

112TH CONGRESS
1ST SESSION

S. 1753

To require operators of Internet websites that provide access to international travel services and market overseas vacation destinations to provide on such websites information to consumers regarding the potential health and safety risks associated with traveling to such vacation destinations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2011

Mr. KIRK (for himself, Mr. BROWN of Massachusetts, Mr. CARDIN, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require operators of Internet websites that provide access to international travel services and market overseas vacation destinations to provide on such websites information to consumers regarding the potential health and safety risks associated with traveling to such vacation destinations, 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.**

4 This Act may be cited as the “International Travelers
5 Bill of Rights Act of 2011”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The term “Commission”
4 means the Federal Trade Commission.

5 (2) COVERED WEBSITE OPERATOR.—The term
6 “covered website operator” means an individual or
7 entity that operates an Internet website that pro-
8 vides access to international travel services. Such
9 term includes an overseas vacation destination or a
10 third party that operates an Internet website that
11 offers international travel services.

12 (3) INTERNATIONAL TRAVEL SERVICES.—The
13 term “international travel services” means a service
14 that a consumer can use to reserve lodging at an
15 overseas vacation destination.

16 (4) OVERSEAS VACATION DESTINATION.—The
17 term “overseas vacation destination” means a resort,
18 hotel, retreat, hostel, or any other similar lodging lo-
19 cated outside the United States.

20 (5) UNITED STATES.—The term “United
21 States” means each of the several States, the Dis-
22 trict of Columbia, the Commonwealth of Puerto
23 Rico, the Virgin Islands, Guam, American Samoa,
24 and the Commonwealth of the Northern Mariana Is-
25 lands.

1 **SEC. 3. PROVIDING INFORMATION REGARDING THE POTEN-**
2 **TIAL HEALTH AND SAFETY RISKS ASSOCI-**
3 **ATED WITH OVERSEAS VACATION DESTINA-**
4 **TIONS.**

5 (a) IN GENERAL.—A covered website operator shall
6 provide to consumers information on the Internet website
7 of the covered website operator, in a manner the website
8 operator considers appropriate, regarding the potential
9 health and safety risks associated with overseas vacation
10 destinations marketed on such website, if any, including
11 the following:

12 (1) Information compiled by the Department of
13 State, including Department of State country-spe-
14 cific travel warnings and alerts.

15 (2) Information regarding the onsite health and
16 safety services that are available to consumers at
17 each overseas vacation destination, including wheth-
18 er the destination—

19 (A) employs or contracts with a physician
20 or nurse on the premises to provide medical
21 treatment for guests;

22 (B) employs or contracts with personnel,
23 other than a physician, nurse, or lifeguard, on
24 the premises who are trained in cardiopulmo-
25 nary resuscitation;

1 (C) has an automated external defibrillator
2 and employs or contracts with 1 or more indi-
3 viduals on the premises trained in its use; and

4 (D) employs or contracts with 1 or more
5 lifeguards on the premises trained in cardiopul-
6 monary resuscitation, if the overseas vacation
7 destination has swimming pools or other water-
8 based activities on its premises, or in areas
9 under its control for use by guests.

10 (b) SERVICES NOT AVAILABLE 24 HOURS A DAY.—

11 If the onsite health and safety services described in sub-
12 section (a)(2) are not available 24 hours a day, 7 days
13 a week, a covered website operator who provides informa-
14 tion about such services under subsection (a) shall display
15 the hours and days of availability on its Internet website
16 in a manner the covered website operator considers appro-
17 priate.

18 (c) MINIMUM REQUIREMENT FOR OBTAINING INFOR-
19 MATION.—If a covered website operator does not possess,
20 with respect to an overseas vacation destination, informa-
21 tion about the onsite health and safety services required
22 to be displayed on its Internet website under subsection
23 (a), the covered website operator shall, at a minimum, re-
24 quest such information from such destination.

1 (d) INFORMATION NOT AVAILABLE.—If onsite health
2 and safety services described in subsection (a)(2) are not
3 available at an overseas vacation destination, or if a cov-
4 ered website operator does not possess information about
5 the onsite health and safety services required to be dis-
6 played on its Internet website under subsection (a), the
7 covered website operator shall display on the Internet
8 website of the website operator, in a manner the website
9 operator considers appropriate, the following: “This des-
10 tination does not provide certain health and safety serv-
11 ices, or information regarding such services is not avail-
12 able.”.

13 (e) IMMUNITY.—A covered website provider shall not
14 be liable in a civil action in a Federal or State court relat-
15 ing to inaccurate or incomplete information published
16 under subsection (a) regarding an overseas vacation des-
17 tination that is not owned or operated by the covered
18 website provider if—

19 (1) such information was provided by the over-
20 seas vacation destination; and

21 (2) the covered website provider published such
22 information without knowledge that such informa-
23 tion was inaccurate or incomplete, as the case may
24 be.

1 **SEC. 4. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

2 (a) UNFAIR OR DECEPTIVE ACTS OF PRACTICES.—

3 A violation of this Act shall be treated as a violation of
 4 a rule defining an unfair or deceptive act or practice pre-
 5 scribed under section 18(a)(1)(B) of the Federal Trade
 6 Commission Act (15 U.S.C. 57a(a)(1)(B)).

7 (b) POWERS OF COMMISSION.—The Commission
 8 shall enforce this Act in the same manner, by the same
 9 means, and with the same jurisdiction, powers, and duties
 10 as though all applicable terms and provisions of the Fed-
 11 eral Trade Commission Act (15 U.S.C. 41 et seq.) were
 12 incorporated into and made a part of this Act.

13 (c) DEADLINE FOR ISSUANCE OF REGULATIONS.—

14 The Commission shall prescribe regulations to carry out
 15 this Act not later than 1 year after the date of the enact-
 16 ment of this Act.

17 **SEC. 5. DEPARTMENT OF STATE RECORDS OF OVERSEAS**

18 **DEATHS OF UNITED STATES CITIZENS FROM**
 19 **NONNATURAL CAUSES.**

20 (a) INCREASED GRANULARITY OF DATA COL-
 21 LECTED.—Subsection (a) of section 57 of the State De-
 22 partment Basic Authorities Act of 1956 (22 U.S.C. 2729)
 23 is amended by striking paragraph (2) and inserting the
 24 following:

25 “(2) The location of where the death occurred,
 26 including the address of the location, the name of

1 the property where the death occurred, and the state
2 or province and municipality of such location, if
3 available.”.

4 (b) INCREASED FREQUENCY OF PUBLICATION.—
5 Subsection (c) of such section is amended by striking “at
6 least every six months” and inserting “not less frequently
7 than once each month”.

8 (c) MONTHLY REPORTS TO CONGRESS.—Such sec-
9 tion is amended by adding at the end the following:

10 “(d) REPORTS TO CONGRESS.—Each time the Sec-
11 retary updates the information made available under sub-
12 section (c), the Secretary shall submit to Congress a re-
13 port containing such information.”.

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