioritize the safety of travelers and victims onboard cruise ships.

Sincerely,



DORIS MATSUI  
Member of Congress



RICHARD BLUMENTHAL  
United States Senator