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CRUISE SHIP SECURITY PRACTICES AND PROCEDURES

(110–69)

HEARING

BEFORE THE

SUBCOMMITTEE ON
COAST GUARD AND MARITIME TRANSPORTATION

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

SEPTEMBER 19, 2007

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Committee on Transportation and Infrastructure

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U.S. House of Representatives
Committee on Transportation and Infrastructure

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Washington, DC 20515

September 17, 2007

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Coast Guard and Maritime Transportation

FROM: Subcommittee on Coast Guard and Maritime Transportation Staff

SUBJECT: Hearing on Cruise Ship Security Practices and Procedures

PURPOSE OF HEARING

On September 19, 2007, at 11:00 a.m. in 2165 Rayburn House Office Building, the Subcommittee will meet to hold a hearing on cruise ship security practices and procedures. During a Subcommittee hearing in March 2007, entitled "Crimes Against Americans on Cruise Ships," representatives of the Cruise Lines International Association, Inc. ("CLIA") and the victims and family members of victims of alleged crimes on cruise ships agreed at the Chairman's request to meet to discuss: (1) potential refinements in procedures for reporting alleged crimes on cruise ships to U.S. authorities; and (2) specific measures that could be implemented to improve the safety and security of passengers on cruise ships. These parties further agreed to re-appear before the Subcommittee to provide an update on the status of their discussions. This hearing is intended to receive that update and to examine whether the security practices and procedures aboard cruise ships are adequate to ensure the safety of all passengers.

BACKGROUND

Reporting of Crimes on Cruise Ships

There are approximately 200 ocean-going cruise ships in operation worldwide. Each ship carries an average of 2,000 passengers and 950 crew members. It is estimated that 10.6 million Americans will take a cruise from a U.S. port in 2007.

With the exception of two cruise ships operating in the coastwise trade in Hawaii, all of the cruise ships that call on U.S. ports are registered in foreign countries. As such, these 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 (predominantly the International Convention on Safety of Life at Sea ["SOLAS"]). Non-U.S.-flagged ships are not

subject to U.S. laws that apply to U.S.-flagged vessels or land-based U.S. corporations. They are subject to U.S. laws only when they operate in U.S. territorial waters (which extend 12 miles from the U.S. coastline) or as specific conditions are imposed on such vessels as a pre-requisite to their entry into a U.S. port.

Cruise ships with foreign registries are required by law to report alleged crimes occurring on board their vessels to U.S. authorities when they occur within U.S. territorial waters (per Title 33 of the Code of Federal Regulations, section 120.220). Under current law, cruise ships are not required to report crimes to U.S. authorities that occur outside U.S. territorial waters under any circumstances (even if U.S. nationals are involved). However, the Coast Guard is currently reviewing U.S. regulations regarding the reporting of crimes to U.S. authorities occurring outside U.S. territorial waters – and reports that it is considering requiring such crimes to be reported to U.S. authorities for vessels on cruise ships that enter or depart a U.S. port.

However, Title 18 of the U.S. Code identifies specific crimes over which the United States may assert criminal jurisdiction under what is known as the Special Maritime and Territorial Jurisdiction. Such jurisdiction applies if:

1. The ship on which the crime occurs – even if is not registered in the United States – is owned in whole or in part by U.S. entities and the ship is in the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular state;
2. The alleged offense is committed by or against a U.S. national and is committed outside the jurisdiction of any nation;
3. The crime occurs in U.S. territorial waters, regardless of the registration of the vessel or the nationality of the victim or perpetrator; or
4. The victim or perpetrator is a U.S. national on board a vessel during a voyage that departed from or will arrive in a U.S. port.

If committed under any of the circumstances described above, the crimes over which the U.S. may assert jurisdiction include arson, assault, maiming, embezzlement or theft, receipt of stolen property, murder, manslaughter, attempt to commit murder or manslaughter, kidnapping, malicious mischief, robbery and burglary, stowing away, aggravated sexual abuse, sexual abuse, abusive contact of a minor or ward, abusive sexual contact, terrorism, and transportation for illegal sexual activity.

On April 1, 2007, CLIA, the Federal Bureau of Investigation ("FBI"), and the United States Coast Guard implemented a voluntary agreement that sought to define the processes that will govern the reporting by cruise lines to the FBI and the Coast Guard of crimes over which the U.S. Special Maritime and Territorial Jurisdiction may apply.

Under the procedures laid out in the agreement, CLIA members have committed to contact by telephone the nearest FBI Field Office or Legat (a legat is an FBI legal attaché office maintained in a U.S. embassy or consulate) as soon as possible to report any incidents involving the alleged serious violation of a U.S. law, including homicide, suspicious deaths, missing U.S. Nationals, kidnapping, assault with serious bodily injury, sexual assaults as defined in title 18 of the United States Code, tampering with vessels, and theft of items valued at greater than $10,000. Following the establishment of telephonic contact, CLIA members have committed to follow-up their oral reports with standardized written reports.

CLIA members have further committed to submit reports to the United States Coast Guard National Command Center via either facsimile or e-mail. The Coast Guard in turn has committed to forward these reports to appropriate federal investigative agencies (when the appropriate agency is not the FBI). The FBI is identified as the U.S. agency responsible for deciding whether to investigate or respond to alleged crimes. The Coast Guard does respond to reports of people overboard or other serious incidents with appropriate immediate intervention, including search and rescue operations.

For incidents 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), the agreement specifies that cruise lines may email or fax notification to the local FBI Field Office or Legat. The agreement further states that criminal activity not meeting the reporting criteria enumerated in the voluntary agreement can be reported to the proper state or local law enforcement authorities. Further, narcotics activities are to be reported as per agreements in place with the Drug Enforcement Administration, Immigration and Customs Enforcement, and Customs and Border Protection.

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. When the case is referred to a Legat, the Legat's legal authority to conduct the investigation and/or to secure the approval of foreign authorities to conduct investigations will be determined on a case by case basis. Legats will coordinate all aspects of any investigation that they undertake, including crime scene preservation, evidence collection, and interviews of victims and witnesses. Legats will also determine whether investigations will be conducted in the Legat's territory or when a vessel reaches its next port of call. The agreement specifies that each cruise line will make available all accommodations necessary to support an FBI investigation.

Since the agreement was put in place, the Coast Guard reports that 4,379,808 passengers have embarked on cruises operated by cruise lines that are members of CLIA. This figure includes all passengers of all nationalities embarking from all ports; it is not limited to passengers that have embarked from U.S. ports or to passengers that are U.S. citizens.

The FBI reports that 207 incidents have been reported by CLIA member cruise lines to the Bureau from April 1, 2007 through August 24, 2007 – meaning that reported incidents have involved fewer than .01 percent of passengers on cruise ships during that period. These incidents are presented by type in Table 1 below.

Table 1: Total Incidents Reported by CLIA Members to the FBI
(From April 1, 2007 through August 24, 2007)

Type of Incident	Number of Reports
Death – homicide	0
Death – suspicious	0
Missing U.S. national	4
Kidnapping	0
Assault with serious bodily injury	13
Sexual assault	41
Tampering with vessels	1
Theft of items valued over $10,000	13
Other	135
Total	207

Among the types of incidents identified as "other," the FBI has provided the breakdown of the types of incidents as shown in Table 2 below.

Table 2: Breakdown of Incidents Reported to the FBI and Classified as "Other"
(From April 1, 2007 through August 24, 2007)

Type of Incident	Number of Reports
Other - Theft of items valued at less than $10,000	41
Other – simple assault	36
Other – sexual contact	28
Other – death (including two suicides, one death from natural causes and one accidental death)	4
Other – no re-board	4
Other – miscellaneous	22
Total	135

From the 207 incidents reported by the FBI, the Bureau has opened 18 case files, including case files for 13 alleged sexual assaults, three missing persons, and two alleged physical assaults. The FBI further reports that they have made one arrest as a result of an investigation of an alleged sexual assault.

Meetings between CLIA and Cruise Incident Victims

Since the Subcommittee convened a hearing on cruise ship crime in March 2007, CLIA and the victims and families of victims of incidents – including alleged crimes – on cruise ships have held several different meetings to assess ways of improving security and safety for passengers on cruise ships.

Representatives of CLIA met with representatives of the International Cruise Victims Organization (ICV) on July 26, 2007, in Washington, D.C., to discuss the 10-point plan developed by ICV. This meeting was convened following an initial meeting between the president of CLIA and the president of the ICV in May 2007 to lay the groundwork for discussions of cruise ship safety between the two organizations.

Representatives of CLIA and a number of CLIA member cruise lines met a wide group of victims and families of victims of alleged crimes on cruise ships (including both members and non-members of the ICV) on August 13 and 14, 2007, in Miami, Florida, to discuss proposals for improving safety on cruise ships.

Further, representatives of CLIA also met representatives of the FBI on July 25, 2007 in Washington, D.C., to discuss the voluntary agreement among the FBI, the Coast Guard, and CLIA; and the role of the FBI in responding to alleged crimes committed on cruise ships.

Issues to be Considered During the Hearing

The Subcommittee will receive testimony from the FBI, the Coast Guard, and CLIA regarding the implementation of the voluntary incident reporting agreement, including assessing the level of compliance among cruise lines with this agreement as well as assessing whether the FBI is receiving the information it needs in a timely manner to protect Americans.

The Subcommittee will also receive testimony from CLIA and from victims and family members of victims of incidents on cruise ships to assess the status of discussions between the parties regarding specific measures that they believe should be implemented to improve cruise ship safety.

PREVIOUS COMMITTEE ACTION

The Subcommittee on Coast Guard and Maritime Transportation previously held a hearing entitled "Crimes Against Americans on Cruise Ships" on March 27, 2007.

WITNESSES

Panel I

Rear Admiral Wayne Justice
Assistant Commandant for Response
United States Coast Guard

Mr. Salvador Hernandez
Deputy Assistant Director
Federal Bureau of Investigations
Criminal Investigative Division

Panel II

Mr. Ken Carver
President
International Cruise Victims Organization

Ms. Sue DiPiero

Ms. Lynette Hudson

Ms. Angela Orlich

Mr. Harold Ruchelman

Mr. William M. Sullivan, Jr.
Partner
Winston and Strawn, LLP

Panel III

Mr. Terry Dale
President and CEO
Cruise Line International Association

Mr. Gary Bald
Senior Vice President and
Global Chief Security Officer
Royal Caribbean Cruises, Ltd

Ms. Vicky Rey
Vice President - Reservations Administration
Carnival Cruise Lines

Mr. Jeff Morgan
President and Co-Founder
Family Assistance Foundation, Inc.

HEARING ON CRUISE SHIP SECURITY PRACTICES AND PROCEDURES

Wednesday, September 19, 2007

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to call, at 11:00 a.m., in Room 2167, Rayburn House Office Building, the Honorable Elijah E. Cummings [Chairman of the Subcommittee] presiding.

Mr. CUMMINGS. Before I begin, I ask unanimous consent that Representative Matsui, a Member of the Committee on Transportation and Infrastructure, may sit with the Subcommittee today and participate in this hearing and, without objection, it is so ordered.

I also want to commend Congresswoman Matsui for her continuing leadership on this issue. In March of this year, responding to a request made by the gentlelady from California, I convened the Subcommittee to examine the extent of crimes committed against Americans on cruise ships.

All cruise ships calling on ports in the continental United States are registered in foreign nations. American citizens who travel on such ships are essentially stepping into a little floating piece of foreign soil, and therefore they are not afforded the same protection under U.S. law, they would be afforded in the United States.

Nonetheless, during the hearing I convened in March, we heard truly poignant and compelling testimony from several individuals who were either the victims of crimes or safety incidents on cruise ships or who were the family members of victims. These individuals explained that given the unique jurisdictional circumstances of cruise ships, they had encountered practices, procedures and responses that did not support the effective investigation or prosecution of their cases, in some instances, did not even ensure that they received sensitive and supportive care in moments of great vulnerability and need.

At the time of the March hearing, the Coast Guard and the FBI, both of which are joining us on our first panel today, had just concluded with the cruise lines' international association known as CLIA a voluntary agreement which sought to define the processes which cruise ships would follow to report criminal activity to the FBI and to the Coast Guard.

Today's hearing will give us the opportunity to hear from the Coast Guard, the FBI and CLIA, their assessments of whether the

provisions of this voluntary agreement are ensuring the timely and adequate reporting of incidents to United States authorities.

At the conclusion of the March hearing, I asked the cruise lines if they would meet with the victims and families of victims of crimes and incidents on cruise ships to develop recommendations that the cruise lines could implement on a potentially voluntary basis to improve passenger safety and security on these cruise ships, to provide all reasonable assistance to victims and to support the investigation and prosecution of alleged crimes.

We will receive an update today from both CLIA and the victims and families of victims of incidents on cruise ships regarding the status of these discussions as well as recommendations on what the next steps should be.

The FBI has informed the Subcommittee that a total of 207 incidents have been reported to it by cruise lines from the time of the implementation of the voluntary agreement at the beginning of April through August 24th of this year. The Coast Guard reports that during that timeframe, nearly 4.4 million passengers have sailed on cruise line members of CLIA, meaning that fewer than .01 percent of passengers sailing on the cruise ships during that time period were involved in incidents reported to the FBI.

Of the 207 incidents reported to the FBI, the Bureau reports that 72 incidents are considered potentially serious violations of U.S. law including 41 sexual assaults, 13 incidents of assault causing serious bodily injury, 13 incidents of theft of items valued at more $10,000, 4 missing persons and 1 incident in which someone tampered with a ship. Under the terms of the voluntary agreement, these 72 incidents constituted the kinds of violations that are to be reported by telephone.

These are also the incidents that the FBI will consider investigating, but that does mean that the Bureau will investigate each of these incidents. In fact, FBI reports that it opened only 18 case files between April 1st and August 24th, meaning that many of the incidents that are considered potentially serious violations of U.S. law were not investigated by the Bureau though they could have been investigated by some other law enforcement entity, and in some cases they were.

The remaining 135 incidents reported to the FBI between April and August were classified by it as "other" incidents, meaning that they did not constitute the potentially serious violations of U.S. law that the FBI would consider investigating. These cases included 41 thefts of items valued at less than $10,000, 36 simple assaults, 28 incidents of sexual contact, 2 suicides, 1 death from natural causes and 1 accidental death and 26 other incidents.

The statistics I have just mentioned suggest that cruising is actually quite safe, though we look forward to assessing the adequacy of current incident reporting procedures. However, when an incident occurs, it is our Subcommittee's goal to ensure that the crime victims have the opportunity to receive justice.

People taking cruises have paid to be there, and they often anticipate trips that will be the highlight of their lives. They deserve to know that if they are victims of crime, there is a reasonable chance that the perpetrators can be identified and brought before a legal proceeding and be brought to justice.

I am also particularly eager to hear from CLIA and the cruise lines as to what measures they have or will put in place to ensure that women who are the victims of sexual assault receive appropriate care to meet both their physical and mental health needs.

Ms. Brown, in our last hearing, spent quite a bit of time emphasizing the importance of having women involved in the processes, and one of the things that the FBI will talk about is that a number of the cases that they considered or came to their attention, a substantial number of them, were with regard to sexual assaults. Such measures must include ensuring that cruise ships' care teams always include female professional staff members.

I believe that all sides to this very difficult circumstance will accomplish the objectives of improving the security and safety of cruise ships if they approach this issue with a pragmatic and reasonable attitude. Some of the cruise lines, which are eager to protect their image and rightfully so, need to bring an attitude of reasonableness about what they can do right now to improve security and safety, and improving safety is certainly the best way they can protect their corporate interests and image.

I look forward to the testimony of all who will appear before the Subcommittee today, and I hope that all will approach this matter with the reasonable and pragmatic attitude I have just described. I truly want this to be a win-win process.

I also want to note that in preparing for this hearing, our Subcommittee spoke to a number of individuals who had experiences and observations to share about the discussions that have occurred over the summer and about what they believe the next steps should be. Many of these victims and family members of victims shared very personal and profound observations and deeply wish to testify today.

To all those individuals, I wish to thank you for your dedication to improving security practices and procedures on cruise ships to ensure that no one else must endure the suffering you have endured.

While we were unable to accommodate all the requests of those who wanted to testify, I invite everyone who was unable to testify to submit a written statement for the record to ensure that your words and experiences are part of the record of these proceedings.

With that, I want to recognize our Ranking Member, Mr. LaTourette and, Ms. Jackson Lee, you will come after Mr. LaTourette.

Mr. LATOURETTE. Mr. Chairman, thank you very much for holding this hearing.

This morning, the Subcommittee is meeting to review the practices and procedures in place aboard cruise vessels to secure and safeguard passengers and crew. Now this hearing, of course, builds upon the testimony that the Subcommittee received in a hearing held six months ago on these topics.

Each year, more than 10 million Americans vacation aboard cruise ships. The cruise line industry is an important component of our national economy and the economy of many coastal States. It is everyone's interest that actions are taken to prevent serious accidents and crimes on cruise ships to the greatest extent possible.

The hearing that this Subcommittee held six months ago focused on the existing framework of international and U.S. laws and industry practices that govern safety and security practices on U.S.-based cruise vessels.

I understand that the Coast Guard, the FBI, the cruise lines and representatives of several victims groups have worked over the past six months to review this framework and identify areas that can and should be improved. I hope to hear more this morning about the steps that have been taken and those that will be taken in the future to improve shipboard anti-crime practices and procedures.

All of us on this panel are committed to doing what we can to further improve the safety and security of passengers and crew on cruise ships. The testimony that we will receive from the witnesses this morning will further assist the Subcommittee in this process.

I want to especially welcome the DiPiero Family from my home State of Ohio, a little bit outside my district in Canfield, for appearing here this morning and for their efforts to improve cruise ship safety so that other families are spared the loss that they have experienced.

Again, Chairman Cummings, I want to thank you for your continued attention to these critical issues and the witnesses for assisting the Subcommittee with our efforts.

I am particularly interested in some of the comments that I thought came out of the last hearing relative to evidence retention and crime scene retention and things of that nature, how rape kits are processed and the training that goes into that aboard cruise ships, and I hope that our witnesses will talk about what, if any, progress has been made in those areas during their testimony today.

I thank you and yield back.

Mr. CUMMINGS. I just want to amend what I said a moment ago. We are going to hear from Ms. Brown, and then we will go to Mr. Mica and then to you, Ms. Jackson Lee.

Ms. Brown.

Ms. BROWN. Thank you, Mr. Chairman, and Ranking Member for holding this hearing today concerning the cruise industry.

I was encouraged by the positive focus of today's hearing, but I do hope that we are coming to the end of having these hearings. I was watching television this morning as I was getting dressed to come up here, and I was watching CNN. It indicated that we were having this hearing today, and it was on the crime on the cruise ships. Now that is misleading.

It implied that crime on the cruise ships was higher than what it is right here in the Capital or what it is in my district or in your district, and so I think part of it is that it is misleading.

As a Member from the Florida delegation and representative of the Port of Jacksonville, I have a particular interest in the cruise industry. The cruise industry is one of the most important economic engines in Florida. Over 5 million passengers embarked from Florida in 2006, and the industry contributed to more $5.8 billion in direct spending. In addition, the cruise industry is the second largest employer in Florida, generating more than 125,000 jobs,

and they do so at the same time for every community that they touch.

I am also a personal fan and have taken several cruises. In fact, I used to be a travel agent in my real life before I came here, and I thoroughly enjoyed it. In fact, later this year, I am sending my mother and a group of friends on a cruise. You need to know that if I felt it wasn't safe in any way, I wouldn't be sending my mother.

I believe that the cruise industry is committed to protecting its passengers and providing information about accidents that occur. It makes sense for the cruise industry to ensure that their passengers are safe while traveling on cruises. Unfortunately, crime happens everywhere, but you are safer on a cruise than you are walking down any major city in America and to say anything different is misleading.

People also need to take personal responsibility for themselves and use some common sense when they take on a cruise and don't leave that common sense when they dock the cruise ships.

It is important that risks be minimized and the procedures are in place. I am eager to receive an update from the FBI and the Coast Guard on the crime reporting procedures that we discussed and what procedures have been taken and put in place.

I am looking forward to the hearing. One of the points that I made that I want to know an update on, how many women have been hired or what procedures are to put women in security and in medical positions.

So I want to make sure that we have a fair hearing. I want to make sure that the industry is treated fairly by Congress and make sure that the victims are treated fairly.

I am here to hear what the witnesses have to say. I want to thank you again, Mr. Cummings, but like I said, I want to make sure that we don't send a message to the public that is not fair to the industry. Thank you.

Mr. CUMMINGS. I want to thank you very much, Ms. Brown.

Let me say this. The title of the hearing is CLIA's title. They asked for this title, and they got it.

As far as testimony is concerned, we have bent over backwards, and I told CLIA that in my experience as a Chairman, I have not engaged in not even one-tenth of the conversations with any witness group than we have with CLIA.

We have tried to work with them. I believe that we have been extremely fair to present a hearing that is well balanced, and so I understand.

Any comments that I may have made have been purely neutral to the press, but I appreciate what you said.

Ms. BROWN. Mr. Chairman, I want to point out that I think you have been extremely fair, and it is not you. But I am saying when you put this message out and when the media pick it up, they are looking for the entertainment in it.

Mr. CUMMINGS. I understand.

Ms. BROWN. It is not entertaining. It is serious for the victims, and it is serious for the industry.

Mr. CUMMINGS. I understand.

Let me just say one other thing too which is that the way I conduct these hearings, and I have said this before. You have been

here a little longer than I have, and I just want to say this to the Committee.

A lot of people say, well, why do you bring people back? Having been in Congress now for 11 years, I notice what happens. You will have a hearing, and then people make commitments, and then they don't have to worry because they know that you are not going to bring them back for another two or three years. So in order to try to get things resolved, and one of the things that we have tried to do is try to go around the legislative process and get some things done voluntarily.

To your credit, Ms. Brown, I think you will hear some testimony about women and the role that women have played, and it was a direct result of these hearings that that happened.

I think there are a lot of good things that have happened with regard to the industry. I know everybody will not agree, but I think that there are a lot of good things. I am just trying to make sure that we do everything in our power with this opportunity we have so that we have that win-win situation.

But I really do appreciate what you have said.

We are very pleased to have now the Ranking Member of the Full Committee, Mr. Mica.

Mr. MICA. I thank you for holding this hearing.

I want to associate my remarks with Ms. Brown. Ms. Brown and I come from the State of Florida, and we do have a very strong, active and vibrant tourism industry in that State. We also have a responsibility as Members of Congress to make certain that we do have in place proper cruise ship security practices and procedures that ensure the safety and security of those who enjoy tourism in our State.

We don't want the hearing to be a bashing of the industry, but I think we all have attempted to work together to find some reasonable things that can be put in place, working with the industry, that make their cruise experience or tourism experience safe and that the families enjoy that experience and feel comfortable that we have taken those steps.

I know we are going to hear from some folks that had some experiences, incidents and some crimes committed. But, as Ms. Brown has said, unfortunately we do have that in all aspects of society.

Looking at what the industry has done, though, and working with them, I don't think we have seen anybody that is more responsive or who has put in place more measures to secure the safety and security of their clients and those who enjoy their tourist experience. In fact, I don't know of anyone who they photograph you and have entry and exit counts on their property and on their boat.

The additional steps that have been taken to screen their personnel, and screening personnel is difficult for any employer today, not to mention a cruise ship that is internationally flagged and enters and exits many foreign ports.

It is a big business, but we want to make certain it is a responsible business. I think, to date, if we look at the statistics of incidents on a cruise ship as opposed to any other tourist experience or just within our communities, it is probably one of the safest venues that you can find.

Of course, today we will hear some exceptions to that. I think we are also looking for any way that we can make that safe experience even more secure.

I know how important this business is to not just Florida, but we stop and think of Baltimore, Hawaii or any of these other places, Texas. I see Members here from different States.

I guess it would be easy for the industry to stop boarding people at our ports, look at places like Bermuda, offshore and the Bahamas and the many islands, and not have them board or enter or be responsible to the United States. That might be a possible solution for the industry and then ignore us, but I think it is much better to have them as a viable part of our economies, easy access for people who want to enjoy that experience and then also work with them to make it safe.

I hope this can be a productive hearing rather than destructive.

Finally, I do have one concern. As the ranking Republican, I am not really pleased with setting a precedent to have people who are involved in litigation—and we have I see at least one witness here—and pending litigation, testifying on behalf of their client here, again with pending litigation. I think that sets a bad precedent and puts us in an awkward position in this Committee.

So I take issue with having that particular witness as a member of one of these panels, but otherwise I do welcome the opportunity to show the American people and the Congress how working together with an industry we can achieve some positive results.

I yield back.

Mr. CUMMINGS. I want to thank the gentleman for his statement.

Let me just clear up one thing. The witness that you are talking about was requested by several Members of Congress. One of the things that has happened is that this hearing has generated more interest from Members of Congress wanting people in their district to testify than any hearing that I have been involved in, and so we basically had to say to many Members that we just could not accept their witnesses. But I understand, and I appreciate that.

Ms. Jackson Lee, and then we will get to the others' opening statements. Thank you very much.

Ms. JACKSON LEE. Mr. Chairman, Mr. LaTourette, Ranking Member, let me thank you for your courtesies, first of all, and thank you for your enormous leadership, not only on these issues but a number of issues of which you have been on the frontline of innovativeness and oversight, and I applaud this Committee.

Thank you again for allowing me to come before you this morning and to cite comments made by our colleague, Congresswoman Brown, this is about the victims and certainly it is about an industry.

I come to address the question maybe as it relates to a particular incident and procedure, the question of cruise ship security practices and procedures. I understand that the purpose of this hearing is to enable the Subcommittee to receive an update from persons who have been victims or family members of victims of alleged crimes on cruise ships regarding potential refinements in procedures for reporting alleged crimes on cruise ships to U.S. authorities and specific measures that could be implemented to improve the safety and security of passengers on cruise ships.

While I agree that procedures for reporting crimes on cruise ships to U.S. authorities and the measures to improve the safety and security of cruise ship passengers can be improved, I am not offering a specific suggestion, I am hoping to be part of the solution and possibly not part of the problem.

I come before this Committee to highlight a recent experience that I have had that involved a tragic incident of a constituent in my congressional area. That is the late David Ray Ritcheson.

Many of you know that I have long been one of the House's strongest advocates for Federal hate crime legislation, and I am proud to have played a leading role in the passage earlier this year by the House of H.R. 1592, the Local Law Enforcement Hate Crimes Protection Act of 2007.

Most of you also know that the late David Ray Ritcheson was instrumental in passage of this landmark legislation. In a case that drew national attention, the 16 year old David Ray Ritcheson, a Mexican American, was severely assaulted in April 23rd, 2006, by two youth while attending a party in the Houston suburb of Spring, Texas.

One of his teenage attackers, a skinhead, yelled ethnic slurs and kicked a pipe up his rectum, severely damaging his internal organs and leaving him in the hospital for three months and eight days, almost all of it in critical care.

For the supposed crime of allegedly kissing a white girl, this Hispanic young man was punched unconscious, kicked in the head, suffered 17 cigarette burns, sadistically inflicted that scarring on his body. His assailants poured bleach on his face and body and then assaulted him with a pipe taken from a patio umbrella. He was left unconscious and unattended in the back yard of a house for more than eight hours, and he has endured more than 30 operations. I cite this to show the atrocities he suffered on land.

After surviving this horrific attack, the young man said that he was going to live, and so he participated in hearings before the House Judiciary Committee and indicated in his concluding words: It has been a blessing to know that the most terrible day of my life may help put another human face on a campaign to enact a much needed law dealing with hate crimes. I can assure you from this day forward, I will do whatever I can to help make our great Country, the United States of America, hate free.

This testimony, I think, helped the passage of this legislation.

As he went on to live his life, he sought to join some friends from Texas on a Carnival cruise. David Ritcheson went on that cruise over the July 4th weekend of last year. David Ritcheson then died this past July 1st of a blunt force trauma sustained when he jumped from the upper deck of the cruise ship, Ecstasy owned by Carnival Cruise Lines, while a passenger on a cruise from Galveston to Cozumel and Progreso, Mexico.

I gave the backdrop of his life experience so that we can know the trauma that he had gone through, through life.

Cruise staff tried unsuccessfully for perhaps a period of time to talk him out of jumping from the ship. According to media reports, at least one of his friends witnessed the suicide. The ship's captain quickly alerted passengers that the boat was being turned around to rescue a man who had gone overboard. The rescue crew recov-

ered David's body later that morning, and the captain made a second announcement telling passengers that a man had gone overboard.

I was notified as I reached out to any sources that I could find to understand what had happened—and I want to qualify and indicate that this is still ongoing but, quickly, Mr. Chairman—by Tom Dow, the Vice President for Public Affairs.

We spent the entire day of July 2nd, attempting to determine what happened, finding how we could bring relief and response to the parents of David and to work through getting his body back to the United States. The cruise line provided us with a care team, provided assistance to David's family, provided travel arrangements, and I hope these are procedures that could be reinforced.

None of this is final. We are still in the midst of an investigation and certainly more answers would come. But I only offer the fact that this cruise ship and this organization were intimately involved in helping the parents avoiding the media, getting them to get on board, getting the medical examiner's involvement and moving the body to the United States along with the Mexican Embassy and Consul, so they did not have to stop midway to Mexico but come back to the United States.

These are procedures that I hope can be reinforced, but I wanted to share an experience that impacted the victim and the cruise lines to suggest that we might have a meeting of the minds of how we can work through some of these tragic incidents.

I offer my greatest sympathy again to David's family, and I am grateful, however, for the attention and the extended time that was spent with us in Houston, trying to work through this very tragic incident.

I submit my entire statement to the record, and I thank the Chairman and the Ranking Member for their courtesies.

Mr. CUMMINGS. Mr. Oberstar.

Mr. OBERSTAR. Mr. Chairman, I just want to thank you for following up on the hearing that you held earlier this year. As you said, you would stay on top of this issue, and you have done.

I thank Ms. Jackson Lee.

We really need to get on with the other witnesses.

I have a statement to be included in the record.

Mr. CUMMINGS. Thank you.

Mr. Poe.

Mr. POE. Thank you, Mr. Chairman.

I appreciate your also having this follow-up hearing. I have only been here three years, but it has been obvious to me so many times we have Committee hearings. Then things are said and promised by witnesses and they disappear into the abyss and we never find that out again. So I appreciate the follow-up hearing.

As a founder and co-chair of the Congressional Victims' Rights Caucus and a former judge in Texas, hearing 25,000 felony cases, I am concerned about what takes place on our cruise lines. We have a cruise line that goes out of Galveston, Texas, not far from my congressional district, and we certainly need to find out and make sure that those cruise ships are secure.

I am concerned about victims of crime and crime that occurs on cruise ships. I am sure they are safer than most big cities in the

United States, but it is something we have to deal with and have to figure out the jurisdictional problems and resolve the issue because victims of crime certainly need to have a voice and an answer and to make sure that those cruise ships are safe.

So, with that, I yield back the remainder of my time. Thank you.

Mr. CUMMINGS. Thank you very much.

I am sorry, Ms. Jackson Lee. Thank you very much. I don't want you to just sit there. I know we love looking at you, but I know you have got things to do.

Ms. JACKSON LEE. I was ready to answer a litany of questions.

Mr. CUMMINGS. Oh, I am sorry.

[Laughter.]

Ms. JACKSON LEE. Let me thank Chairman Oberstar. Let me thank you very much for your courtesy.

Mr. CUMMINGS. Were there any questions for Ms. Jackson Lee? I am sorry.

Ms. JACKSON LEE. Thank you.

Mr. CUMMINGS. Thank you very much.

Ms. Matsui.

Ms. MATSUI. Thank you, Mr. Chairman. First of all, I want to thank you for calling this important and necessary second hearing, and I look forward to hearing from the cruise industry as to what steps they have taken to improve their security on their ships.

I had asked Chairman Cummings to hold a hearing in March of this year after learning about a young woman from my district who came to me for assistance after she had been a victim of a violent crime on February 21st, 2006, on a cruise ship. The Committee heard from my constituent, Laurie Dishman, at the first hearing. Laurie is here with us today, and I want to publicly thank her for her continued and brave efforts to make sure that no one else goes through what she has endured.

Laurie, thank you very much.

Since our hearing last March, I know that individuals like Ken Carver and Laurie Dishman have been working hard to secure a meeting with the cruise industry. While there were seemingly unnecessary delays and even a few false starts, I was pleased to learn that the discussions did take place just a month ago in August. The International Cruise Victims Organization-CLIA meeting was the first time that there has ever been a discussion of the various issues concerning cruise lines by an independent group with a cruise line industry.

I look forward to hearing the reforms the cruise industry is undergoing based on this meeting. I am particularly interested in the timeframes for which these reforms will be enacted and what information is being shared with passengers about the potential for danger onboard a cruise ship.

As Laurie testified at the last hearing, as a passenger onboard the Vision of the Seas, a ship operated by Royal Caribbean, she was raped by a crew member. One of the most disturbing aspects of Laurie's case is that the cruise ship on which she was raped was short security staff. As a result, the cruise line promoted someone with no training to perform security personnel duties. The tragedy that ensued in something that Laurie will never forget.

I continue to be concerned about the lack of security personnel on cruise ships, many of which are essentially floating cities with thousands of passengers and few security guards. Similarly, passengers may hear that background checks are performed on all crew members. However, what Americans do not understand is that many of these individuals are foreign nationals and that their countries do not have the same system in place for background checks as we do.

The story of Laurie's and other victims' experiences are shocking enough. Unfortunately, most of these victims and their families continue to experience difficulties after the crime occurs.

In Laurie's case, she was forced to collect her own evidence after she departed the ship and experienced difficulty in getting information about the incident from the cruise line. Proper evidence collection and victim's assistance after a crime are important and seemingly missing from cruise ships.

I hope that the cruise industry has worked during these last six months not only on ways to prevent crimes from occurring but also on working to take care of victims and their families after a crime has occurred. The more I have inquired about crimes on cruise ships, the more I have been alarmed that there is no shortage of cases of rape, sexual assaults of minors, alcohol-related fighting and abuse, and persons overboard.

The last hearing highlighted how crime numbers reported to Congress dramatically differed from the cruise industry's internal crime statistics. The cruise industry insists that they are voluntarily reporting more crimes than they are statutorily required to. I feel that their actions have been less than forthcoming. Unfortunately, it seems that without continued congressional oversight or penalties for noncompliance, the cruise industry reports what and when they want to.

We continue to hear media reports of passengers falling overboard, passengers going missing and passengers being raped and sexually assaulted. Sadly, many of these cases remain unresolved because of a lack of security personnel and standards for crime scene preservation. Worse yet, many cases go unreported because there is no industry reporting mechanism.

The results of our first hearing combined with numerous media reports of crimes on cruise ships point to the need for increased safety and security for these passengers. Prevention can be an important tool, and prevention begins with making people aware of the potential for a crime to occur.

There will be 12 million Americans traveling on cruise ships this year. The industry is growing. With growth comes a greater responsibility. This is an opportunity for all of us. Working together, we can and we will improve the safety and security of Americans who travel on the high seas.

I thank you, Mr. Chairman, and I yield back.

Mr. CUMMINGS. Thank you very much, Ms. Matsui.

I want to thank all the Members for your opening statements.

Mr. Bishop, you did not have a statement?

What we are going to do is we are going to recess for probably about 30 minutes. We have three votes, and we will be back. You might want to go and get a bite to eat. Thank you.

[Recess.]

Mr. CUMMINGS. Thank you very much. We will now resume our hearing.

Rear Admiral Wayne Justice—is he here—and Salvadore Hernandez. I guess the Rear Admiral will be joining us momentarily.

Mr. Hernandez is the Deputy Assistant Director of the Criminal Investigative Division with the Federal Bureau of Investigation, and Rear Admiral Wayne Justice is the United States Coast Guard's Assistant Commandant for Response.

I want to thank all of you for bearing with us.

Rear Admiral, if you have now caught your breath, you may proceed.

TESTIMONY OF REAR ADMIRAL WAYNE JUSTICE, ASSISTANT COMMANDANT FOR RESPONSE, UNITED STATES COAST GUARD AND SALVADOR HERNANDEZ, DEPUTY ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATION

Admiral JUSTICE. Good afternoon, Mr. Chairman, Ranking Member LaTourette and distinguished Members.

I am honored again to appear before you and to provide an update on the Coast Guard's role and actions within the interagency to assess and address concerns about crimes on cruise ships. I intend to focus my brief remarks on apprizing you of our progress since March to both clarify and highlight the scope of mandatory cruise ship crime reporting requirements and to implement more expansive voluntary reporting of crimes on cruise ships.

The primary role of the Coast Guard with respect to cruise ship crime is establishing and facilitating Federal reporting requirement and procedures in a manner consistent with domestic and international law to enable notification to and decision-making by appropriate investigative agencies. By establishing maritime crime reporting requirements and facilitating delivery of incident reports through the Coast Guard's network of maritime command and operation centers, the Coast Guard supports the FBI in its lead investigative and statistical analysis roles.

In furtherance of our role, the Coast Guard led a successful effort this year to ensure national level interagency and industry alignment regarding the application of current Federal regulations. In order to facilitate increased reporting, the Coast Guard worked closely with the FBI and CLIA through 2006 and early 2007 to reinforce the scope of the mandatory reporting requirements and to develop voluntary reporting procedures for serious offenses committed by or against U.S. nationals aboard cruise ships that are beyond the scope of the mandatory reporting requirements. This effort represented the first disciplined attempt to gather serious crime statistics with respect to cruise ships frequented by U.S. nationals regardless of whether such vessels call on the United States.

Given the legal and operational environment that I described to you when I testified in March, we viewed this voluntary reporting system as the most promising and viable option for improving and expanding cruise ship crime reporting and investigative response in the near term. As expected, many in the cruise industry reinforced

compliance with existing mandatory reporting requirements and embraced the opportunity to report and improve responses to serious crimes affecting U.S. nationals.

Sir, as you mentioned this morning, collectively the Coast Guard and the FBI have received and processed 207 incident reports in the first six months of the program. That is 207 reports from the same vessels that carried over 4 million passengers during the period.

It is the Coast Guard's role to establish reporting requirements and the FBI's role to determine the appropriate Federal investigative response in specific cases and compile crime statistics and policy analysis. Accordingly, I will defer to the FBI to provide more detailed investigative and analytical context for the reporting.

From the Coast Guard's overall maritime security perspective, we have no evidence to suggest that there is significantly more or more serious crimes affecting U.S. nationals aboard cruise ships than indicated by the reporting data.

Based on consultation with the FBI, the Coast Guard believes that clarifying the scope of the mandatory cruise ship reporting requirements and implementing additional voluntary reporting procedures are working well, contributing to improved situational awareness through transparency and helping to better inform both the discussion and response with respect to allegations regarding crimes on cruise ships.

We continue to recommend that perspective cruise ship passengers assess the level of security and safety on foreign-flagged cruise vessels on which they may embark just like they would evaluate their safety and security risks when visiting a foreign country. Congressional hearings like this help highlight that responsibility and encourage the cruise ship industry to embrace transparency in reporting and crime prevention strategies to remain economically competitive.

It is clear that some serious acts affecting U.S. nationals aboard foreign-flagged cruise ships have brought great sadness to the families of victims. The Coast Guard mourns the losses these families have suffered, and we are committed to improving the overall safety and security environment within the maritime domain.

The Coast Guard will continue to work with the FBI to ensure effective implementation of both mandatory and voluntary reporting procedures and intervene at sea when appropriate while recognizing the collective jurisdictional and resource limitations of the United States. Taken together, the mandatory reporting regulations and the voluntary reporting requirements contribute to improving the safety and security of U.S. nationals aboard cruise ships by leveraging partnerships with industry and international partners as well as improving transparency for consumers.

Thanks for the opportunity to testify, sir, and I will be happy to take questions as they come.

Mr. CUMMINGS. Thank you very much.

Deputy Assistant Director Hernandez.

Mr. HERNANDEZ. Good afternoon, Chairman Cummings, Ranking Member LaTourette and Members of the Subcommittee.

I appreciate the opportunity to be here today to provide an update on the FBI's work with the U.S. Coast Guard, the cruise line

industry and the victims of cruise line crime regarding crime aboard cruise ships.

I testified earlier this year that after many months of development, in March 2007, the FBI, the U.S. Coast Guard and the Cruise Lines International Association, or CLIA, reached an agreement on voluntary, standardized protocols for CLIA member lines to report allegations of serious violations of U.S. law committed aboard cruise ships. These reporting procedures are in addition to, but not in lieu of, the mandatory reporting requirements under the Code of Federal Regulations, the Maritime Operational Threat Response Plan.

Pursuant to the agreement, on April 1st, 2007, the FBI began collecting and tracking the incidents as they were reported by CLIA member lines. I would like to take a few minutes this afternoon to report on the results of this effort.

Through August 24th, 2007, the FBI received 207 reports from CLIA members. Many of these matters did not require criminal investigation and, as such, should be viewed as "incident reports," not "crime reports." For example, reports were received of attempted suicides of passengers as well as matters with purely civil implications.

Sixteen, or 8 percent, of all reports involved incidents that occurred while a passenger was ashore outside of the United States and, therefore, outside the jurisdiction of the FBI or other U.S. law enforcement. For example, a passenger reported that he was robbed by two subjects in a vehicle while ashore in the Bahamas.

In matters such as these, the reporting agreement holds that although cruise lines may report incidents which occurred outside the United States' jurisdiction to the FBI, they are not required to do so.

Of the 207 reports received by the FBI, 39 incidents, or 19 percent, were responded to and/or investigated by law enforcement other than the FBI. These law enforcement agencies included local police departments in the United States, as well as foreign law enforcement agencies.

Nineteen reported incidents occurred while the ship was docked. In the United States, the respective State has jurisdiction when a vessel is moored or otherwise connected to the land of the State. Accordingly, a report of a theft of items estimated at $30,000, which was stolen while the ship was docked at Galveston, Texas, was investigated by the Galveston Police Department.

In further breakdown of the incidents that were reported to the FBI during the initial rating period, I provide the following:

The agreement with CLIA and the United States Coast Guard lists eight categories of incidents which are to be telephonically reported by CLIA members to the nearest FBI field office or legal attache office. These matters—homicide, suspicious death, missing U.S. national, kidnapping, assault with serious bodily injury, sexual assault, firing or tampering with vessels and theft greater than $10,000—involve potentially serious violations of U.S. law and are to be called into the FBI as soon as possible following the incident.

After telephonic contact, CLIA members are instructed to follow up with a standardized written report. All other less serious mat-

ters are reported under a general "other" category and are brought to the FBI's attention by submission of a written report.

During the first month's reporting under the agreement, there were no reports of homicide, suspicious death or kidnapping aboard CLIA member ships. There were four reports of missing U.S. nationals. Of these four reports, one involved a husband and wife who took most of their belongings with them and chose not to reboard after docking at a foreign port. The three remaining reports involved passengers whose past histories and behavior while on board the ship strongly suggested that they had taken their own lives.

CLIA members reported 13 assaults with serious bodily injury. The FBI opened two investigative cases from these reports, both of which are ongoing. Several matters submitted in the "assault with serious bodily injury" category were, in fact, of lesser seriousness.

The FBI investigates sexual assaults as defined in Title 18 of the United States Code, Sections 2241 through 2243 and 2244 (a) and (c). Since April 1st, the cruise lines have reported 41 instances of sexual assault. Of these 41 incidents, 19 represented allegations of sexual activity generally categorized as rape, 3 of which occurred on shore and, thus, outside the jurisdiction of the FBI.

Based on the 41 reports, the FBI opened 13 investigative cases. Five of these cases have been closed for reasons of victim reluctance to pursue prosecution or prosecutive declination from the United States Attorneys' Office. Eight investigations are pending.

During the reporting period, there were 13 incidents of theft of more than $10,000 reported. Nine of these involved jewelry, two involved cash, one involved miscellaneous items from aboard ship, and one involved food products.

There was one report of firing or tampering with vessels.

The remaining 135 reports, or 65 percent, of all of them involved less serious matters such as simple assault, low dollar loss theft, fraud, suspicious activity, bomb threats, sexual contact or activity that was criminal in nature.

Sexual contact, as defined in 2244 (b) as, essentially, uninvited touching of a sexual nature. That made up 28 reports.

Thirty-six of the one hundred thirty-five reports involved simple assault matters to include punching, slapping or pushing actions, and forty-one reports were related to theft of less than ten thousand dollars.

I would like to briefly update this Committee on the other matters which the FBI has undertaken in support of its role in investigating crimes aboard cruise ships.

Since I last testified, the FBI has met again with members of the International Cruise Victims Association. Kendall Carver, whom you will hear from today, came to FBI Headquarters in July, accompanied by two members of his group. I met personally with Mr. Carver and his associates to hear their concerns and to explain the work being done by the Coast Guard, CLIA and the FBI.

Over the past six months, my associates at the FBI and I have met or spoken with CLIA and the Coast Guard regularly to check on progress.

In closing, the FBI is committed to continuing his work with the cruise line industry, the U.S. Coast Guard and victims' groups to

ensure full reporting of crimes aboard cruise ships and to facilitate more effective first response to such crimes.

Thank you, Chairman and Members of the Subcommittee, for the opportunity to testify today. I am happy to answer any questions.

Mr. CUMMINGS. Thank you very much.

First of all, I want to thank you all for what you all have done in working with the industry and with the victims' groups. I realize, believe me, I realize that the Coast Guard and the FBI have tremendous responsibilities, and I understand that. The fact that you all would take the time to try to work through this is much appreciated by all of us. I really do thank you.

I want to go to you, Deputy Hernandez. In your testimony, you talked about the 72 cases being serious. How do you decide which cases are serious?

I think then you went on to investigate 18 open files. How do you then go on to open a file?

Are you following me? In other words, what do you take into consideration?

Mr. HERNANDEZ. Chairman, basically, we have defined up front what we consider serious through the reporting requirements that we have established with the cruise lines, and they are, as I said, homicide, serious violation; death, if it is suspicious in nature; a missing U.S. national is considered a serious matter; kidnapping, obviously; assault with serious bodily injury or sexual assault in certain instances.

This is a product primarily of investigative and prosecutive thresholds that are driven by resources, ultimately. We understand that there may be many other instances of alleged criminal activity which occur aboard a cruise ship. Cruise ships are invited to report that to us if they desire, but the truth is only certain kinds of matters will actually receive investigative attention because of resources and ultimately will only receive prosecutive attention if resources are available.

So what we have tried to do is narrow this, making sure that we get full reporting on the most serious crimes and give permissive reporting or allow for permissive reporting when the crimes are not considered as serious.

Mr. CUMMINGS. Now one of the things that I have been very interested in is, I think, as Mr. Dale mentions in his testimony about how CLIA is not only concerned about security but also concerned about the way people are treated.

I realize that you have training program going on basically about preservation of evidence, is that correct?

Mr. HERNANDEZ. That is correct.

Mr. CUMMINGS. What is the name of that program?

Mr. HERNANDEZ. We currently have in place.

Mr. CUMMINGS. The new one.

Mr. HERNANDEZ. Right, it has just been concluded. It is a PowerPoint presentation by our evidence response team at Quantico that will be distributed to all the cruise lines that will instruct them on crime scene preservation, evidence retention.

Mr. CUMMINGS. How long is that presentation? How long is the PowerPoint?

Mr. HERNANDEZ. I have not seen the presentation.

Mr. CUMMINGS. Okay. But this is something, I take it, that you shouldn't take, I mean if you were guessing, no more than a day or so.

Mr. HERNANDEZ. I would say far less than a day. I am guessing it would be a couple of hours.

Mr. CUMMINGS. What is it, on a DVD? What have you got there?

Mr. HERNANDEZ. It will be available on a DVD.

Mr. CUMMINGS. We would like to have a copy of that. But I am just wondering, do you think that should be something that is required of all cruise lines with regard to security?

In other words, part of the complaints coming from Ms. Matsui and others is this whole idea of evidence and how evidence is addressed. You can't get a better agency than the FBI, I think, trying to instruct security, boat security, CLIA security as to how to preserve that evidence because once that evidence is disposed of or tampered with, a case, even if you had a case, is kind of difficult to prosecute.

So I am just wondering, what is your opinion on that and have you had any discussions with the CLIA folk with regard to that?

Mr. HERNANDEZ. We haven't had recent discussions. We did talk earlier in the year, actually probably last year when we first began the process.

The CLIA members, as represented by those that attend their CLIA headquarters' meetings, were very interested in this. They have repeatedly asked for training from the FBI, and I would guess other law enforcement agencies.

So it is available. It will be available, and my guess is that CLIA members will want this training and will put it to use.

Mr. CUMMINGS. Now how soon, if you know, will that be available to them? It sounds like it is hot off the press.

Mr. HERNANDEZ. My understanding is that it has been completed, so it should be anytime.

Mr. CUMMINGS. All right.

Rear Admiral, let me ask you this. The incidents reports that you receive, are they ever made available to the public?

Admiral JUSTICE. No, sir. I guess they could be FOIable.

Mr. CUMMINGS. But they are not now, is that right?

Admiral JUSTICE. That is correct.

Mr. CUMMINGS. In your testimony, you write that: "We continue to recommend perspective cruise ship passengers assess the level of security and safety on foreign-flagged cruise ships on which they may embark just like they would evaluate their safety and security risks when visiting a foreign country."

Do you recall that?

Admiral JUSTICE. Yes, sir.

Mr. CUMMINGS. If they don't have the information, other than word of mouth, I guess, recommendations, how are they supposed to do that, accomplish that?

Admiral JUSTICE. There are a couple of different ways. The State Department has information about other countries that would be of interest, and they post that.

But, specifically, the cruise ships have stepped up. Cruise lines have stepped up, and they have information available about where they are going and what concerns you might have. I think there

has been an effort by the cruise lines to articulate more awareness, particularly if you are going to do an excursion in another country or what is going to happen on your ship. They are making it available to the public.

Mr. CUMMINGS. Perhaps Mr. Dale could address that because part of the problem, in fairness to both sides, is the cruise industry is concerned that putting out this information to the public may send the wrong message.

On the other hand, when I read your statement, I am talking about incidents that would fall within the jurisdiction of what you and the FBI do together. I am not talking about other things that may happen on land or whatever while a person is on a cruise.

But I think that perhaps if there was a way that they could know, have some kind of idea, they could make those kinds of judgments. When I read your statement, it just jumped out at me, and I was trying to figure out how they would accomplish that.

I am not just talking about threats, problems in a country, where there are security risks and things of that nature. I am talking about the cruise ship itself, the line itself. Are you following me?

Admiral JUSTICE. I do. Again, I would expect Mr. Dale to answer that there for a preventive side. It is a preventive piece here to be aware of where you are at, what you are doing, the condition you are doing it in, those sorts of things. As we all know, we don't always have our situational awareness up when we are at some place and particularly in a different environment on a ship like that. I think that is where they would go with this.

Mr. CUMMINGS. Mr. Hernandez, are there any specific security or safety improvements that you believe that cruise ships should implement at the present time to improve passenger safety and security? If so, what are they, from what you have seen?

Mr. HERNANDEZ. Mr. Chairman, we really haven't assessed what it is cruise ships do. We have been, since the beginning of this process, more interested in working with them about how it is they report information under what circumstances. We have had general discussions. So I am really not in a position to make that kind of judgment today.

Mr. CUMMINGS. I got you. I understand.

All right, Mr. LaTourette.

Mr. LATOURETTE. Thank you, Mr. Chairman, and I thank both of you for your testimony.

I want to talk a little bit about this agreement and how it is working based upon your observations and then follow up on some preservation of evidence questions that the Chairman was talking about.

This agreement has been described as a voluntary agreement between CLIA members and the Government. What I take from that is, either or both of your opinions, that there is no provision currently in law that could have compelled them to make this agreement, that it is something that they voluntarily chose to enter into.

Admiral?

Admiral JUSTICE. There are mandatory requirements that are regulated. The effort was made to look at where there are holes above that aren't regulated, and this voluntary construct fills in

those gaps, those holes. So now we feel that crimes that should be reported are being reported. The good news is that it is happening.

Mr. LATOURETTE. Right. Is it your observation that this agreement, I know that it is new, but it seems to be working well?

Admiral JUSTICE. Yes, it is. It is working well, and we feel. I would use the point that we don't have instances of crime being public or aware to us that haven't been reported. So that is good news.

Mr. LATOURETTE. The other thing, the thing that strikes me about the agreement is that the reporting requirement is as soon as possible. I understand that reporting is happening, 207 or whatever the number is. Has either the Coast Guard or the FBI determined whether or not they are being reported in a timely fashion in the spirit of the agreement?

Admiral JUSTICE. We feel they are.

Mr. LATOURETTE. Mr. Hernandez?

Mr. HERNANDEZ. Yes, as soon as possible means by telephone, and our experience has been that the cruise lines are telephonically contacting the nearest FBI office or legal attache office.

Mr. LATOURETTE. The Chairman was talking about evidence preservation, and I think one of the things that was alarming about Ms. Matsui's constituent was the notion that you had to collect your own evidence.

Mr. Hernandez, I heard what you said about the DVD presentation or the presentation that is now going to be distributed for people to be instructed on preservation, but have you either talked to or you personally had the opportunity to view any of these open files that you talked about?

For instance, I think that there are 13 open files on rape cases or serious sexual assault cases. Have you talked to any of the case agents or yourself looked at those?

Mr. HERNANDEZ. No, I have not. Those cases, of course, are in our field offices. I have a sense from discussions from some of the people at headquarters what those are about, but I haven't reviewed the files.

Mr. LATOURETTE. Well, my question is do you, from your sense, have any sense as to whether or not, while we are all waiting for this evidence collection instruction going out, as to whether or not the cruise line industry is doing a good, decent job of evidence collection at this moment in time?

Mr. HERNANDEZ. I don't know that. I take it from what I have seen that there is sufficient evidence in some of these cases to move forward with a prosecution, with an investigation or prosecution. I can't say with certainty in what percentage of those cases evidence was properly collected at the very beginning.

Mr. LATOURETTE. You talked a little bit about the fact that some of the cases have been declined for prosecution by the United States Attorney. Are you aware of any of those prosecutorial declinations being based upon the fact that evidence was poorly collected?

Mr. HERNANDEZ. I am not aware of any being declined on that basis.

Mr. LATOURETTE. Okay.

The other thing that we sort of got into and I think the folks from CLIA are going to talk about it a little bit later, obviously, in an allegation of serious sexual assault or rape, it is very important that the rape kit or the pelvic examination be performed professionally. Have either of you worked with or asked the question of the cruise line industry as to whether or not their personnel are trained and have the ability to properly administer those examinations after an allegation is made?

Mr. HERNANDEZ. I have not. We have not.

Mr. LATOURETTE. Admiral, anything?

Admiral JUSTICE. No, sir, I can't answer that question.

Mr. LATOURETTE. Okay. I think we will wait for them to talk a little bit about that.

Are you aware as to whether or not the cruise line industry has protocols relative to the collection of evidence?

Mr. HERNANDEZ. I am not aware of the protocols. I believe that there are standard operating procedures in place with respect to each cruise line. I think they will be able to answer that.

Mr. LATOURETTE. Okay.

Then the last question would be on this voluntary agreement business with the reporting that you describe is going well. If this agreement of timely reporting, as soon as possible reporting continues to go well, in your opinions, either of you, does it enhance the ability of law enforcement to make judgments as to when to enter a case quicker than it would have if we didn't have this voluntary agreement in place?

Do you think we are going to see a positive impact in terms of prosecution for those cases that are real cases?

Mr. HERNANDEZ. I think we will, and I will make one observation about the voluntary reporting. The issue here has been for many months now the difference, the distinction between what is our jurisdiction and what is required to be reported. The voluntary reporting mechanism was established because, in truth, the cruise lines came to us and said we would like to be able to report more. We would like some rules about how we report.

There has been, I think, a good faith interest from the very beginning to establish some procedures that would allow them to report beyond what was required under CFR regulations. So that has worked well.

My belief is that because we have about as many cases proceeding to prosecution given a five month period compared to what we have had over the last five years, that we have about as many crimes being reported that we did before. Now before, we didn't know because we were only capturing those cases that actually were opened as investigations by the FBI.

My sense is that the cruise lines have probably been reporting at about the same rate all along. Now it is just standardized.

Mr. LATOURETTE. Admiral, is there anything you want to say in response?

Admiral JUSTICE. No, exactly what my partner says, sir.

Mr. LATOURETTE. Thanks very much.

Thank you, Mr. Chairman.

Mr. CUMMINGS. Before we get to Ms. Matsui, let me just ask you this, Deputy Hernandez.

The DVD, I know you haven't reviewed it, but is it likely to contain protocol? I mean just following up on the Ranking Member's question.

In other words, the DVD tells them how to preserve evidence. Would you consider that some type of protocol that they might adopt or do you think that it is just some general information? Do you follow what I am saying?

Mr. HERNANDEZ. Yes. Yes, we would like to be able to provide onsite training, FBI agents training cruise ship personnel. We simply don't have the resources to do that in great numbers, so the DVD is the next best option.

I believe that, and again I haven't seen it, but my instructions in moving this forward were to put together protocols, guidance about how to collect evidence and preserve crime scenes. So my belief is that it does just that and that these will be accepted by the cruise lines as part of their standard operating procedure.

Mr. CUMMINGS. I take it these are the same kinds of instructions that you, that FBI agents would likely have to go by. I mean they are at a different level of law enforcement, but it would be the same things that they would be looking for as agents, is that right, in other words, preservation issues?

Mr. HERNANDEZ. Generally speaking, we would like in the end to preserve crime scenes and collect evidence as FBI agents wherever possible. My guidance has been to preserve primarily, to preserve a crime scene, so evidence can be collected by true collection professionals, but I am sure that there will be some guidance there that explains how to deal with evidence that simply could be dissipated if not collected quickly.

Mr. CUMMINGS. I see. Thank you very much.

Ms. Matsui.

Ms. MATSUI. Thank you, Mr. Chairman.

I want to thank both of you for working together on this. I know that it hasn't been a very long time, and you have had to bring yourself up to speed on processes.

I wanted to know, Admiral Justice, since the Coast Guard is in charge of overseeing the reporting requirements for the cruise line industry, I think part of the problem is that there is no mechanism to get this out to the public. You mentioned a couple things. The State Department has some things about how different things are happening in different countries, and the cruise lines themselves have information.

But I believe that what we have here is a situation where there is a lack of trust, and the Coast Guard is certainly an institution that we trust. Is there a way that we can get some of that information available to the public? What kind of mechanisms do we need to work out in order for that to happen?

Admiral JUSTICE. Ma'am, I go back to what I said before. I truly believe that the cruise ship industry, it is in their best interest, if there is a way to do things better, they are going to do it. If there are better ways to have processes on ships for people to do things, that is safer, it is in their best interest to do that.

As far as reporting this information, it is not available. I would submit that we would be happy to work with industry talk about.

Of course, they have the same information we do, but what might they do more to help better inform their passengers?

Again, I wouldn't be so—I mean I am absolutely positive that not only is it in their best interest but they have demonstrated the commitment to doing that, to working to make things as safe as possible and to construct processes that support that.

Ms. MATSUI. I believe you understand, though, that we are here at this hearing because the victims didn't believe that they had adequate information, and they also believe too that the picture presented about the cruise industry, the things you see on television or the brochures you get in the mail. It is perfectly safe, everybody is having a great time and, in a sense, it lulls you into thinking that there is no crime on board at all. You can bring your families and your young kids and have them go off on their own.

We understand. Yes, you should have some idea that it is like everywhere else, but that is not presented by the cruise industry. I think, in a sense, we need to really understand that things have happened. Bad things have happened, and we really need to understand that we need to not just trust the cruise industry.

I know we want to work together. I also believe too that it is in their best interest to do this. However, we almost need another party to be a part of this too, to work together, to get a neutral party involved in this to get some crime statistics out there.

It is not that we are going to say that it is perfectly unsafe. No, we are not going to do that.

But I remember the hotel industry a couple decades back when there was a lot of media frenzy about the unsafe hotels, how women were having difficulties, and I think that they have improved so much that I really believe that there is an opportunity here for us to get beyond this, but we still need to understand what is the real story. At this point in time, I can't trust that it is the real story.

Admiral JUSTICE. Yes, ma'am. Thank you.

What I would say is the information is available through the Freedom of Information Act. Information could be published by the cruise industry or by us. But I will tell you that I take your point and we will talk to them, work with them and make sure we do better to paint the proper picture.

Ms. MATSUI. I also believe that you really need to be talking with the victims too because they have actually gone through some of this and understand the situation that they have been put into.

I understand that the Coast Guard puts in lines' safety violations in a database called PSIX, is that right?

Admiral JUSTICE. Yes.

Ms. MATSUI. Why doesn't the Coast Guard put online from each reportable crime on the cruise line? Can we do that?

Admiral JUSTICE. Different safety, security, a different venue. We could. We don't do it right now. We don't want to do it.

Ms. MATSUI. But we could do something like that, is that what you are saying?

Admiral JUSTICE. Yes, ma'am. Yes, ma'am.

Ms. MATSUI. Okay.

Admiral JUSTICE. I had to check with my barrister to make sure. Yes, ma'am.

Ms. MATSUI. All right. Well, I will follow up on that later.

Thank you very much, Mr. Chairman.

Admiral JUSTICE. Thank you.

Mr. CUMMINGS. Thank you.

Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Admiral, the gentleman from Ohio may have touched on this. Let me put a three-part question to you.

Are cruise ships required to report crimes (a), (b), if so, to whom are they reported, and (c) does the cruise industry comply with these reporting requirements?

Admiral JUSTICE. The answer is yes, sir, they are required to report certain crimes, and they report them to the Coast Guard and the FBI, and they do do it.

Mr. COBLE. Does the United States have the authority to require foreign-flagged vessels or cruise ships to carry aboard Federal marshals?

Admiral JUSTICE. Sir, the answer is no.

Mr. COBLE. Do you think we should?

Admiral JUSTICE. No, sir. That is an extraordinarily complicated, multi-jurisdictional international rule of law challenge that could be explored through the International Maritime Organization. It would take a very complex multi-year effort. It could be looked at.

It is a private industry, cruise ship responsibility, and I know two panels from now they are going to step up there and tell you that they accept that responsibility and they do. I think they do extraordinary efforts to properly secure their vessels.

Mr. COBLE. Mr. Hernandez, this may be more appropriately put to you. How does the Federal Government respond when receiving a report of an allege crime or accident?

Mr. HERNANDEZ. First, we look at what has been alleged. If it meets one of the criteria as a serious violation, we are going to respond. Whatever form that may take depends. That means going to the ship, collecting evidence, taking statements.

Mr. COBLE. Would the track usually go from the cruise ship to the Coast Guard to the FBI? Would that be the normal pattern?

Mr. HERNANDEZ. No. By virtue of this agreement, any of those kinds of alleged violations would be reported to us at the same time as the Coast Guard. They would be called into us.

Mr. COBLE. Okay, it would be simultaneously reported.

Mr. HERNANDEZ. Yes.

Mr. COBLE. Again, I want to follow the pattern here, Admiral. Can passengers make reports of alleged crimes or accidents or the occurrence of accidents directly to the United States, i.e., Coast Guard or FBI or does the process require that they go through the vessel security officer?

Admiral JUSTICE. There is no requirement to go through the vessel's security officer. They can make the complaint or bring to our attention the issue.

Mr. COBLE. Thank you, gentleman, for being with us.

Thank you, Mr. Chairman.

Mr. LATOURETTE. Mr. Coble, will you yield the balance of your time to me?

Mr. COBLE. I will indeed.

Mr. LATOURETTE. I thank you very much.

Admiral, I wanted to follow up on what counsel has brought to my attention. In your testimony, you have a statement that foreign-flagged cruise ships that visit a U.S. port would be required to comply with reporting requirements as a de facto condition under port State control.

My question is: Is this something that is new? Have the captains of the port been instructed of this policy? Has the Coast Guard ever denied entry to a vessel for failure to report and what would be the penalties for that?

Admiral JUSTICE. Yes, sir. We have not. We have never not allowed entry. It is civil. It is a civil penalty that could be affected. I don't have the exact details of what they are, but the answer is it is new. Yes, we could penalize them, but no one has been denied entry because of that at this time.

Mr. LATOURETTE. It being a new initiative, have the captains of the port been instructed on the new initiative?

Admiral JUSTICE. Yes, sir.

Mr. LATOURETTE. Thank you very much.

Thank you, Mr. Chairman.

Mr. CUMMINGS. Thank you.

Just one last two or three questions, Deputy Hernandez, let me ask you this. I note from the FBI report, it says of the 18 cases open, 13 were alleged sexual assaults. When you are dealing with a sexual assault, are there certain preservation issues that come up that are different, say, from other crimes, preservation of evidence issues?

Mr. HERNANDEZ. Well, it depends on the other crimes you are speaking of. The FBI has very broad jurisdiction, but when we discuss personal crimes that the FBI might investigate, certainly rape kits are critically important, that that be done forthwith, that evidence be collected properly. So, yes, there are special requirements.

Mr. CUMMINGS. Say, for example, in rape cases that you get the report, you have 18 files open. Thirteen of them are sexual assaults, and we don't know. I don't know the extent of them, but I am sure a lot of them know the extent of them. But let us assume there is a rape case in there of the 13. I mean this is kind of significant. You open 18; 13 of them are sexual assaults.

I guess what I am trying to figure out, and you may have to answer this in writing if you don't have the answer, is that are there issues, are there things that the cruise industry should be doing to make those cases more likely to have positive prosecutions? That is what I am concerned about here, and that is why I was asking about the training, this DVD, and exactly how that plays into all of that.

This is a very sensitive issue. I am not a woman as you can see, but I am concerned about that issue because I think if you tell me 13 of your 18 open cases are sexual assault, I would bet everything I have got that they were probably mostly women victims, if not all.

I think maybe that is something that we need to really make sure is tight with regard to just not the reporting, we want prosecutions, and I think the industry wants prosecutions too. The last thing they want is somebody assaulting women on their ships.

So, perhaps we can get you some written information. I understand that you have got open cases. Maybe you all can give us some information on things that have been closed.

Mr. HERNANDEZ. Sure.

Mr. CUMMINGS. But I don't want to interfere with anything that is ongoing. I just want to make sure that we are doing everything that we can to provide the FBI and other agencies because it may not even be the FBI—it may be other law enforcement agencies that may be involved—that they get everything that they need to be able to do what they have to do. That is all.

Mr. HERNANDEZ. I understand your concerns, Mr. Chairman. I will say that within this area, we view very seriously these kinds of assaults, and it is one of the reasons there are so many open cases. Of the 18, 13 are sexual assaults, and that is because we take that seriously and the prosecutors take it seriously. So there is no effort to walk away from that in any way, shape or form.

The remaining five cases are of a serious nature, but I think are on par with those sexual assaults. And so, I just want to give you an assurance that we do take that very seriously, and we do want the cruise lines to do everything they can to provide the best evidence to us.

Mr. CUMMINGS. Do you know, with regard to crew members when it comes to these assaults, how many are alleged to have been committed by crew members?

Mr. HERNANDEZ. I don't have numbers. I know that some of them do involve crew members.

Mr. CUMMINGS. Do you have any knowledge with regard to how these crew members are vetted?

Mr. HERNANDEZ. I do not.

Mr. CUMMINGS. Very well.

Anybody else?

Ms. Matsui.

Ms. MATSUI. How many agents do you have, Mr. Hernandez, on cruise line cases?

Mr. HERNANDEZ. There is no number per se. They are agents that work within our violent crime program. So each field office has a certain number of violent crime program agents.

When a case meets the qualifications, an agent is assigned. So it could be anywhere from a small number to a large number depending on the number of crimes alleged.

Ms. MATSUI. So the type of crimes that they are all involved in, are they similar types of crimes as far as in the unit that you are talking about that they are involved in?

Mr. HERNANDEZ. Well, they could be anything from a homicide to an assault with serious bodily injury to a sexual assault to a firing to an arson, whatever it might be.

Ms. MATSUI. Okay. I appreciate the Chairman's questions regarding sexual assault and the follow-up to it as far as preserving the crime evidence.

As a woman, there have been so many instances—forget about the cruise industry—of sexual assaults. Women, because of the very nature of that, don't come forward at all, and it is very difficult for them. I think we are getting to the point now, I hope, that women are coming forward, difficult as it is.

I think there is a protocol established, particularly here in this Country, and there is an expectation obviously with all these Americans going on cruise lines, that you would have the same type of protocol. I know that Laurie Dishman expected that, and it was not only that there was no protocol but the fact that the people who were actually in charge of a medical unit weren't even there.

So I think, in a sense, I have to look at this and say a PowerPoint, a DVD to me is not enough. It might be if in fact, and I believe both of you when you say the cruise industry understands and really wants to make things right here. I think we have to go a step further with the cruise industry in a sense that we need to have onsite training. It might therefore be the cruise industry bringing in people.

It is a very sensitive area. In the case of Ms. Dishman, she didn't have anybody at all. She had to collect her own evidence. She was lying there for I don't know how many hours, waiting.

I just feel that a DVD isn't going to do it. There is going to have to be other training to actually make the people on the ship aware of what they need to do. I think once you do that, I think all the other aspects of it will fall into place much more easily. So that is my comment.

I really do appreciate the Chairman and his questioning on that regard. I just hope that it is possible for you to work with the cruise industry, and maybe we might suggest to them that. I know your resources are limited, but in a sense if there is at least some onsite training where you have a lot of people together to train people, it would be great.

Thank you.

Mr. CUMMINGS. As we move to the next panel, let me just say this to Ms. Matsui. I do know that for the cruise industry, I think it is Mr. Bald will be testifying, who is a former FBI agent, and he is now doing some security. He will tell you exactly what he does when he testifies.

But I am just wondering if maybe the cruise industry would consider possibly, since you are already reaching to former FBI agents, perhaps find ways to incorporate that training in what you do. It seems like you have already got superstars on board. It seems like you would just use them along with the DVD. I hope they will take that into consideration.

Thank you all very much. We really do appreciate your testimony. Thank you.

We will now call Ken Carver who is President of the International Cruise Victims Organization, Ms. Sue DiPiero, Ms. Lynette Hudson, Ms. Angela Orlich and Mr. Harold Ruchelman.

I am sorry. I didn't mean to leave you off. I was wondering why there was an empty chair over there.

We are going to ask you to stay within the five minutes because we have another panel, and I know there will be a number of questions.

Mr. Carver, thank you very much for being with us and thank you for your leadership.

TESTIMONY OF KEN CARVER, PRESIDENT, INTERNATIONAL CRUISE VICTIMS ORGANIZATION; SUE DIPIERO, LYNETTE HUDSON; ANGELA ORLICH; HAROLD RUCHELMAN; WILLIAM M SULLIVAN, JR., PARTNER, WINSTON AND STRAWN, LLP

Mr. CARVER. Thank you for the opportunity to speak today.

We have had a series of meetings, so it is difficult to cover it in five minutes, but we will go through it as quickly as we can.

It was just three years ago today that I was looking for a daughter who was missing, one of my four daughters, and found out after months of investigation that she had been subject to a cover-up by a major cruise line concerning her disappearance.

As a result of that, a group was founded called International Cruise Victims. This group now has members in 15 countries, several hundred members and has, I guess you would say, brought this issue to the forefront.

Through their individual experiences, victims soon realized acting on their own was ineffective. You had to do this as a group.

In the March, 2006 hearing, not only did we testify but we presented a 10-point program. At the last congressional hearing, the Chairman asked for what I think was an historic meeting, that the victims group meet with the cruise lines to discuss these various issues.

I would like to discuss very quickly four meetings that we have had since our last hearing. On May 7th, Son Michael Pham and myself met with Terry Dale to establish the guidelines for the meeting.

On July 25th, we initiated a meeting with the FBI here in Washington, D.C. It was held with Salvador Hernandez, Deputy Assistant Director, and John Gillis who is the director of the Violent Crime Division. The purpose was to review the agreement that they entered in March, 2007.

Both FBI representatives were unaware in that meeting that in 1999 the cruise line industry had entered into a policy of zero tolerance for crimes and were required or voluntarily indicated that they would report all crimes. This new agreement was only dealing with a form in which those crimes would be reported.

Of most significance at that meeting was the fact that the FBI indicated they did not have the resources, which they have said today, to follow up on crimes on cruise ships unless it reached certain thresholds. This is why, in 2005, only 50 cases were opened and there were only 4 convictions of cruise ship crimes in a year in which they had approximately 10 million passengers.

In the summer of 2006, knowing that they were working with CLIA, the Coast Guard and the FBI, three ICV officers came to Washington and met with the FBI and the Coast Guard separately to show them the plans that we developed, indicating that we wanted to be part of that. In fact, we were excluded from those discussions.

On July 6th, 2007, I sent a request to the Coast Guard to enter into the same type of meeting we had with the FBI. They never acknowledge the letter until the morning of July 27th when it was too late to schedule the meeting.

On July 26th, we had our first formalized and only meeting with CLIA. We actually had sent them 60 pages of documents on April

15th, and we didn't have our first meeting, I am sorry to say, until July 26th.

Certain information which we provided to the cruise lines at that time, and I have heard the questions asked today was were there data individually and how did these crimes occur. Based upon court released documents from Royal Caribbean from the year 2003 to 2005, close to 80 percent of these crimes involved crew members. I believe that question was asked earlier, and it is in the documents that I provided to the Committee.

Also the rate of sexual assaults was 50 percent greater on cruise ships than on the average American city. That is from the court documents covering several other cases.

The cruise lines also took the position that they do not investigate crimes. That is their legal position. That information is in the material that I have given to you.

Since the FBI has indicated they do not have the resources to follow up on many of these crimes, in effect, no one is looking or taking action on these crimes. I think that is a major problem.

We just discussed the video surveillance, that the cruise ships like to say we have 300 cameras on a ship but, number one, they are not monitored. In the documents that I have submitted, we show a deposition that occurred in my daughter's case in which they indicated that was privileged information and not available to us.

James Walker, who is on our committee, indicated that in 50 cases he has never been able to get to the videos. Only in a couple of cases and one is sitting right next to me, Sue DiPiero, where they had her son going overboard, did they show that video, and I am aware of one other case. But they have evidence that nobody can get to.

We approached this meeting with a positive attitude, and when it adjourned I honestly felt that both organizations had set the stage for future positive discussions.

Here is what Terry Dale said in a letter to me: I believe it is fair to say that the cruise lines agree in concept with ICV but differ in how best to achieve the end results. We, therefore, look forward to continuing our discussions with ICV in an effort to reach our shared common goals.

Mr. Chairman, you set an historic meeting in place, and we feel it is essential to continue these discussions between ICV and CLIA to understand what their alternatives are that they are proposing. We don't know that their alternatives are.

Prior to the above meetings, on June 25th, they sent out a letter that was addressed to cruise passengers and their families. It was an expense paid trip to Miami to talk about issues regarding victims and how to address that.

In early July, I started receiving, I guess you would, tremendous pressure to invite the members of ICV to that meeting. So I wrote CLIA, Terry Dale.

Mr. CUMMINGS. Mr. Carver, I am going to have to ask you to kind of summarize.

Mr. CARVER. Okay.

Mr. CUMMINGS. We have your testimony. I know we have read it. I have read it, and we will have some questions of you. But why don't you summarize by telling us where you and what you expect?

Mr. CARVER. Okay. Well, I will just say this. The August 14th meeting, we were given no information. We went, and it targeted only ICV members and yet, they have hundreds of victims. We were disappointed that they would only select our members.

So, in summary, I sit here today as President of International Cruise Victims. I have lost a daughter and for all the victims and their families. You and the Government and the U.S. Congress, I am sure would like to have families, parents, wives, husbands and children, and you would not like to encounter the tragedies we have encountered. We deserve to be protected.

We thank you for your time. I will be happy to answer questions.

Mr. CUMMINGS. Thank you very much, Mr. Carver.

Ms. DiPiero.

Ms. DIPIERO. Good afternoon. I would like to thank Chairman Cummings and the Committee for inviting me to testify today.

I am Sue DiPiero. I am here with my husband, Ron. Our son was lost at sea from Royal Caribbean's Mariner of the Sea.

Following the hearing last March, Ken Carver approached CLIA and proposed a meeting. It was set up by Ken to include an expert panel consisting of attorneys, Ross Klein, a few ICV board members and CLIA. No other victims were invited. The focus of this meeting was a 10 point plan.

Meanwhile, Terry Dale, Gary Bald and Kimberly Edwards from the ICV discussed what Congressman Cummings' order meant. It was confirmed through his office that the cruise lines should meet with all victims and get our ideas.

On June 25th, an invitation was sent out by CLIA for a meeting in Miami. This invitation was sent to Ken Carver, asking him to forward it to the members of the ICV. It was not forwarded until August 6th. Due to the short notice, some may not have been able to attend.

Invitations were sent to other victims with whom the cruise lines had contact, and it was immediately forwarded to Ron and myself by Kimberly Edwards at Gary Bald's request.

On August 14th, we joined 18 victims, representatives of CLIA, the Family Assistance Foundation, Royal Caribbean and Carnival cruise lines. Some victims told their stories and offered suggestions that would improve the safety on cruises and treatment of victims and their families. Ron and I each spoke and handed out a list of our ideas.

The ICV had time to speak. Ken gave a presentation of the 10-point plan. Letters were read, one from an ICV member who could not attend and one from the ICV board asking that CLIA deal only with the ICV board in the future. I spoke with Terry Dale and was assured that all victims would be included in future correspondence and meetings.

Gary Bald and Travis Winslow discussed technology and safety features that they were researching. They also discussed improved security training. Terry Dale concluded the meeting by saying that he felt that the day's discussion was helpful and suggested continued conversations with victims in the future.

He also suggested working groups be formed. Terry Dale has begun organizing working groups. He asked the victims that attended the meeting if they would like to be included. As of yet, we are not sure what being part of this group means.

No promises or proposals were made in Miami by CLIA or the cruise lines as far as safety is concerned. It is in my nature to believe that people will do the best thing, but there are no signs that the industry will do their best to protect their passengers. The working group should be a channel for sharing ideas and brainstorming, but unless the idea results of the working groups become the goals of action groups that implement, they are nothing more than an illusion by the industry to appear to be making change.

The subject of expense comes up when discussing safety. The goal of every business is to show the maximum profit. The decision to make change is in the hands of the people who control the purse strings. Unless it becomes more profitable to make ships safe than to settle lawsuits, all of the necessary changes will not come at the hands of the industry.

I believe we should support bill H.R. 2989. This would change the Death on the High Seas Act to allow non-pecuniary and punitive damages to families of a person who has died at sea while aboard a ship. Congress has deemed the DOHSA limits unfair in the context of aviation cases and removed the limitation of damages that previously applied.

It makes no sense to limit damages to surviving families in a wrongful death when the death happens to be at the high seas on a ship. Why is there different treatment for survivors of maritime accidents and survivors of a plane crash?

In the cases of my family, George Smith's, Annette Mizener's and Merrian Carver's families and others involved in death at the high seas, the cruise lines used DOHSA to limit their responsibility. This thwarts the goal of our tort system which is full compensation to survivors. If full compensation is allowed, the cruise lines will improve safety in order to prevent liability. Currently, DOHSA does not permit punitive damages, and the cruise lines get away with murder.

I believe our Government needs to create legislation to set standards, create laws and monitor accidents and crime statistics. Fines and consequences need to be substantial so that it is more profitable to follow the law.

I believe legislation needs to be updated as technology changes. As technology is developed, the cruise industry will incorporate all features that will entice people to take a cruise and increase their profits. Safety standards and legislation need to be updated as well to meet the changing situations.

Care teams, infrared imaging and improved reporting are great. However, these things are used for after a rape happens, a person dies from smoke inhalation or a young man goes overboard. Our goal should be to prevent these accidents and crimes from ever happening.

I believe cruise lines should be regulated like a business in the United States. U.S. businesses are required to update products for the safety of consumers. There are regulations on all consumer goods and activities in the U.S. Government agencies enforce these

regulations. The cruise industry should be regulated in the same manner as any U.S. business as they are doing business from our ports and transporting our citizens.

In closing, I would like to say in order to achieve change, all victims, CLIA, the industry and our Government must work together. Change cannot be hindered by efforts of individuals with an agenda to punish cruise lines to get even. Efforts by the cruise lines must not mean changes are minimal and at minimal cost to only appear to be improving their way of doing business.

There must be legislation to assure that all U.S. citizens and those leaving from a U.S. port come back safe and sound. Legislation cannot be defined in a single 10-point plan but must set forth a flexible plan that allows for continuous improvement.

Thank you very much.

Mr. CUMMINGS. Thank you very much.

Ms. Hudson.

Ms. HUDSON. Good morning, Mr. Chairman and Members of the Subcommittee. I would like to thank Chairman Cummings and the Committee for inviting me to testify today concerning cruise ship security practices and procedures.

I would also like to personally thank my Congressman, Mike Castle, for his continued support of legislation to protect Americans on cruise ships.

My name is Lynnette Hudson, and I am the daughter of Richard Liffridge. My father died after a fire erupted on the Star Princess on March 23rd, 2006.

I would like to take this opportunity to acknowledge my family who is present here today as well as the other members and victims of the ICV who have come to support us.

I have submitted my written statement which outlines recommendations to ensure this type of tragedy does not happen to another family. I just want to take a few minutes to point out major points regarding some defects in security and safety practices onboard cruise ships.

During the early hours on March 23rd, 2006, a fire erupted on the balcony of a stateroom on the 11th deck. The cause of the fire was determined to be a smoldering cigarette that was improperly discarded. The cigarette landed on a towel or clothing that was left on the balcony furniture. The furniture and the balcony partitions were made of highly combustible polycarbonate materials.

Let me just describe a few of the shortcomings that I believe contributed to the death of my father. First of all, there were no fire detection or fire suppression systems on the balconies. The ship's emergency number which is manned 24 hours per day was not manned after the crew alert signal was sounded. This left the 911 call center vacant during subsequent emergency calls.

The self-closing alleyway doors were propped open with a wooden wedge which allowed the toxic smoke to reach internal alleyways.

One of the six members of the engine fire party was unable to dress because his suit was too small.

No member of the engine fire party or any other party carried the thermal imaging camera because it was considered to be too heavy and cumbersome. This camera would have provided necessary visibility.

It is clear that changes need to be made in the area of fire safety training, emergency response and in the protocol of handling emergency situations. Smoking is still a big issue on cruise ships. Although some lines have banned smoking in certain areas of the ships, the probability of another fire occurring is extremely high.

During the last Subcommittee hearing in March, 2007, Chairman Cummings, you recommended that the cruise industry work with the victims to develop solutions to the current problems. On July 26th, 2007, I attended a meeting with CLIA along with the ICV President, Ken Carver, and others representing victims. As a board member of the ICV, I felt that the process to bring CLIA to the table for discussions took too long.

Many suggestions were made at that meeting regarding how the cruise industry could improve in areas of safety. There has been no follow-up meeting or any acknowledgment that CLIA acted on any of the suggestions that were offered.

CLIA held a meeting this past August where they flew certain victims to Miami. They told these victims that they could not bring their legal representatives nor were the media welcome.

At the end of the meeting, CLIA wanted to form an advisory committee for the purpose of providing possible solutions to the industry's safety and security problems. CLIA had the sole discretion of picking the members themselves. It is unclear to me why CLIA would want to form a separate committee instead of working with the ICV, an organization that consists of over 200 members and friends.

I am concerned that there has not been true progress since the meeting last March. If the industry has committed to changes, they have not shared them with the ICV.

In my situation, not only were the circumstances surrounding my father's death difficult to accept, the mishandling of the fire emergency and aftermath compounded the situation. Despite being listed as my father's emergency contact person, no one from Princess Cruise Line contacted me. Not one person from Princess Cruise Lines or from the cruise industry told us what happened to my father. I, in fact, had to read about it in this 52-page marine accident report.

Let me just take a minute to tell you a few things about my father. Not only was he a devoted husband, father, grandfather and great-grandfather, he was also my friend. After 20 years of honorable military service, he retired from the Air Force. He proudly served this Country in the Vietnam and Korean Wars. He was also a Mason. One of the things he enjoyed most was traveling and spending time with his family and friends.

In closing, I am hoping that we as victims can work together with CLIA to make cruising safer for passengers.

I often struggle with wondering what my father felt those last few minutes of his life. I find peace in knowing that he thought about his children and the people he loved the most.

I also struggle with the fact that knowing the moment I woke up that morning, he was already gone and no one from Princess Cruise Line bothered to call me. It took nine hours—nine hours—after the fire before I received a call, and it still wasn't from Princess Cruise Line.

Thank you for conducting this important meeting and listening to our concerns and comments. Thank you.

Mr. CUMMINGS. Thank you. I really appreciate it. Thank you.

Ms. Orlich.

Ms. ORLICH. My name is Angela Orlich, and I am from Springfield, Massachusetts. Thank you for providing me the opportunity to tell the ordeal that I encountered during a Royal Caribbean cruise with several of my friends. Our group consisted of approximately 40 individuals from a local hospital where I worked.

During the cruise, I purchased a shore excursion which was promoted and sold to me while on the Royal Caribbean cruise ship. This excursion was to a resort in Cozumel, Mexico, which included scuba diving. The excursion in question was part of Royal Caribbean's shore excursions promotion called Explorations which is one of the attachments.

The cruise ship I sailed on, Nordic Empress, offered many different types of excursions, all of which sounded like great fun. I decided to purchase an excursion which was described by Royal Caribbean as parasailing, banana boat, snorkeling and diving tours. I signed up for the excursion, completed the Explorations shore excursion information and order form bearing the Royal Caribbean International Get Out There official logo and paid my $28. Little did I know that it would result in a horrifying experience.

I had previously taken scuba lessons at home but had not been certified. I am claustrophobic and the Atlantic Waters were too murky for me to get certified. I thought it would be a good idea to take additional lessons in the clear waters of Cozumel.

The dive instructor told me that he was a PADI master diver. I asked for a wetsuit, but the dive instructor told me it was not necessary. I also asked not to go out very deep, but I was nervous.

During the dive, the instructor took me to a depth of approximately 60 feet. I did not want to go that deep, but it was too late. I was already on the boat. We stayed underwater longer than I wanted, and I became tired.

While still underwater, the dive instructor began to rub his hands over my body and molested me. He grabbed my buttocks and ran his hands up and down my legs. I shook my head no and began to panic, but I tried to maintain my composure.

I motioned to return to the surface. I grabbed the rope to get back up to the boat, trying to get away from him, but he grabbed and began to pull me back down. I tried to fight him off, but he continued to molest me.

Then he turned off the air in my tank. He pulled my top down and bit my breast. I was terrified. At this point, we were about 30 feet underwater. I was afraid that I would die, that my body would never be found and that no one would ever know what happened to me.

Finally, I managed to get back to the surface and return to my group. I was so frightened that my friends thought a shark had attacked me while I was running towards them. I was horrified, shaking and crying. My friends were also very upset and tried to find a police officer, but in Cozumel, Mexico, there are none to be found.

When I returned to the Royal Caribbean ship, I reported what had happened to me. I could not believe that something like this could happen to me during a cruise. I didn't know what to do.

I reported the assault to the cruise employee, Jessica, who had coordinated passenger activities. I made a report to the ship security officer, and I went down to the ship's doctor. The ship doctor refused to examine or treat me. He was totally dismissive and told me to see a doctor when I returned home tomorrow to Massachusetts.

When the cruise ship returned to Miami, there were no FBI agents waiting to interview me or any other agents. The cruise line offered no assistance whatsoever.

My life changed on the day that I was attacked. I could not sleep. I was traumatized and forced to seek treatment from a doctor and help from a counselor.

It was clear to me that the instructor needed to be arrested and sent to jail and only then could other women be protected. I did not want anyone else to experience anything like this. I took it upon myself to report what happened to the U.S. Consulate's Office in Mexico and Anne Harris.

The excursion company told me that the diving instructor would be fired. However, I wanted him to be criminally prosecuted. Six months after the cruise, in an attempt to have the dive instructor prosecuted, I returned to Mexico, made a formal declaration against him, but the criminal prosecution has gone nowhere. This has been a very frustrating and fruitless experience so far, and it has also been expensive.

The cruise line response? Not only did Royal Caribbean refuse to help me, it refused to reimburse me the $28 which I had spent for the excursion.

But what did I receive instead? A form letter from the President of Royal Caribbean thanking me for giving them an opportunity to send you home with an experience to remember. The President also enclosed a $50 coupon because you can expect just as many memorable experiences on your next cruise vacation, which is another exhibit.

In February, 2006, I sought advice on what I could do from a maritime lawyer. The purpose was not to file a lawsuit but to obtain information and to prevent this from happening to others. He sent a letter to the President of the cruise line and its risk management department, asking for basic information about the assault on me, also an attachment. There was no response from Royal Caribbean.

I would actually, in closing, like to say how many other victims like me have not survived their attacks at the hands of the same individual as well as other dive or snorkeling instructors. Who will be his next victim? Is this individual still employed as a scuba instructor?

I would like the cruise lines to investigate the excursions they sell. Go to the excursion location to make certain that the activity is safe. Make certain that you can send your family to this site. Warn you in advance that you are really on your own the second you leave the cruise ship even on an excursion the cruise line promotes and profits from it.

Maintain a database of sexual predators both on their cruise ships and the excursions they promote. Respond to passenger complaints in a timely and meaningful manner. Notify the FBI and the U.S. Consulate immediately.

Provide a trained female crisis counselor aboard the ship so that the female victims have other female to turn to. It was very difficult to talk to a security officer as a male and I am a female and not a female in there.

Mr. CUMMINGS. Believe me, we are very sensitive to that issue.

Ms. ORLICH. Yes.

Mr. CUMMINGS. I am going to have to ask you to wrap up because we have got some votes and time has run out anyway.

Ms. ORLICH. Fine.

Mr. CUMMINGS. But I want to hear from Mr. Ruchelman and Mr. Sullivan, and then we are going to have to take a break. I would just ask you to move through it as fast as you can. I am sorry.

Mr. RUCHELMAN. Good afternoon, Mr. Chairman, Ranking Member and Members of the Subcommittee. Thank you for inviting me to testify before you today.

My name is Harold Ruchelman, and I understand that I am here to help you determine how the cruise line industry should deal with tragic events. My story is an example of how they should handle such situations.

My story is about what Celebrity Cruises did for me in March of 2006. It was Thursday, March 22nd. We docked in Arica, Chile. One of our friends had made arrangements for a tour, a tour that was not sponsored by Celebrity. It was an enjoyable one, and we were on our way back to the ship when the accident occurred, an accident that changed my life forever.

Our driver lost control of the van, and we toppled down the steep slope of the mountain. The next thing I remember was coming to on the side of the mountain with a broken right leg. My friends' bodies were strewn about the mountain with the remnants of the van near the bottom of the slope.

I could not see where my wife was. The guide, the only one who was mobile, told me that most of the people perished including all the women. That meant I had lost my wife.

Here I was in the middle of nowhere. How do I get in touch with anyone? What do I do now? I felt cut off from my world and totally helpless. All I could do was wait and see.

It took about an hour and a half before any help arrived. No one spoke English, and I didn't speak Spanish. It was so bad that when people asked me how I felt, I thought they were asking for my name.

I was taken by ambulance to a hospital in Arica. My clothes were cut off in the emergency room when I was taken for x-rays to determine my condition.

Coming back from that procedure, I got my first taste of the care that Celebrity Cruises would be giving me. One of the doctors and one of the nurses from the Millennium, the ship we were cruising on, were there at the hospital.

When I was in the ICU, the doctor asked me if there was anything I need on the ship. I suffer from sleep apnea and use a CPAP

machine which was in the cabin on the ship. I asked if he could get it as I doubted that the hospital in Arica had one.

He also told me that the doctors there said my x-rays indicated I may have a problem with my aorta. I was taken for a CAT scan. When the doctor came back with my CPAP machine, he conferred with the doctors and told me that my CAT scan proved negative.

I was concerned about the cost of everything and how I was going to pay for it. Seeing my anxiety over this issue, the doctor, after taking it upon himself to look into this matter, told me that Celebrity would pick up all the costs associated with the accident. I was astounded as this excursion was not sponsored by them.

I was then moved to a ward which I shared with the guide and the other surviving member of our group. Being in a hospital in a small town in a third world country was unsettling to say the least. Air conditioning was opening a window which let the flies in. The food left much to be desired even for hospital food.

But the worst was the language barrier. My leg, now in a full cast, kept me bedridden. If I needed anything, how could I let them know?

Two American volunteers from a nearby university came to help. They remained until Celebrity Cruises brought two people from the States to remain with us, myself and the other survivor for the duration of our stay in the hospital. They stayed with us day and night just in case we needed anything.

These two wonderful people were my connection to the rest of my world. The attention they provided was both comforting and greatly appreciated. They treated me as if I was family. When I stirred during the night, they jumped to see if I needed anything. I will never forget them.

They were only one facet of the help and concern offered by Celebrity. A member of their strike force came to see what he could do for us. He was constantly on the phone, trying to make all sorts of arrangements. Seeing what gyrations he was going though gave me a secure feeling, a feeling that I was not alone in Arica. There were people who were extremely concerned with my situation.

Celebrity flew in a rabbi from Florida. Being of the Jewish religion, we avoid autopsies if at all possible. However, when one is required by law, certain procedures must be followed. This rabbi was there to make sure that religious protocols were followed in our wives' autopsies as well as meeting our spiritual needs.

They thought of things that I was in no condition to think of. They even flew in a counselor to talk to me.

Many people came in to see us. A rabbi from Santiago, an individual from Israel, officials from the U.S. Embassy, officials from Chile, but the ones that stood out as trying to do the most for us were the people from Celebrity Cruises. They were obviously making a concerted effort to meet our every need and bring the situation to a satisfactory conclusion.

They made arrangements for my children to fly down to Chile. You can imagine how welcome that news was since I thought I would be in that hospital for some time. Later that day, I was told we would be flying home Friday afternoon. I asked if my children knew of the change in plans and was told they had been informed.

Another problem was solved, how could I get in touch with my kids and let them know I was okay. I was elated when the person making all the arrangements handed me his cell phone with my son-in-law at the other end of the line.

Mr. CUMMINGS. Mr. Ruchelman, I am going to have to ask you to wrap up because we have got to get to Mr. Sullivan and we only have about six and a half minutes.

Mr. RUCHELMAN. Okay.

Soon I was whisked off to a waiting ambulance and taken to a local airport together with other survivors and put on a chartered plane. I cannot believe what was done for us, that Celebrity chartered the plane just for the two of us and the remains of our wives.

On board were the doctor, the nurse and two guardian angels, the counselor and the rabbi. They, along with the flight crew, were constantly checking up on us. The doctor, in order to monitor us, sat facing us the entire trip. The doctor accompanied us all the way to Newark, New Jersey.

The plane landed at Newark, taxied to a private hanger where our children came on board. The doctor checked me out one last time to ensure I was well enough to go home, and I was then put in an ambulance that took me to my daughter's house.

I cannot begin to express the feeling I had then or have now at the consideration, concern and efforts the Celebrity Cruise organization extended to me and to think that this all began with an excursion that they had not sponsored. Yet, they still chose to do something, and they did an astonishing job. They more than extended themselves in helping me get through my ordeal. I do not know what I would have done without them.

Mr. CUMMINGS. Mr. Ruchelman, I have been very kind. I have got to get to Mr. Sullivan.

Why don't we let you? You go ahead and finish. Mr. Sullivan, we will get you on the way back. Please wrap up.

Mr. RUCHELMAN. I will be eternally grateful for their humanity, compassion and thoughtfulness. I don't know if my case is an aberration, but Celebrity has set a standard that the rest of the industry should emulate.

Thank you again, Mr. Chairman, for the opportunity to be here today.

Mr. CUMMINGS. Thank you very much.

We have four votes. We should be back in a little bit over a half an hour.

[Recess.]

Mr. CUMMINGS. Mr. Sullivan.

Mr. SULLIVAN. Good afternoon, Chairman Cummings, Ranking Member Mr. LaTourette and Subcommittee Members and staff.

I, in fact, am the mystery guest earlier referred to by Congressman Mica. I am a former Federal prosecutor, and I spent over 10 years pursuing any and all manner of Federal crime as an Assistant U.S. Attorney in the District of Columbia. Now, ironically, I represent corporations.

I know how and when and why things go wrong in corporations, and I understand how to correct them. I am sorry to report that based on what I have seen Royal Caribbean does not.

Today, I represent a young college woman who was horribly and brutally raped while asleep behind a locked stateroom door while on a Royal Caribbean cruise.

Contrary to Congressman Mica's suggestion, there is no pending litigation right now between my client and Royal Caribbean. I am here at her request to pursue the legislative process.

Chairman Cummings was also correct when he represented that my appearance was also requested by other Members of Congress, and he very graciously extended me an invitation to appear here today. I am grateful and so is my client.

You have heard a lot of reassurances from Royal Caribbean and will hear more today. The story I am here to tell you occurred just three weeks prior to the testimony that you heard from Royal Caribbean in March of 2007. The company chose not to tell you about it because it is in stark contrast to the portrait Royal Caribbean publicly paints. In fact, this story is the classic case of how a company should not behave.

I would like to draw your attention as some backdrop to the written testimony of Mr. Bald who said that where situations occur, their goal is to effectively respond, to restore safety and security, to treat and care for guests, to identify those responsible, to preserve evidence and to facilitate and support the investigation of the incident.

Nothing of the kind happened. While those are laudable goals, there was no evidence of that practice when it came to my client in March of 2007, three weeks before the testimony you heard. I implore you to question Mr. Bald closely today about what happened to my client.

In March, Laurie Dishman testified about being raped by a Royal Caribbean employee and then victimized by a company that managed its own risk instead of caring for her. She warned there would be another Laurie Dishman.

I represent the next Laurie Dishman. To respect my client's desire for anonymity and because of her youthfulness, I will refer to her as Jane Doe throughout my testimony. She was raped two weeks before the March hearing and, like Ms. Dishman, she was raped by a crew member. I would like to tell you just a part of her story which is significantly at odds with the portrait Royal Caribbean painted for you in March and ask that you refer to my written statement for more detail.

In March, Jane boarded a Royal Caribbean ship with several of her college age female friends to experience a fun and relaxing spring break. Midway through the cruise, the cabin steward who was assigned to Jane's quarters used his Royal Caribbean-issued pass key after hours to enter a cabin and rape Jane while she slept.

The crew member who did this was a predator. He knew Jane and her friend were fast asleep when he let himself into the room. Without waking Jane or her friend, the crew member removed Jane's shorts and bikini bottom and forcibly raped her. She awoke as a result of the rape and was able to struggle free.

Jane's friend reported the crime immediately by dialing 911 on the ship's phone. All she met with by the Royal Caribbean operator

on the other end of the line was a laugh. The report wasn't taken seriously when that first call was placed.

Jane was next taken to the ship's infirmary where she expected to receive the urgent medical care, forensic treatment and even a bit of compassion that she so desperately needed at that time. Instead, she encountered a medical staff whose actions served only Royal Caribbean's risk management interests.

The medical staff did not examine Jane, did not ask her if there were any alcohol or prescription medications in her system, did not perform a rape kit examination, did not give Jane the anti-retrovirals and other medications that are critical to preventing HIV and other sexually transmitted diseases after a rape.

The only thing Royal Caribbean's medical staff did was to immediately inject her, without her consent or any discussion whatsoever, with a powerful drug, a drug called Lorazepam, a potent sedative and an amnesic drug, one that induces forgetfulness. Lorazepam is also known to dangerously interact with other medications and alcohol, but the nurse never inquired.

Further, the nurse gave the injection, knowing that Royal Caribbean's doctor would soon compel Jane to make a written statement about the rape and that Jane would be interviewed by local law enforcement. Obviously, she would not have been in any condition to forcefully describe the trauma and the facts of the rape that she suffered half an hour or so before when she was sedated.

Shortly after the injection took effect, the doctor ordered Jane to complete and sign a Royal Caribbean statement form without informing Jane that the information she provided would be turned directly over to Royal Caribbean's risk management personnel and lawyers.

After obtaining the statement, the doctor abandoned Jane in a sedated state on an infirmary cot for almost six hours when she was in need of emergency medical care. The inexcusable delay placed her outside the recommended timeframe for receiving anti-retrovirals and allowing evidence of the rape to deteriorate within and outside of her body. Further, the doctor initially refused the request of Jane and her traveling companions to call their parents for help and guidance.

Contrary to the company's testimony in March, Royal Caribbean did not assign the most senior female officer to serve as Jane's advocate. Indeed, she had no advocate. The shipboard personnel were scrambling to protect Royal Caribbean's liability interests from the consequences of her action.

After six hours, while Jane was left in repose to herself on a company cot, her friends were allowed to leave the ship, and she was abandoned at the foreign port of call to the local authorities. Ship members did nothing to ensure that she was taken to the best possible hospital. She was taken to a developing nation's public hospital where in fact she received only half the standard dosage of the anti-retrovirals she desperately needed.

After Jane left the ship, Royal Caribbean continued its risk management tactics. Witnesses have reported that Royal Caribbean failed to promptly secure the crime scene such that unauthorized individuals had easy access to it and, in fact, entered it.

Mr. CUMMINGS. Mr. Sullivan, I am going to have to ask you to wrap up.

Mr. SULLIVAN. Despite the fact that Jane's rapist was apprehended by local authorities and will stand trial, Royal Caribbean to this day refuses to turn over evidence it retains that is needed to bring Jane's rapist to justice. We also have been without and have requested many times the rapist's medical records, so we can make determinations as to whether or not my client is at risk for HIV or STDs.

I want to jump to the recommendations that I think are important and, of course, most of them are outlined. All of them are outlined in my written testimony, but again I want to offer a backdrop. In terms of Mr. Bald's written testimony, in terms of the enhanced safety and security requirements, he has, what I think, offered nothing more but amorphous and ambiguous happy talk phraseology.

He talks about instituting a deterrent presence without describing it, revising of several key processes and exchange of information, continuing discussions, quarterly reviews of shipboard incidents, formal after-action processes, development of incident metrics, whatever those might be. The amended policy on incident responses in place and SeaPass program is happily now in the request for proposal phase.

My recommendations are concrete.

Chairman Cummings, I think the key to this case is that there was no pass key technology whereby a crew member was allowed to enter a stateroom after hours without the knowledge or consent of the victim inside. I call for a pass key technology, a very simple technology. Make them inoperative after the duty shift of the particular employee or simply have them turned in.

I have also requested for the installation and monitoring of security cameras in the hallways of these ships just like what is done in hotels. There would be evidence of individuals entering the room, in this case, unauthorized entry.

Thank you very much for your time.

Mr. CUMMINGS. We will probably get to some of yours. Did you finish your suggestions, your recommendations? We will be able to get to them in the questions.

Mr. SULLIVAN. Those are the two primary recommendations and, of course, I have a few in my written testimony.

Mr. CUMMINGS. Thank you. I am just trying to keep it all even-steven here.

Mr. Carver, do you support or oppose the establishment by CLIA of a working group comprised of victims and the families of victims of crimes and incidents on cruise lines to advise CLIA on the adoption of safety and security improvements?

Mr. CARVER. Let me answer the question this way. Here is what I am against.

Mr. CUMMINGS. As briefly as you can.

Mr. CARVER. Yes. CLIA targeted only ICV members. If you read their invitation, no one would know that that was the target of their invitation. I, in fact, wrote them a letter and said, who has been invited to this meeting, because you surely can't tell from that.

There are hundreds of victims and which ones are chosen to come to the meeting, a select group of victims? What was the program? I could get no answer to that, to those two simple questions.

I think CLIA, to be honest and sincere, needs to go to the thousands of victims that they have to solicit information and not just target ICV.

Now why did they target just ICV? Because we are organized. We are an organized group of victims. The rest of their victims, and there are hundreds of them, are not organized. So they are no problem to the cruise line.

Here is a list of hundreds of victims that they could have solicited for their advice. They ignored them.

So I say this. If they are interested in setting up a group, then they need to be balanced and go after all of their victims and not just a select group of ICV members.

Mr. CUMMINGS. What do you think should be the next step?

I had asked you all to get together. Certainly, there were efforts to pull it together. I understand you had a meeting and you described all of that. I guess I am trying to figure out do you see a way forward.

Mr. CARVER. Yes, I do because we had a meeting on July 26th. We went through the 10 points, and there seemed to be agreement on a lot of the 10 points, but Terry Dale came back and said, well, we would like to do it another way.

So I think we need to have another meeting required by the Chairman to look at what are they proposing. All we know is what we proposed. They have come back and said, well, we have got other ways to do it although we agree in principle.

I think the one concern that I have is that they want to do these things on a voluntary basis. That deeply concerns us, but I think we need a second meeting for them to respond to what their exact proposals are.

Mr. CUMMINGS. One of the things, Mr. Carver and to all of you, is just trying to get the parties to come together to try to bring some resolution, like you said, voluntarily, but I don't want to waste our time and don't want to waste yours.

Mr. CARVER. Sure.

Mr. CUMMINGS. We have one life to live. This is no dress rehearsal. This is it. This is the life.

Mr. CARVER. You are right.

Mr. CUMMINGS. What I am trying to get to is that I am trying to create a win-win situation.

Mr. CARVER. Absolutely.

Mr. CUMMINGS. If you still have confidence—it sounds like you do,—that there is something that you can go forward to try to do and accomplish, we will see what the industry says in a few minutes. I am just curious.

Mr. CARVER. Yes, I think we need that second meeting to get their feedback, so we know whether we can agree with it or disagree with it, and that seems to be a reasonable approach.

Mr. CUMMINGS. Let me ask you, Mr. Sullivan. I want to thank you for your testimony.

One of the things that I am concerned about, I think you were here earlier when we were talking to the FBI, and we talked about

evidence. One of the things I am going to ask the industry to do is to make sure that they have already reached out to the FBI—as you know, Mr. Bald, used to be with the FBI—and to try to create this CLIA protocol with regard to these sexual assaults and other crimes, by the way.

But it is just so interesting that out of the 18 open cases, that 13 of them are sexual assaults. That seems to be kind of glaring, making sure that we preserve evidence and hopefully address some of the issues.

I understand what you said about the pass key, but do you have any comments with regard to the preservation of evidence? You are a lawyer.

Mr. SULLIVAN. Absolutely.

Mr. CUMMINGS. And I ask you to be brief.

Mr. SULLIVAN. Thank you. I did prosecute crime, so I know a little bit about the collection and preservation of evidence.

What the experience I have testified to you about tells me is that contrary to what we have heard from representatives of the FBI and the Coast Guard this morning, it doesn't seem to me that Royal Caribbean is interested in prosecuting criminals, predators, people who prey on American citizens or any other individual on shipboard cruises.

Why? Because that exposes them to liability, and that is not something that they are interested in.

There were many reports. We have seen reports from 1999, commissioned reports by consultants, that the cruise industry in particular has asked: How do we enhance our security processes?

Video camera surveillance, the pass key that I referenced a few minutes ago is easy; the installation of peepholes; a victim/witness advocate; having the rape kit onboard actually used.

The rape kit was not even attempted for my client who sat there under sedation for six hours. As I think about that, what possible purpose could be served by sedating my client without her consent, knowing that she is about to give statements to law enforcement as well as statements to Royal Caribbean personnel under that condition?

You are a lawyer. I am a lawyer. Everyone knows that for purposes of providing information or testimony, one of the first questions asked is are you under any medication, is there anything in your body which might influence your ability to relate what you perceived as to an event that happened to you.

Royal Caribbean did this intentionally because they wanted to undermine the potential for pursuing this case because that might lead to exposure, and I frankly represent that it is probably more cost effective for them to attempt to handle a case by case situation as opposed to installing the broader range of preventive measures although I don't think that is the case.

There is testimony before you or evidence before you that installing peepholes per door is only $11.00. It is very easy to have personnel trained in the collection and preservation of evidence. It is very easy to have video surveillance. It is very easy to have a victim/witness advocate, and it is extremely to make those pass keys inoperative after the duty shift of the crew member is over.

The cruise lines have been on notice of these problems for years. Those commission reports were in 1999. We are in 2007.

Royal Caribbean knew about the fate of my client in March, 2007. Three weeks prior to that, she was victimized.

So my recommendation at this point, respectfully, is that it is long gone for purposes of the two sides reaching an accommodation on their own. It is time for legislation. It is time for Congress to step in and mandate that specific security procedures be installed onboard these cruise lines to protect American citizens primarily but to protect anyone else who buys a ticket where they are implored to go and enjoy themselves under a safe and fun environment when in fact there is nothing of the kind that is available for them. They go on these cruises at their own risk.

I submit that the cruise industry could take these preventive measures, Chairman Cummings, with a minimum of expenditure in light of the profits they obtain on a yearly basis.

Mr. CUMMINGS. Let me ask Ms. Hudson and Ms. DiPiero, Ms. Orlich and Mr. Ruchelman. Can you each of please state which of the meetings held between the victims and families of victims and the cruise lines you attended, if any? Please give the Subcommittee your sense of these meetings and then comment on what you believe needs to be done next in terms of ongoing discussions between the victims and cruise lines to improve safety and security on cruise ships.

We will go with you, Ms. Hudson. You are first.

Ms. HUDSON. Okay. Thank you.

Mr. CUMMINGS. I ask you all to be brief. I just want to get a feel.

Ms. HUDSON. Okay. I attended the July 26th, 2007 meeting that was held here in Washington, D.C. along with a few other members of the ICV and a couple of members and friends to the ICV. It was five hours long. We went five hours straight. There were a lot of great recommendations that came out of that meeting.

Terry Dale, they did take notes. There was an attorney, Phil, who recommended the cruise industry possibly using an outside vendor to take a look at the security setup and practices. So I thought there were a lot of good suggestions that came out of it.

My problem and concern is that was the end of it. We never heard anything like, well, this is what we did. This is what we are going to do.

So that is the only meeting I attended. I did not go to the August meeting because I didn't get an invitation to the August meeting, not like the other two, but that was one meeting.

I thought it was helpful. They listened to our 10-point plan. They did give their recommendations, but I thought we were trying to move forward, but unfortunately I don't know what came of that. It kind of went by the wayside.

Mr. CUMMINGS. In other words, you are saying you felt good about that meeting.

Ms. HUDSON. I felt good about that meeting.

Mr. CUMMINGS. When you walked out the door, you felt optimistic that you would be able to work something out?

Ms. HUDSON. I thought they were going to work something out, yes, sir.

Mr. CUMMINGS. All right. Do you want to try to continue that effort?

Ms. HUDSON. I would like to. I am very skeptical about the voluntary agreement. Also legislation, I would love to see legislation here, but if they would commit to making the changes that we are asking, like Congresswoman Brown said, use common sense. There are things that they can do common sense-wise.

Mr. CUMMINGS. Ms. Orlich?

Ms. ORLICH. I did attend in March, 2006, the first hearing here in D.C. I didn't testify. I was just with my fellow ICV people here. But I also attended in August in Miami and met with CLIA, Terry Dale, Gary Bald, and I actually thought at that time that there would be things done. That was approximately a month ago. Nothing has been done since then to my expectations that I thought.

I also spoke to someone underneath Gary Bald, a Mike Giglia—I am sorry if I am ruining his name—who is a former FBI agent. He took my case, took all my information, and I thought by now I would hear something back about Cozumel. He did call me last week and told me that he sent an email to the American Consulate, again this Anne Harris that I had dealt with a couple years ago, but he has not yet received anything back. So he actually did try, but there hasn't been anything else.

I would like to see it continue if possible.

Mr. CUMMINGS. Ms. DiPiero?

Ms. DIPIERO. I attended the meeting in August in Miami. We all had great ideas. I gave them four pages of ideas. They seemed very receptive. They said, yes, you have great ideas.

We left there. There were no proposals. There were no promises. As of yet, I have seen no written contract saying, we will do this, this and this.

Like I said in my testimony, any change is going to require money and that is held in the purse strings of the companies. Until those people are the ones that come forward and say, okay, you have the money to do whatever you need to do, I don't think they are going to do it. They are going to be on a budget. There has to be things that have to be done, and they need to be told how to do them and they need to be given a timeframe to do them in.

I think that the people we were with in Miami truly would like to go in and do all the changes in the world, but they don't have the money to do it. I think it is really going to be forced upon the industry.

We forced it upon the automobile industry. There didn't used to be airbags in our cars. There didn't used to be seatbelts. There didn't used to be rollbars within the bodywork to protect our heads should a car roll over. I believe that the automobile industry has done those things because they were require to do it, and we need to require the cruise lines to make change.

Mr. CUMMINGS. Mr. Ruchelman?

Mr. RUCHELMAN. Mr. Chairman, I didn't attend any meetings.

Mr. CUMMINGS. All right. I want to thank all of you.

We are going to now go to the Ranking Member, but I just want to express our heartfelt thanks to all of you. I know it is kind of difficult.

Ms. Hudson, I guess that is your sister back there. Is that your sister?

Ms. HUDSON. Yes, my sisters.

Mr. CUMMINGS. Is that your sister?

Ms. HUDSON. Two of them, yes.

Mr. CUMMINGS. Okay. I mean the one in the red. She looks just like you.

Ms. HUDSON. Oh, no, that is my niece. That is my niece.

Mr. CUMMINGS. Oh, okay.

The thing I appreciate is that you all have taken a difficult circumstance that is so very, very painful and then tried to put the anger aside and try to make things better for other people. I have never been in that situation, but I imagine it is not always easy.

I know the industry. I have talked to the industry many times. I know they are trying to do a lot of things, but we have to have this balance.

I have said to the industry that they have to be reasonable and try to work with you all, but you all have to be reasonable too so that we can come up with a win-win because I think that when we are constantly battling, nothing comes out of it. I think we are aiming in that direction, but I just wanted to thank you all very much.

Mr. LaTourette.

Mr. SULLIVAN. Chairman Cummings? Oh, I am sorry, Mr. LaTourette.

Mr. LATOURETTE. Do you want to say something before I start? Go ahead.

Mr. CUMMINGS. Very briefly.

Mr. SULLIVAN. I just wanted to make one point before we leave. I think in light of the anguish suffered by the people in this panel and my client and where we are in terms of the lack of communication even though it was earnestly attempted, that this panel has an obligation to inquire as to whether the cruise industry is incentivized to believe that it is more effective on a cost basis to defend individual cases, especially where on those ships and in those cases evidence is intentionally not preserved, rather than to implement the broad base of security measures that have been out there in this industry since 1999 and that they have been generally aware of. That is the dynamic.

What is more effective from a cost basis?

Mr. CUMMINGS. Mr. Sullivan, let me say this. I am hoping.

Thank you, Mr. LaTourette. I just want to answer this real quick.

You made some very strong statements, and I am hoping that the industry is listening to what you just said because I am very interested to hear what they have to say to what you have been saying, and I know they will respond. So let us hear from that group. Thank you.

Mr. SULLIVAN. Thank you.

Mr. LATOURETTE. Thank you, Mr. Chairman.

Just a housekeeping matter, I would ask unanimous consent that additional opening remarks by Mr. Mica, the Ranking Member of the Full Committee, be made part of the record.

Mr. CUMMINGS. Yes.

Mr. LATOURETTE. Thank you very much.

I want to thank all of you for your observations today. An editorial observation is one of the reasons I enjoy being a Ranking Member on the Subcommittee is working with just a fine man and gentleman like Chairman Cummings.

Mr. Carver, I was heartened by your observations that you described the meetings that occurred as historic, and I think that we all recognize that they came about as a result of the attention that the Chairman has played to that. I know that he doesn't need plaudits from me, but he is going to get them anyway. I commend him for that and his continued diligence on this issue.

I am interested in the line of questioning that you had. I don't know if I subscribe to your statement, Mr. Carver, that anybody that has ever been victimized needs to be invited to a meeting. I think that what needs to happen are the ideas.

I jotted down that you presented the 10 things that your group wanted to see. Ms. DiPiero had a number of items in her observations such as raising railings and nets after dark. Somebody had—it might have you, Ms. DiPiero—had a little different slant. I think you wanted people with bracelets and GPS and yours is a pass with a GPS finder that is activated by salt water and, today, Mr. Sullivan's testimony about the pass keys and the peepholes and things of that nature.

I think somewhere in the world there is a body of things that reasonable people could agree would make ships safer when it comes to crimes committed aboard ships. I guess it would be my hope that there be continued dialogue.

Mr. Sullivan, maybe you can help me with this. You weren't at our March hearing. Were you at our March hearing?

Mr. SULLIVAN. No, I was not.

Mr. LATOURETTE. Okay. One of the things that we sort of got into was it is difficult. One, it is tough to pass a law, even if you have got a great idea. Two, this particular issue, when you are dealing with foreign-flagged vessels and you are dealing with treaties, we can pass a lot of rules and regulations about the structural integrity so that when they come into our harbors, they don't break apart and pollute our harbors and our bays, but these issues are a little bit tougher.

I don't mean to suggest that you said that there is something simple that we could, but I think that it is more complicated. Do you have an observation on that?

Mr. SULLIVAN. I would respectfully suggest that to the extent legislation proceeds on the basis of such foreign-flagged ships using our harbors, the analogue would be such foreign-flagged ships sell tickets to our American citizens and that would provide a justifiable basis for the enhancements for security under legislation that I suggested a few moments ago.

Mr. LATOURETTE. I don't know if I agree with you 100 percent. I do know that when the Coast Guard was here, they made the observation on this reporting agreement, that if people don't report, you can deny entry to ports. I suppose there are things like that we could, but it is something to look at.

This is my 13th year here and getting something through both houses, signed by the President of the United States is a difficult thing. I think that the path that the Chairman has put you on is

one that has the opportunity, at least in the short run, to have some tangible results and success. We will hear from the industry in just a minute about what their thoughts are.

But I guess the question would be in addition to the things that you have outlined, your 10 points, your group's 10 points and, Ms. DiPiero, you had made some observations and, Mr. Sullivan, you have made some observations.

Are there any other ideas out there in terms of changes that aren't included in the 10 points, aren't included in the nets, the cameras, the peepholes, that you all have contemplated and thought about, rape kits—we are going to talk about rape kits with the industry—that you think would address the issues to bring us all together here today? Anybody?

Mr. CARVER. I will just comment. I want to go back to that earlier comment. Literally, I am not expecting the cruise lines to invite thousands of people. What I did resent was that they targeted only our members without telling us.

Mr. LATOURETTE. I understand that, and language is tough, the use of "target" has kind of a sinister insinuation; that they targeted you because you are organized and they don't care about everybody else. I don't think I would accept that argument.

I would make the argument that, for instance, if I was interested in accepting the views of people who like baseball, I would probably get a hold of some organized Major League Baseball organization.

So I take it. I mean without ascribing a sinister motive to them, I might take it as a compliment that they reached out to you because you are organized and you know what you are doing and you actually have a plan.

Mr. CARVER. Right.

Mr. LATOURETTE. You have 10 points that are reasonable and rational and everything else.

Mr. CARVER. But the dates here, your second question, there could be many, many items. Sue has got some items that we haven't used that we think are great. I am sure the gentleman at the end of the table has some ideas.

But we have got to start some place, and we started with 10 points which would dramatically change things and you add to that. You can take some of Sue's things. Our 10 points is a fluid document. We changed it in May or in June. We added. Where we had just rape kits, we added medical care. You know. So, sure, you have got to start some place.

Mr. LATOURETTE. I think that would be my invitation. If you all want to get together and send the Subcommittee a list of those things. If the Chairman makes a further inquiry about this in terms of progress, we can talk about progress.

I have your 10 points. Ms. DiPiero, I have raising railings, sensors to determine if something big goes overboard, the netting issue of after dark to make sure people don't hit the water, and the GPS chips.

We also have yours, Mr. Sullivan.

We are going to hear from the industry on the next panel, but the invitation would be that there needs to be a body of good ideas somehow memorialized in one place, and then that is a good starting point. Rather continuing to have hearings where we come in

and we say the industry is good, the industry is bad, why don't we just solve the problem and solve the problem with good ideas?

If you would be so kind as to do that, and Ms. Hudson also has some ideas on fire safety that she talked about. So there is a body of ideas.

Do you want to say something?

Ms. HUDSON. I am sorry. I do. Just some of the things that the industry already does, in my situation, they have emergency escape breathing devices already on the ships. They are just for the use of crew members.

The practice is or their protocol is if someone is stuck or trapped in a cabin, if they need the emergency escape breathing device, they are to call the 911 phone. In our situation, no one was manning the 911 phone.

That little unit, emergency escape breathing device, holds at least 15 minutes of air. As you see in my written statement, I mentioned how long my father was left in the alleyway. So maybe if there was that unit in his cabin, I possibly wouldn't be sitting here today in front of you.

Mr. LATOURETTE. I think those are the types of things that I am talking about. If you all could either individually or as a group get together and just submit that list of best practices.

We have the same thing in all industries. In the railroad industry, I had the family of an engineer who passed away in Graniteville came in and said if he had had a self-contained breathing apparatus in the locomotive, he might be with us today.

So any thoughts, we would appreciate. Under the Chairman's great diligence, we can then review progress about how these talks are going forward.

Mr. SULLIVAN. Mr. LaTourette, very briefly.

Mr. LATOURETTE. Yes.

Mr. SULLIVAN. There has never been a dearth of great ideas. I referenced the consultant's reports back in 1999. The fundamental problem is there has never been devised a mechanism to compel the cruise industry to implement the good ideas that people have been coming up with for years and years. That is the issue.

Mr. LATOURETTE. I appreciate that. I am also struck by the remarks that the meeting that the Chairman urged, the set of meetings are historic. I think that the industry gets it, and there are carrot and stick approaches. I understand exactly what you are saying.

Mr. SULLIVAN. Thank you.

Mr. CUMMINGS. First of all, Mr. LaTourette, I want to thank you for your comments.

I do think that the industry gets it, and we are going to keep trying to keep this train on the track.

We all know it is a two-way street, and there has to be trust on both parts. The industry has to trust that it is dealing with people who are going to be reasonable with them and work through things, but the victims and the families have to feel trust with regard to the industry. Without trust, nothing works. No relationship works.

Ms. Brown.

Ms. BROWN. Mr. Chairman, I don't have a question. I want to hear the last participant, and I think they just called a vote. So can you just tell me what the schedule is going to be?

Mr. CUMMINGS. What we are going to have to do is we are going to finish our rounds of questions. Then we are going to have to come back to hear the industry.

Mr. Coble, I am sorry.

Mr. COBLE. Mr. Chairman, very briefly, as the Chairman and the Ranking Member said to the panel, we very much appreciate your all being here today.

Mr. Carver, in your testimony, you included suggestions on how to enhance passenger safety and security aboard cruise vessels. Have you approached them or have they approached you to discuss the possibility of implementing some of those suggestions?

Mr. CARVER. That is exactly what we talked about in July, July 26th. We laid out fairly detailed documents. We probably have given the cruise line 100 pages of documents on how these things can be done. Their response was we like the idea, but in fact we want to do it another way.

But one of the key items, the very first item was setting up a database of employees that are terminated. Their position was or the concern was it was not legal to set up such a type of database. In fact, we gave CLIA a legal document a week ago saying, in fact, it is legal to do that.

So they agreed to that in that meeting. We agreed to that. We have given them a supporting legal memorandum concerning that subject. It would seem that the next step is to do it since they agreed to it and we agreed to it.

That was our number one point. Since 80 percent of the crimes involve crew members, it makes sense that they are able to identify these people and they don't terminate them off one ship and go to another ship.

So, in fact, it would appear that we might have reached an agreement on that. I have not gotten a response from the industry to the letter that was sent to them a week ago, but our legal counsel felt it was legal.

So we agreed to it. They said it is a good idea. Here is the legal paper. Now they can disagree with it, but that is where we are with our number one.

Mr. COBLE. Let me ask you one final question, Mr. Carver. How many victims are represented by ICV?

Mr. CARVER. We have several hundred members, and I would say 60, 70 victims.

Mr. COBLE. I thank you, sir.

I yield back, Mr. Chairman.

Mr. CUMMINGS. Thank you very much.

Ms. MATSUI. Thank you, Mr. Chairman. I will just make it short.

I just want to thank all of you for your courage and your commitment and your willingness to work on this. I believe if it weren't for you all and your concern that you do not want this to happen to anybody else, we would not be here today.

I believe that you are making progress. I believe that the fact that we are having hearings has been very helpful. I also believe that there is a situation here where I think there is now going to

be more, I hope, give and take on this. There are some very good suggestions at the bare minimum that could be done by the cruise industry to start the process of developing trust.

I think about it. I brought up the subject of hotels and the fact that years ago people felt somewhat unsafe in hotels, and now I think most people feel fairly safe. There are peepholes. There are security cameras, security keys, all manner of things that can be done.

I think these steps have to be made first. These suggestions have been made, and I think they have to be implemented.

The trust factor is very, very important. I brought that up before. If this is to be voluntary, we have to trust that it will happen. I know that the victims here are going to keep with this, but their goal is not to let this happen to anybody else. I think we owe it to them to ensure that doesn't happen.

So I thank you so very much, all of you, for being here today. Thank you.

Mr. CUMMINGS. With that, we thank you.

We have one vote, and so we will be back in about 15 minutes.

We want to, again, thank all of you.

I am going to back to what Mr. LaTourette said. I do not like doing this, this hearing stuff. I think it is a difficult way to get things done, but it is attention-grabbing and it puts it out to the universe, but I think there are other ways to get this done.

We are going to hear from the industry in a moment to see where they are, and then it is quite possible that Mr. LaTourette and I will get together in an informal way sometime soon to see where we are progressing, but we will try to push this process along as best we can.

Again, we want to thank all of you for taking the time out to make a difference. Again, I just thank you. I really do.

We will be back in about 15 minutes to hear from the last panel. Thank you.

[Recess.]

Mr. CUMMINGS. As we call the next witnesses, I hope these witnesses will concentrate. You had the opportunity to hear the testimony already.

Let me see. How do I say this in a nice way? We don't want to hear a lot of syrupy stuff. We want to know what we have achieved, what can we expect to achieve and where do we go from here.

I have read all the testimony. I know Mr. LaTourette and Ms. Matsui and others have. We are trying to figure out where do we go from here, what have we done, what have we accomplished and let us see what your testimony will be.

Terry Dale, President and CEO of the Cruise Lines International Association; Gary Bald, Senior Vice President and Global Chief Security Officer with Royal Caribbean Cruises; Ms. Vicky Rey, Vice President of Reservations Administration with Carnival Cruise Lines; and Jeff Morgan, President and Co-Founder of the Family Assistance Foundation.

Mr. Dale.

TESTIMONY OF TERRY DALE, PRESIDENT AND CEO, CRUISE LINES INTERNATIONAL ASSOCIATION; GARY BALD, SENIOR VICE PRESIDENT AND GLOBAL CHIEF SECURITY OFFICER, ROYAL CARIBBEAN CRUISES, LTD.; VICKY REY, VICE PRESIDENT, RESERVATIONS ADMINISTRATION, CARNIVAL CRUISE LINES; AND JEFF MORGAN, PRESIDENT AND CO-FOUNDER, FAMILY ASSISTANCE FOUNDATION, INC.

Mr. DALE. Good afternoon, Mr. Chairman and Members of the Subcommittee.

My name is Terry Dale, and I am the President and Chief Executive Officer of Cruise Lines International Association, CLIA. CLIA is North America's largest cruise industry association with a membership of 24 cruise lines, 16,500 travel agencies and 100 executive partners.

Mr. Chairman, I believe you have received written submissions from a number of our travel industry partners that work closely with the industry today. I respectfully ask that they be submitted for the record.

Joining us today, and I would ask that they stand when I read their association name, are the American Society of Travel Agents, the National Association of Cruise-Oriented Agencies, Cruise Planners and Vacation.com. These groups, as well as the thousands of professionals they represent, can attest to the millions of satisfied passengers who cruise with us each year. They also know the great lengths our industry goes to protect its passengers and crew. I thank them for their support and for being here today.

On a personal note, I would be remiss if I did not express the industry's profound sympathy to the victims whose stories we have now heard in four congressional hearings on this topic. To Ken Carver, Son Michael Pham, Sue and Ron DiPiero, Angela Orlich, Lynnette Hudson and others who I personally met and learned from over the past five months, I thank you for the opportunity. As we have heard today from the Chairman and Congresswoman Matsui, trust is critical, and I believe we can trust and continue the positive foundation that we have laid.

To all of you, I take this opportunity to say we have heard your concerns. Our industry is working hard to ensure that in the future, if such incidents do occur, each passenger is treated with the necessary compassion, respect and care.

Mr. Chairman, the cruise industry is committed to ensuring the safety and security of all of our passengers and crew. I know you share this commitment, and your directive to us to work together has strongly been embraced by this industry and I believe by the survivors as well.

CLIA and senior executives from our member lines have worked tirelessly over the past six months in a collaborative effort with our partners including the Federal agencies we have heard from today as well as the International Cruise Victims Association, other survivors, families and resources like the Family Assistance Foundation.

Shortly after the last hearing, our industry members co-sponsored the Family Assistance Foundation's symposium in Atlanta in May at which I participated. Following this important symposium, I flew to Phoenix to personally meet with Ken Carver and Son Mi-

chael Pham. CLIA then met with the ICVA in July here in Washington, D.C., to discuss their 10-point plan, and this was followed by a CLIA-hosted meeting with the Family Assistance Foundation, ICVA members and 13 survivors in Miami on August 14th. Significant information has been shared, and significant lessons learned.

The list of these meetings is illustrative of our commitment to hear the concerns of survivors, to develop programs that are responsive to their concerns and to deploy these programs to the ships that operate throughout the world. We have all embraced your challenge to get the industry and partners working together for solutions.

There has been past debate whether reports of unlawful acts onboard non-U.S.-flagged vessels are required to be reported. We are grateful to the Federal Government for clarifying once and for all that reporting of crimes in the cruise industry under existing Federal law is mandatory, not voluntary.

On August 7th, 2007, CLIA received the following written statement from the Coast Guard: The Departments of Justice and State, FBI and U.S. Coast Guard have developed the following consensus position: An offense committed against at U.S. national on the high seas or in foreign territorial waters aboard a foreign-flagged cruise ship that embarked from or intended to call on a U.S. port would be subject to the reporting requirements as a de facto condition of port entry.

This policy clarification was laid out in the Coast Guard's testimony and is the formal position of the U.S. Government.

Mr. Chairman, I began my testimony talking about the strong collaboration this industry has had since it received your charge six months ago to work with the survivors of cruise ship tragedies. Today I would like to announce that CLIA is creating a survivor working group that will be comprised of survivors of accidents and crime, families, CLIA staff members and senior level cruise line executives.

This group will meet quarterly either in person or by conference call. As in past meetings, the industry will reimburse all travel and participation expenses incurred by working group members. Our common goal will be continued open dialogue and creating ways to achieving the best possible safety record in the vacation industry.

Before I close, I would like to reiterate from the FBI's written testimony that a passenger as .01 percent chance of something bad happening during a cruise. While one incident is one too many, that percentage speaks highly of the cruise industry's record on passenger safety.

Let me just reemphasize that the cruise industry has as its highest priority the protection of our most precious cargo, our passengers.

Thank you for this opportunity.

Mr. CUMMINGS. As we go forward, again, I want to emphasize that I want to know what the industry is prepared to do and, Mr. Bald, I think you are my next best hope of getting that. I am not trying to be smart, but I think we have heard a lot here today, and I just want to know where we are. That is what the hearing was originally about.

And so, I am satisfied that we got the reporting thing. The only question is whether or not it would go public. I think we are there. It is the reporting piece that we are pretty straight on.

I usually don't do this, but I want to make sure we use our time wisely. The question is where do we go from here, what have we been able to agree upon and what have we accomplished?

I use a term. Muhammad Ali, when he used to fight, he had something. He did something called the rope-a-dope, and he would lay it on the ring, on the ropes, and he would take all the punches. Eventually, he would come out of the rope-a-dope, have saved his energy and beat his opponent.

I don't want any rope-a-dopes here. I don't want to be meeting to be meeting to be meeting to be meeting, and I know Mr. LaTourette doesn't either.

So, Mr. Bald, as you begin to address us, so you can use your time wisely, I want to know about what you all are willing to do with the things that I have asked about with regard to protocol, say, to protect against sexual assaults. What are you all prepared to do with regard to that?

You heard about the DVD. I know you haven't gotten it because the FBI hasn't released it yet, but I just want to have some testimony on that and anything else you might have to say.

Ms. BROWN. Mr. Chairman, before they move forward, let me ask you a question because as they form their testimony and let me just say, since I hadn't said it, I wanted to thank the witnesses that have come forward. I am very sensitive to the problems that we are addressing.

But we have been dealing with homeland security and in transportation, when there is a list of names that may be on a list and those names should not be on the list and some names sound alike, we could be putting people's names out there that is not the person. When you get that person's name on a list, how does that person get their name off the list? You know we are having that problem in aviation. We are having it in transportation, period.

So I think as they develop whatever procedure and whatever recommendations, they need to make sure that everybody is protected.

Mr. CUMMINGS. I understand. Thank you. Thank you very much.

Mr. Bald.

Mr. BALD. Good afternoon, Mr. Chairman, Congressman LaTourette and Members of the Subcommittee. I would like to take this opportunity to thank you again for holding these hearings.

After 29 years in the FBI, I have come to appreciate the oversight you provide and the reform it can bring about when conducted in a fair and productive manner. I have been particularly impressed with your recommendation, Mr. Chairman, in support of our industry partnership with cruise incident survivors. I thank for your encouragement and collegial inclinations in this important area.

I would like to begin by expressing my deepest sympathies to the incident survivors who appeared before you today. Lynnette Hudson, Ken Carver, Sue DiPiero, Angela Orlich and Harold Ruchelman are good people who have suffered as a result of events that occurred while they or their family members were on a cruise.

They have also devoted time to assisting us with our improvement efforts, and for this I am grateful.

Mr. Chairman, a variety of issues were raised by these witnesses earlier today as well as by Mr. Sullivan, and I am certainly prepared to comment on their concerns. However, I do not want to risk responding to aspects of their testimony in a way that may cause further pain for these fine people or perhaps undermine the important relationships we have begun to form with them.

Instead, I intend to focus my testimony on the positive steps we are taking and my strategy for future shipboard security. I will, of course, be happy to answer any questions that you have about their concerns. However, in the few minutes that I have I would like to address several important areas, first, my guest security strategy onboard our ships.

At Royal Caribbean, my guest security strategy is to implement processes that prevent and effectively respond to security incidents. Prevention is being pursued through a dual effort of effective deterrence and understanding and eliminating the factors that contribute to incidents.

In those situations where an incident does occur, our goal is to effectively respond in a manner that restores safety and security, treats and cares for our guests appropriately and with compassion, identifies those responsible, preserves evidence, and facilitates and supports Government investigation of the incident and prosecution of those responsible.

It is important to note that although I believe we have come a long way in our security efforts, we still have much more to accomplish. Ultimately, this process is not about statistics or even about past incidents although both are important. It is about preventing even a single incident like those you have heard about today. This is no small task but one that I am confident our efforts will have a positive impact on and a positive impact on the cruise experiences of our future guests.

Since the March hearing before this Committee, I have benefitted from both direct and indirect input from cruise incident survivors. Their unique perspectives have afforded me an excellent compass check to ensure that my efforts are on a course that will prevent future incidents and are in keeping with the needs of our guests and crew that I am dedicated to protect.

I would like to focus my comments this afternoon on only a few of the two dozen steps that we have taken in the six months since we first met. You will find details of all of these initiatives in my written testimony, the majority of which speak to issues raised by incident survivors.

For example, in April, we implemented a formal quarterly review of shipboard incidents as an oversight process that helps us ensure incidents are properly reported, properly addressed and offer opportunities for improvement. This month, we added the FBI to this quarterly review process.

In June, we entered into an agreement with an outside contractor to supply investigative experts who are on call to respond to shipboard incidents such as a man overboard or certain sexual assault situations. This team provides a resource we can dispatch with strong investigative credentials to assist in supporting the

needs of Government investigators, understanding how an incident occurred and what steps we can take to prevent a recurrence.

Given the input that we have received from the Subcommittee and our incident survivors, we have required this team to include highly skilled female investigators who will greatly add to our efforts to understand and prevent sexual assault incidents.

In July, we contracted with a separate outside expert for the development of incident metrics to facilitate the preventive approach to shipboard security I spoke of a moment ago. If we can better understand the underlying causes of incidents, we will be better able to target them for elimination.

In July and August of this year, we hired three additional experienced investigators, including two women, as full time members of my global security department's investigative team. These career professionals along with their director bring more than 80 years of investigative experience to the company and form a team whose past assignments include the handling of sexual assault investigations and strong experience working with international law enforcement partners.

Finally, next week, we will complete our annual security officers training seminar. This year, we will include presentations by the Family Assistance Foundation in addition to instruction from the FBI that they normally receive. During this session, security officers will receive training on topics such as incident reporting requirements, incident prevention, incident response, evidence preservation, conflict resolution, guest care, victim concerns, intelligence, terrorism and security countermeasures. They will also become the first Government-licensed security officials in the cruise industry.

In conclusion, Mr. Chairman, these are only 5 examples of the 24 initiatives that we have implemented since the last hearing and which are further detailed in my written testimony.

At Royal Caribbean, we strive to provide an exceptional and safe vacation experience for our guests. We succeed in the vast majority of our guest experiences. However, in those instances when a crime does occur, we want to ensure that our guests and their families are appropriately cared for and that persons responsible are effectively investigated and that steps are taken to learn from and hopefully prevent the incident from happening again.

I look forward to our continuing partnership with incident survivors, corporate and industry partners, and Government agencies and to providing updates to you, Mr. Chairman and other Members of the Subcommittee as desired.

Thank you again for the opportunity to be here today, and I am happy to respond to any questions you may have.

Mr. CUMMINGS. Thank you very much.

Ms. Rey.

Ms. REY. Chairman Cummings and Members of the Committee, good afternoon.

Mr. CUMMINGS. Good afternoon.

Ms. REY. My name is Vicky Rey, and I am the Vice President of Reservations Administration for Carnival Cruise Lines. I am also the Lead Executive for the Carnival Care Team.

Before I go on, Mr. Chairman, I want to take a moment to acknowledge the losses and experiences of the families here today. My thoughts are with you.

Thank you for allowing me to participate today. We value your concern over the level of care that is given to guests and families when they unexpectedly find their vacation disrupted by an unfortunate event. We share your concern and appreciate the opportunity to inform you of what Carnival does to take care of our guests when this occurs.

This is my first congressional hearing, and I am honored to be here, representing the 500 men and women that represent the Carnival Care Team. During the past 26 years, I have held various passenger traffic management positions and have served in my present capacity for 17 years. I have led Carnival's Care Team since 1999, since its genesis in 1999.

The Care Team was originally organized to handle critical incidents of mass guest displacement primarily caused from a cancellation or alteration of a cruise as a result of a mechanical or weather-related factor. Since then, it has evolved into a team of broadly trained individuals who respond on a regular basis to incidents involving medical or bereavement debarks or some other form of unexpected tragedy.

Our mission is to provide compassionate care and practical support to guests who find themselves at a time of significant trauma or crisis. Our goal is to provide them with an environment where they can begin the healing process while they complete their business with us and move on with their lives.

As a corporation, we have learned that we have great power to help individuals succeed in their ability to transcend a tragedy by the care and compassion we show them in the aftermath of a crisis. We have made a conscious effort to provide this kind of care not only because it is the right thing to do but because we feel it is a privilege to help someone who may be going through a life-altering situation while vacationing with us.

Our Care Team training program is ongoing, aggressive and comprehensive. Since last summer, we have trained 1,470 employees over the course of 368 hours. This includes our large core group of family escorts and support services personnel, most of the shoreside management, our captains, staff captains, chief engineers, hotel directors, chief pursers and chief security officers.

Furthermore, several hundred of our call center employees were trained on how to empathically communicate with affected guests or relatives who may be trying to reach us telephonically. An additional group received training on next of kin notification skills in the event that we need to inform relatives of a critical event.

Finally, we are now adding greater focus to the training of port agents and ground services personnel who often act as an extension of us when time and distance are factors. An additional 80 training hours are planned for the balance of this year, bringing our total number of trained staff to 1,760. Our goal remains to partner with other lines in expanding awareness and training to all of our crew and to our vast network of port agents.

Our training is based on core Care Team principles that identify the basic needs of an individual when they are in the acute phase

of trauma, usually occurring within the first 72 hours. Research has indicated that despite our personal and cultural differences, at the onset of trauma, we all have very similar needs when we grieve or hurt. We have learned that the sharing of sorrow makes for a very powerful bond and that our own personal losses and experiences make us well equipped to be able to help others who may be hurting in a similar way.

Since May of last year, our Care Team has assisted 163 families. The majority of these involved medical emergencies. During this same period, Carnival has served 4.7 million guests.

When our Care Team is activated, we travel to different destinations wherever we needed to assist in providing emotional support, basic needs like clothing and food, connections with loved ones, lodging and transportation arrangements. In general, we run interference and provide guidance when others' coping mechanisms may be compromised.

Lastly, I want to share with you that we are passionate about our level of commitment to this program, and we want to do everything possible to continue increasing awareness in our own company but within the industry as well. This year, we have partnered with the Family Assistance Foundation and just last May were cosponsors of their annual symposium that brought together survivors and members of the industry in a forum that encouraged education and understanding.

In August, we participated in a CLIA-hosted meeting where we once again met with survivors in order to learn from their experiences. Carnival is an active participant in CLIA's working group with families and with CLIA's guest assistance committee to determine industry best practices.

In closing, let me just say that I am extremely proud of Carnival's progress in the Care Team area as well as in the industry. Let me assure you that we are firmly committed to continuing to do the right thing.

Thank you.

Mr. CUMMINGS. Thank you very much.

Mr. Morgan.

Mr. MORGAN. Mr. Chairman and distinguished Members of the Committee, my name is Jeff Morgan and I am President and Co-Founder of the Family Assistance Foundation. My colleague, another co-founder, Dr. Carolyn Coarsey, was unable to be here with you today, so she has provided her statement both written and on DVD which I believe is available to the Committee.

In 2000, Dr. Carolyn Coarsey and I co-founded the Family Assistance Foundation for the purpose of helping organizations provide a higher level of response to survivors during tragedies. The purpose of the Foundation is to provide education, training and organized mutual aid at a time of tragedy.

The cornerstone of the Foundation is to promote open dialogue between survivors and employee helpers. We encourage family and passenger survivors to tell the stories in an educational format so that they themselves can train employees on what is needed by survivors during these vulnerable times.

I am here today to tell you about our work with the cruise industry over the past two years. At the Foundation, our interviews con-

ducted by my colleague, Dr. Coarsey, continue to show that when employees are empowered to help survivors, they have a tremendous opportunity to influence how survivors heal from their losses. These interviews form the basis of all the training that we offer as we believe the true experts on the subject of how best to assist survivors are the survivors themselves.

In 2005, Dr. Coarsey began interviewing survivors of cruise line tragedies. Shortly thereafter, she began developing specific training materials for the cruise line industry such as those that Vicky mentioned just a moment ago. These materials incorporate lessons learned from survivors including the family members of persons who were missing overboard, family members of deceased passengers and guests who become involved in various tragedies while on a cruise ship.

Here, at the Foundation, we have seen a very aggressive response by the cruise line industry to the problem of empowering employees to assist survivors by offering many different training programs, using the video interviews and written materials incorporating all these lessons learned.

Dr. Coarsey has personally provided awareness education to more than 4,000 employees in the cruise line industry. She has trained a wide range of personnel, and one of the reasons that she is unable to be with us is we have an aggressive schedule really for the remainder of the year with Royal Caribbean, Celebrity, Carnival, Princess, Holland America and P&O Cruises.

The personnel that we train include executives, care team employees, telephone responders, employees who will notify the next of kin of guests who experience a tragedy while on the ship. It also includes security personnel, safety officers, captains and other onboard staff. The goal is to provide some level of awareness to every single employer who might interface with a survivor during any crisis.

In addition to the training that we have conducted earlier this year, the Foundation's annual symposium featured two educational panels on cruise line-related issues. The first panel involved family members and guests who had survived cruise line tragedies prior to this training. The second panel involved survivors of tragedies following the newer programs that have been implemented.

We observed a significant difference in outcomes between the two groups. Survivors who were empowered by trained employees and offered every form of assistance possible were still healing from the losses of loved ones, but they did not have to cope with the anger and hostility generated by a lack of understanding.

We believe that it is important to listen to every single survivor. We encourage the industry to listen and learn from each person who has experienced tragedy, those who had negative experiences with employees before the education as well as the positive ones.

The Family Assistance Foundation continues to support the continuing dialogue between the cruise line industry and survivors. We know the industry is listening and learning from survivors. We were part of the meeting in August and were honored to facilitate that meeting, and we know most of the comments were negative. However, the cruise line industry sat and listened.

In closing, I can assure you that the Family Assistance Foundation will continue to do all that we can to support our cruise industry members and the cruise industry overall in improving how guests and their families are supported following these tragic events that occur in conjunction with cruises.

Thank you for the opportunity to present this testimony, and I will be glad to answer any questions that you might have.

Mr. CUMMINGS. Thank you very much.

Let me, first of all, go to you, Mr. Bald. I was looking at your testimony. You talked about things that you all are doing, and it looks like you are doing some pretty good things.

This formally establishing a security career path and related job descriptions for our shipboard security teams, can you talk about that?

Mr. BALD. Thank you, Mr. Chairman.

Yes, sir. What we have done is we have taken a look at what we have been doing onboard the ship in the way of security processes, and we have taken a look at where we need to be. We have adjusted our requirements for the positions of security guard and security supervisor and for the deputy position onboard our ships and the security officer himself.

What we intend to do is make sure that we change the processes onboard the ship and then be able to hold people accountable, and we needed to make sure we defined what those responsibilities were before we could move forward in making sure that they implement the things that we are asking them to implement.

I would be more than happy to provide you copies of what we put together in the way of job descriptions for the folks onboard our ships if that would be informative for you.

Mr. CUMMINGS. I want to go back to this whole idea of evidence preservation. I am hoping that the industry, if it has not already, will. It sounds like this FBI DVD, I think Ms. Matsui talked about it a bit and I talked about it. I am not sure that that is sufficient.

I am asking you all since you are a former FBI agent. It seems like you ought to be able, if you haven't already, develop a protocol with regard to evidence. I am assuming there may be at least two different types of protocol, one for certain kinds of crimes and then one for sexual crimes because I think the sexual assaults and probably other types of assaults maybe have certain elements that other crimes don't have. Going to the person, that is.

So I am just wondering. Is that a part of this training that you talked about a little earlier? If it is not, are you all willing to do that?

Mr. BALD. Yes.

Mr. CUMMINGS. I see Mr. Dale shaking his head. Since I see a nod in the affirmative, I don't want you to be quiet. Do you want to say something?

Mr. DALE. Absolutely. First, let me say that when it comes to safety and security, our 24 cruise line members do not compete. It is in our best interest to make sure that we are providing the safest vacation possible. So I have personally experienced the training by one of our cruise line members, and we spent an entire day with FBI representatives and Coast Guard representatives, going through the protocol that you just talked about.

So, yes, the DVD is a good step, but there needs to be additional processes when it comes to our training, and we are taking those next steps. Our cruise line members do have protocols in their security training manuals, and we place just a huge emphasis and priority on this.

Mr. BALD. Mr. Chairman, if I may, to respond to your question, on our training protocols, we actually have involved the FBI in our training for a period of years. This year's training for our security officers begins next week. There is a one day block, one full day block by the FBI.

It includes not only experts who respond to the ship, actually the ones responsible for overseeing the FBI agents who go to the ships on how they respond and what they expect when they get there. It also includes a half-day presentation by the FBI's evidence response teams over what constitutes evidence, where it may be found and what condition they want to see it in when they arrive at the ship.

To your question on the differing evidence handling processes depending on whether it is a sexual assault or not, what I have attempted to do is to find a process for our security officers that I expect them to adhere to for how they respond to any incident.

In the situation of sexual assault, there is an adjunct to that, and that involves the responsibilities of the medical staff. Certainly, the collection of evidence, the only area that I am expecting our ships to play a role in for collection purposes is in the medical facility when they are actually examining a woman who has been the victim of a sexual assault. The rest of my instruction policies and training are geared towards the effective preservation of evidence.

However, having the FBI explain the collection processes allows my team onboard the ships to be able to respond if, for example, the evidence that needs to be collected is in an area that is perishable, for example, outdoors. Then what I want is for the FBI to actually directly provide the guidance to our security officer as to exactly what they want done, but I want them to have a framework of understanding before that instruction comes.

So this is the backbone of what we are providing in next week's training.

Mr. CUMMINGS. On my way over here when we were coming back from the vote, I was telling Ms. Matsui that if I were to guess, if I were to guess, I would imagine that women make the decisions with regard to a family on this cruise. Now we men think we make the decisions, but they probably make the decisions.

It seems to me that the industry would want women to feel very comfortable about whatever goes on, on a ship. To me, it is just logical, and so I think some of the steps that you are taking are very important.

Mr. Dale, going back to you, now you announced in your testimony that CLIA will be establishing a survivor working group that will meet quarterly and will be comprised of survivors of cruise incidents, senior level cruise line executives and CLIA executives. Can you describe the goal of that group and what kind of specific agenda items?

Are you all going to be just rehashing the same things over and over again? Because what happens is that people get tired of that.

People, all of us, like to feel that we are making progress or we lose hope. When we lose hope, trust goes along with it, by the way, so then you have nothing.

Go ahead.

Mr. DALE. Exactly. Yes, let me shed some light on our working group. The goal is really going to be solution-focused, and we want to engage and hear from as many victims as possible. We have done that throughout the course of this summer.

As you have heard, we have had an opportunity to review the ICVA 10-point plan. The DiPieros have submitted some very valid ideas for consideration.

Mr. CUMMINGS. Are you in agreement with any of that 10-point plan?

Mr. DALE. We agree from a conceptual standpoint, but how we get to the end result is where we need to continue this dialogue. So that is the purpose of this working group is to focus on how do we get the solutions to provide the safest vacation in the industry today.

Mr. CUMMINGS. I am going to come back, but I want to ask you this one last thing.

If you really listened to the witnesses, they were feeling pretty good. They were feeling pretty good. They went to the meeting. They were probably a little skeptical. It seemed like everything was coming along real good. Ms. Hudson said she felt real nice about it, like things were moving. Then it seemed like the bottom just dropped out.

One of the problems that happens, and you can explain to me what happened, but one of the things that happens is that whenever something like that happens, it is almost like you are at level ground as far as trust, but then the person goes underground. So to get that trust back up, they have got to fight to get back up.

Basically, what you are doing is you are wasting time because they have got to get back up here just to be on level ground to even be able to trust.

I am thinking that you have got the victims and their families who have said, we really want to work this thing out. We were really feeling good about these folks, the industry, and then it seemed like we were left kind of hanging.

Can you talk about that because, to me, that is key?

Mr. DALE. Absolutely.

Mr. CUMMINGS. This is not legislative stuff. This is basic human relationship stuff.

Mr. DALE. Exactly. I agree.

At the August 14th meeting, at the end, we decided that it makes all the sense in the world to establish this working group. I indicated then it would take us 30 days. We needed to go out, identify who would like to be a part of the group. So we said, in two weeks, please let us know if you would like to.

Two weeks came. We had a lot of people raise their hand, many of them ICVA members, but we hadn't heard from Ken Carver and Son Michael Pham. So I contacted them again and said, we are going to extend it another week. Hopefully, you can determine that this is a good use of your time.

That was last Friday. I did get an email this Monday, saying that their Subcommittee that they established hadn't decided yet whether or not to participate.

So we are ready to move forward. The invitation to Ken and Son Michael Pham and anybody is open, and we would ask that they consider to join this group because we are ready to move.

Mr. CUMMINGS. Mr. LaTourette.

Mr. BALD. Mr. Chairman, may I just add one comment to this? I am sorry to interrupt you.

Mr. CUMMINGS. Yes.

Mr. BALD. The perception that we have done nothing since the last meeting is really not correct, but it is understandable from the folks who attended that meeting because we haven't articulated the progress that we have made and we look forward to being able to do that.

Mr. CUMMINGS. Give me right now. Why don't you do this?

Mr. BALD. Yes, sir.

Mr. CUMMINGS. I know you have done it to a degree in your testimony. Just give me, like rattle off the top of your head, if you can what you consider to have been accomplished.

Mr. BALD. I can.

Mr. CUMMINGS. Another one of these human things, a lot of times we are not communicating. One person hears one thing, and another person hears another thing. Somehow there is a disconnect.

Mr. BALD. Yes, sir.

Mr. CUMMINGS. So can you just tell us off the top of your head what you feel has been accomplished since our last hearing.

Mr. BALD. Yes, sir. What I would like to do, if you don't mind, is to use an example from Ms. Laurie Dishman if that is okay with Ms. Dishman. I know that she is here.

It is a great example of the importance of our interaction with individual incident survivors. Ms. Dishman has provided me a list of 12 recommendations, and I am prepared to go through each one of them if that is what you would like me to do. I have actually accepted and moved forward on seven of those twelve. They are exceptional recommendations. They were well thought out. They are definable, and I can put them into effect.

For example, the one thing that has been most important I think, perhaps in my view, from Ms. Dishman is Royal Caribbean ships up to this point do not have peepholes in the doors of their ships. It is something that it seems perhaps common sense that we do that. It is something that hasn't been to the attention of the company.

Ms. Dishman made that recommendation. I had the discussion with our executive committee. There was overwhelming agreement. In fact, the comment from our Chairman was, you know hotels do this. We have got to do it.

So we have actually made the decision to install peepholes on our ships. We are starting with the two ships that are in new build.

We are continuing with another one in October. That one is a bit more of a challenge. It is the first of our existing fleet that we will be installing peepholes on. There is a very rigid process we have

to go through when we are drilling into a door on a ship because it is a fire-rated door.

Mr. CUMMINGS. Okay. Take me to number two.

Mr. BALD. Yes, sir.

Mr. CUMMINGS. So you are working on that one?

Mr. BALD. Yes, sir.

Mr. CUMMINGS. You are doing it?

Mr. BALD. Yes, sir.

CCTV installation, I testified in March of our expansion process, a $25 million expansion. That process will also include cameras in the corridors for guest staterooms.

Mr. CUMMINGS. That are monitored?

Mr. BALD. The monitoring is a different challenge. That is one of the ones on Ms. Dishman's list that I can't tell you I am moving forward on right now. The challenge there is we have over 650 cameras on some of our ships. To monitor all of those full time is a monstrous task, plus you bring into consideration the attention span of the people that are actually sitting at the monitor.

What I need to do first, this goes back to my metrics discussion that I mentioned earlier. I need to understand, are there certain cameras that I need to monitor that are more important than others and then look at whether or not we can effectively deliver that capability. So I have not rejected that by any means. I just don't simply have enough internal information to be able to commit to doing it today.

Mr. CUMMINGS. Three?

Mr. BALD. Increased number of security guards on our ships, for example.

Mr. CUMMINGS. Tell me, these are Ms. Dishman's?

Mr. BALD. These are Ms. Dishman's, yes.

Mr. CUMMINGS. Okay, go ahead. Number three?

Mr. BALD. Increased number of security guards on our ships. In Ms. Dishman's situation, a very unfortunate set of circumstances, an absolutely tragic situation and an unfortunate perfect storm type set of circumstances.

But we ended up, on our ships we have a set number of positions in every component including security. There are certain functions that are more of a regulatory function, my word, that don't require a high level of security experience, for example, checking IDs at the door of the discos to make sure people are old enough to go in and consume alcohol. It is a bouncer type of a service that we wouldn't put a police officer on necessarily in a bar here on the shore.

Unfortunately, the processes in place at the time, in my view, didn't adequately vet the people that we were using in that situation. We also, in that particular situation, I understand, provided a security badge for them to wear because they were performing in that function.

I have changed that. No longer do we give badges to these part time security search people.

We also require security officers to do a background investigation on them which is rather easy. It is a review of personnel files, looking at any issues that are in their personnel file or any reason why they would not be the right person to be able to stand in front of a disco, for example, and check identification.

Mr. CUMMINGS. Four?

Mr. BALD. I combined two. One of those was security badges. It was a separate recommendation from her which we have implemented.

Mr. CUMMINGS. All right. Five?

Mr. BALD. I will go through hers in order rather than skip around if you don't mind. We talked about number four which was monitoring the CCTV. Still more work that I have to do in order to be able to make decisions on that. It is a fair recommendation.

The fifth one is peepholes.

The sixth one is background checks. This one is another example of where her input is tremendously helpful.

The recommendation from the ICVA is to form what I think the law would describe as a black list. A black list is traditionally illegal in most States. Federal law has incorporated that in a variety of areas. The concept, we agree with.

What we don't want, I don't want to hire somebody that was dismissed by Carnival. Carnival doesn't want to hire somebody that was dismissed from me. But putting together a common database presents problems, and so we have looked at that internally from a legal standpoint. We have also had our attorneys look at the legal perspective that was provided to us by the ICVA.

The decision was that their legal research was legally deficient. I am not being critical, but it did not bridge the gap sufficiently for us to move in the direction of a database.

However, in Ms. Dishman's situation, she has provided an opportunity for us to perhaps close this gap that our lawyers are looking at, and that suggests we build in another background step in the application process for our crew members to check the other cruise lines to see if they have been employed before. We certainly have to make sure what we are doing is legal, but to me that seems a very reasonable recommendation and one that came from Ms. Dishman.

Mr. CUMMINGS. Seven?

Mr. BALD. Seven is the presence of United States marshals onboard cruise ships. I would like to come back to that at the end if I can. If you would like me to go through the detail, that is a very important one, and I have a lot of, I think, relevant information for the Committee that I can add.

Mr. CUMMINGS. Thank you very much.

Mr. LaTourette.

Mr. LATOURETTE. Thank you very much, Mr. Chairman, and thank all of you for being here.

This being our second hearing on this subject, I come away from these hearings that the cruise experience is a nice way to have a vacation, but sometimes things happen. I think again, for me, the crux of it and perhaps why you find yourselves with some difficulties.

I was glad, Mr. Bald, you ended on employees because I was going to ask you. This Committee and the Homeland Security Committee have the idea of this Transportation Worker Identification card, the TWIC. Not only not hiring somebody that has been a problem on another cruise line but I would imagine just simple background checks. You don't want to hire people with criminal

histories that would suggest that they might engage in criminal conduct.

If Mr. Carver was right and 80 percent of the reported criminal activities are committed by employees, it seems to me that you have it within your power to at least reduce that based upon background checks and other employment techniques.

The second are safety and training things that are ongoing, and I commend you for undertaking those. I will come back to that in a minute.

But the third one is basically the way people are treated. I don't think that we would be having as many complaints as have been evidenced at these hearings if people felt that they weren't being victimized a second time. That is why I am glad you brought in some victim's assistance people.

Mr. Ruchelman's story was horrible, to lose his wife in an accident, but if everybody was treated the way Mr. Ruchelman was treated, we wouldn't be having this conversation probably. We would still be talking about peepholes and keys and things like that, but we wouldn't be talking about other things.

So I really, truly hope that there is nothing that the cruise line industry can do to keep a bad person that happens to be on a ship, not an employee, that chooses to do a bad thing. But how you treat that person after that bad thing has happened, I really think pays big dividends and then stops from having some of the stories that we have listened to in the last hearings.

Mr. Dale, I do want to ask you. The Chairman asked you about the 10 points. I am familiar with the 10 points that Mr. Carver has.

I am familiar with Ms. DiPiero's observations. We started going through some of those with netting and sensors and raising the railings and things like that.

We heard from Mr. Sullivan about apparently his peephole concern is being taken care of at least on one line but the issue of having people have pass keys when they are not on duty, that can come into somebody's room when they are sleeping.

So there is a body, a list out there. I commend the industry for working on it, but I guess I also would acknowledge that Mr. Sullivan does have a point, that there have been a lot of good ideas around for a long time and how come we are just now getting to the point where we are adopting some of them.

The Chairman has schooled me here pretty well.

So Mr. Carver and these other folks get back to you and say we want to participate in your working group. Is it your intention to look at all these good ideas and, as Mr. Bald has just indicated, accept things and move forward and get them off the table, to move these complaints?

If you can't, you haven't reached a conclusion you can't but on the camera issue where there are 650 cameras and maybe you just can't logistically do what the idea is. I would say just because something bad has happened to somebody and they have an idea doesn't mean it is a good idea, but the ability to listen to all those ideas, sort them out.

Is the industry committed to adopting the ideas that are generated by this working group and implementing those that make

sense, improve the safety of the ship, improve the cruising experience, make people feel like they are being treated better, help to hopefully solve crimes if they are unfortunately committed on the ships and, if you can't, please come back and tell folks why you can't do it?

Mr. DALE. Absolutely. Our commitment is to work with the ICVA and our working group on their recommendations as well as others that we have heard.

I think a prime example of this is undertraining. In ICVA's proposal, they list parts of crime scene management and protocols. Those steps, we are presently using, and the FBI is training our security officials on those steps. So we are doing that and we intend to, through Ken and the others who participate with us, make progress and get solutions on these.

Another area, Lynnette Hudson, a tragedy at sea, and our heart goes out to her and everyone. But after all of the four investigations, the recommendation that came back was to replace the combustible dividers on the decks of our ships. We are almost 100 percent there in having all of these replaced. The deadline for this is July of 2008, and we will be there very soon.

So this working group is an opportunity for us to talk about the progress we are making and to determine what is the workable solution for all of us.

Mr. LATOURETTE. I think she is a good example of not only was it the combustible things and then she talked a little bit about self-contained breathing devices, but to have a 911 room where nobody is answering the telephone is like having a fire station with no firemen and nobody on the telephone.

I think that there are things within reach that address some of the concerns that have been raised at this hearing and at the March hearing that are within your power to do it, and I would just hope that you continue to move in what I consider, and I give Chairman Cummings all the credit in this for getting the ball rolling on this.

I know some people may not think it is moving fast enough or should have been done a long time ago, but I am encouraged by what you are doing. I would hope that it continues to move in a positive direction and those things that are within your ability to do to make it safer.

I don't know how it benefits. I don't subscribe to the testimony that somehow it is in your corporate best interest to have crimes go unsolved on your boats. So I hope you continue to do that.

Ms. Rey, this being your first hearing, you did a swell job. So thank you very much.

Mr. CUMMINGS. Ms. Brown.

Ms. BROWN. Thank you, Mr. Chairman. I have a couple of questions.

I also listened to Ms. Hudson's testimony about the fire. As we get on the plane, they go through these procedures. Can you tell us, have you all done some additional procedures as far as explaining to people when they come on the ships in case of it may not be a fire?

It could be a terrorist attack. It could be anything. What are the procedures? I know that you do have some as far as if the ship goes down, what things to do, but as far as a fire is concerned.

Also on notification, she indicated that she was not notified until nine hours afterwards, and I know you must have a procedure in place. She was listed as the next of kin, and she did not receive that information.

Even following that up, someone needs to have contacted her and gone over what had happened and provided that grief information that you talked about.

Ms. REY. I can speak to the notification piece. I am very sorry to Ms. Hudson and the rest of her family because she did not receive the call that she should have gotten from Princess Cruise Lines. I can't speak for them.

I can tell you that at Carnival Cruise Lines, we offer any assistance possible in assisting the family and making those notifications. I can tell you, however, because the wife was present, that we would have relied on her being the one to initiate the contact with the family, make the initial notification. Following that, we offer assistance in notifying anybody else, but that initial contact generally comes from the person who is accompanying the individual on the ship.

Ms. BROWN. Okay. So I guess CLIA should have overall procedures for everybody.

Ms. REY. Well, that is one of the things that we are working on now is partnering with each other, and it is part of this working group so that we can all come together and establish a template that we can all work from, establishing those best practices.

Ms. BROWN. Okay.

Mr. DALE. Actually, we have established a committee at CLIA on aftercare and guest care. So we expect some very positive results from that.

To get to your issue about what process is in place on board our ships, there is a mandatory muster drill that every passenger must be a participant and present at. At that drill, we go through safety and security procedures in the case of emergencies.

In the cabins, there is a video that is played 24 hours after departure, that again reiterates those messages. There is written collateral materials in the rooms as well. So we work very hard to make sure that our customers are familiar with what they have as their resources.

Ms. BROWN. There used to be a drill. Do you all still have that drill?

Mr. DALE. Yes, absolutely.

Ms. BROWN. So you still have that drill.

Another thing, we were talking about the cameras. I just returned from London where they have cameras all over the place, and one of the things I found very interesting was that they destroy the film within 14 days because of the privacy unless there is an incident. They can get some extensions.

Part of being on a cruise is maybe you don't want everybody to know that you are on the cruise.

[Laughter.]

Ms. BROWN. How are you planning on handling the film is my question because, as I said, after a certain period of time, by law, they have to destroy that film.

Mr. BALD. The retention of——

Ms. BROWN. I am sorry. I think that was true not just in London. It was true in Europe in talking about how they handle these cameras and the film that they receive from the cameras. They do have monitors, and it is a big process in monitoring these situations.

Mr. BALD. Yes, the retention process is a challenging one for us from a technical standpoint. It is not a problem for us at all if we know that there is an incident that has occurred. Our process, let me qualify that. We do retain the video, but our new CCTV process is going to put us completely into a digital retention arena.

We don't have that today. We have a mix of analog and digital cameras with digital recorders now. The cameras we are adding are digital, but the volume of material that is captured in a digital recording is very, very large. And so, there is a limit to how much storage capability we have onboard.

Where we will be challenged is if someone comes forward perhaps, say, six months later and says that I had an incident onboard. I, frankly, think we will not find video that will have captured that.

However, for the immediately reported incidents, that is not going to be a problem, and we actually have storage devices that are available for our teams that will respond to the ship. They will literally go with a portable storage device, download the appropriate video, the video that relates to the incident, and they will literally bring it back to Miami for us, and we will retain it.

Ms. BROWN. Thank you, Mr. Chairman, and thank you for holding this hearing.

I think the industry is headed in the right direction, and I want to thank the participants for their participation.

Mr. CUMMINGS. Thank you, Ms. Brown.

Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Good to have you all with us today. Good to have had all the witnesses with us today.

I will put this question to any member of the panel. Much has been said today regarding how crimes are reported and the jurisdiction extended to the FBI to prosecute said crimes. I assume the answer to this question is yes. Do victims of crimes have recourse under the civil justice system as well?

I assume that is in the affirmative.

Mr. DALE. Absolutely, they do have recourse.

Mr. COBLE. I will put this question to any of the panelists as well. It is my understanding, Mr. Chairman, that the industry is currently working to develop a sensor for rails that will activate or detect through the sound of an alarm or whatever when a person goes overboard.

Number one, is that accurate and, number two, how far advanced is it?

Mr. BALD. Congressman Coble, that is an excellent question. It is fraught with challenges for today's technology, but it holds promise for us in the future. The technology, as it currently exists, in

particular, radio frequency identification, does not permit the kinds of applications that you are referring to.

Where you have a rail alarm, for example, and you want to detect somebody going overboard who is on the ship, there are a couple of possible solutions that don't involve an electronic sensor, for example, on the railing of the ship. Virtual perimeters from cameras that are located on the outside areas, for example, the bridge wings of the ship, provide us a vantage point to be able to look down the sides of the ship and be able to determine if somebody goes overboard.

There are some limitations and there are some challenges because unfortunately you can't get outside the ship and look in and ships are often curved. So we have got to make sure that our camera locations will work. We are in the process of testing that technology to see if it is viable for us to install onboard the ships.

From the standpoint of other technical possibilities, radio frequency identification is possible down the road. Today, you have an active or a passive solution. Passive requires you to be very close to a sensor. Active requires you to be farther away, but you are talking about carrying a garage door opener in your pocket, and it is much more challenging for us to deliver that technology.

However, your point is well taken. We absolutely want to do as much as we can to detect quickly if somebody goes overboard on our ships, and we are looking at a number of technical solutions that we think may prove fruitful.

Mr. COBLE. These are works in progress, I take it.

Mr. BALD. Yes, sir.

Mr. COBLE. Thank you.

I yield back, Mr. Chairman.

Mr. CUMMINGS. Thank you very much.

Ms. Matsui.

Ms. MATSUI. Thank you, Mr. Chairman.

I read very carefully both Mr. Bald's and Mr. Dale's testimony, and something kind of strikes me in that, Mr. Bald, you mentioned that you are making some changes based upon some of the conversations or emails you received from Laurie Dishman. I commend you for that.

Some of these measures are pretty common sense—peepholes and closed circuit televisions and background checks and things of that nature—and I believe those were things that we could have done quite some time ago. I believe that they are measures that people had discussed, I guess, in 1999.

I wonder if you would be putting in these common sense measures today if Laurie Dishman hadn't come along and courageously spoke up and we had the hearings.

Now I am glad that we are moving forward on this, and you are moving in the right direction. I am pleased with that. But I must say that I think it is obviously a situation where some of these things take a while, I suppose. There have been quite a lot of recommendations and listening and lists and things of that nature, but I think what we are interested in is results.

I also have to say too that my constituent, Laurie Dishman, has written to me about the last six months she has been going

through. I would like unanimous consent to submit her letter into the record.

Mr. CUMMINGS. So ordered.

Mr. BALD. Thank you, Ms. Matsui. Oh, I am sorry. I apologize.

Ms. MATSUI. I would like to share something from this letter because it appears that the same people responsible for mishandling Laurie's case are still employed at Royal Caribbean. Most disturbingly, when they were deposed, they indicated that they still have not received adequate instruction as to what they did wrong and how to properly handle this situation in the future.

I would say that a common theme of the victims panel was the concern that you still didn't get it. Would you please respond to this issue?

Mr. BALD. Certainly. First of all, I believe that if you ask that purser that question today, I hope that the answer would be different.

That purser today has been required, and I will be disappointed if you come back to me and tell me this didn't happen, but I provided a DVD of Ms. Dishman's testimony with mandatory viewing by the captain of every ship, the staff captain of every ship, the security officer of every ship, the medical department of every ship and the guest relations desk personnel which includes the pursers to understand the trauma that Ms. Dishman went through.

As an adjunct to that, on the training piece, the training will be delivered to the security officers on Monday. The policy changes are in place that I think will correct the preservation of evidence issues that occurred in that situation.

We have provided a DVD to the medical staff of every ship for required viewing for the proper way to do the pelvic examination kit. It is required training every two years. We just implemented that with the DVD that was sent out to make sure that they understand the problem there.

In the situation with Ms. Dishman, there were mistakes made as I testified last time. One of the biggest ones was, in my view, the security officer inadequately secured the cabin.

The mistake made by the doctor to misinterpret the collection requirements for the pelvic examination kit is not something I want to see happen, but I believe there is a way to make sure it doesn't from the security officer's standpoint.

The pelvic examination kit gives instructions to collect evidence from the victim that would be logically, in my interpretation, logically being worn by the victim. In this case, the doctor, for whatever reason, chose to ask her to go back and collect some things that were not being worn.

It is absolutely wrong. It is not consistent with our policy, and our security officer should have known better.

Our security officer will be coming in. Let me qualify this, will be coming in one of two sessions either next week or the one in December because we train the ones that are off the ship, and then when there is a switch we get the ones that are currently on the ship.

Every one of them will hear the kinds of points that you are making today and very clearly understand what is expected of

them, and I expect that we won't have a recurrence. If we do, I will take action accordingly.

One final point if you would permit me, you referenced and it has been referenced earlier today in testimony, some longstanding guidance that was provided to Royal Caribbean in 1999 by two reports that were commissioned by Royal Caribbean to take a look at onboard sexual assault and sexual harassment situations and to provide us recommendations for how we can get ahead of that curve and resolve some of those problems.

I would like to read to you. I have a very short list of the recommendations, and I will tell you on each one of them what we have done.

The shoreside hotline is in place. Anybody onboard our ships can pick up the phone and call a particular number and report directly to Miami if there is an issue onboard the ship.

Remind management to report, that has been done personally by me in conference calls to every captain, also present were the staff captain and the security officer. It is a part of our policies, and I will continue to reinforce it.

Mandatory sexual harassment training, the company, in my view, before I got here had done an exceptional job of putting together videos. These are professional productions. These are not just a couple of folks like me standing in front of a video camera on how to recognize situations and avoid situations that could lead to sexual assault or sexual harassment.

The response checklist will be a mainstay of the security department's policies onboard the ship.

Counselor and advocate for the victim, absolutely a requirement that we have. You heard testimony earlier today from Mr. Sullivan that no counselor was provided to his client. That is untrue. It is untrue, and Mr. Sullivan knows it is untrue because the counselor that was provided was the doctor who is a female, who spent almost every moment with that victim from the time she was reported to have been the victim until she left the ship, including responding to her cabin within two minutes of the recording or the documentation of the call to the bridge.

The after-action teams in Miami was a recommendation by that report as well. You saw in my testimony that that is something we are implementing.

Notifying guests about socializing with the crew is a change we are making in our guest conduct policy which will be published for January, and we will make sure that our guests understand the policy. We have gone overboard to make sure our crew understands. We have not done that with our guests, and it is something we will do very quickly.

On the Swailes report, stronger policy regarding crew-guest sexual contact, we have taken that head-on, and I don't think there is a crew member that doesn't understand that they can't fraternize with our guests.

Train those who will respond. You have heard me testify and you have seen in my testimony, that is an aggressive effort that we are taking. We have been doing that for several years.

Train crew to prevent sexual encounters. That is exactly what the prevention concept that I am putting in place is built around.

We have also been doing that in the videos that I referred to earlier.

Post signs inside restricted areas on our ships. We have done that on every single ship. You walk into any off-limits crew area, and you will see a sign that tells a guest they are not allowed to be there.

Additional CCTV cameras, you have heard me testify to that is an aggressive process.

Increasing the number of guards is something that we have done. I talked to your staff yesterday about this. My first assessment is going to be quality, and I want to make sure the quality is there. Then I am in a better position to decide if the numbers are there.

Then finally, hotline to Miami for guidance in response is also picked up from the Krohne report.

I would like to add one other comment on the Swailes report. The findings that they had in their report said that the incident rate for sexual assaults onboard ships is lower than shoreside. This is a 1999 assessment, independent, from outside of our company.

Common threats, consensual intimacy was preceded by assault. I am sorry. Consensual intimacy preceded the assault and intoxication by the victim was a challenge. By the way, I am making no connections to any of this.

But to give you an idea, we have had this kind of input. We have taken measures to respond to it, contrary to what you heard in testimony earlier today.

Thank you for allowing me to go to that extent.

Ms. MATSUI. Mr. Bald, that all sound very good, and you say you have instituted those policies now. I really feel that it is like a manual to a great degree. You can read it, but the proof is in the pudding. The individuals who have been affected so critically have to feel the same way too.

Comparisons, as far as sexual assaults on land versus sea, I really don't believe they are really good comparisons, for example, because on the sea you are in a huge cruise ship. You can't get off. It is a little bit different. You don't have a police force really.

My concern is I do not want this to be brushed aside at all. I don't want to request from Chairman Cummings another hearing because we have been hearing that things aren't happening.

You relied on the input on victims. I am happy about that, but I want to make sure it doesn't happen. The prevention aspects of it have to be taken care of.

It so concerns me I almost want to feel like we need another benchmark as to when we can have a report or whatever we want to do that the industry, the unified industry itself is going to, for instance, can you adopt unified reporting requirements that you can release numbers to the public. That would be reassuring to know that there is transparency there.

Mr. CUMMINGS. Would the gentlelady yield?

Ms. MATSUI. A lot of this happens to be transparency.

Mr. CUMMINGS. Would the gentlelady yield?

Ms. MATSUI. Yes.

Mr. CUMMINGS. When we finish, I am going to lay out some timetables not necessarily for a hearing. If a hearing is required, we will go to a hearing but some timetables so that we can get some

things done and they will report back to us. I just wanted to make sure you know.

Ms. MATSUI. Thank you, Mr. Chairman. I appreciate that.

But you understand that there is a value to this hearing. We talked about peepholes and closed circuit televisions, and the Chairman also talked about monitoring them, the different aspects. We want to keep this progress moving, and we want to have certain benchmarks because I truly feel this is an industry that is certainly something we want to promote, but right now I am really feeling that we need to take care of a few things.

I think it is to your benefit to do this. I think that anytime we have some scrutiny like this and we find out that there have been mistakes and you go ahead and fix it, certainly you are going to be getting the support of many people here.

I am looking to the victims because they are the ones who probably keep you pretty honest about this. So I thank you very much for working with the victims, but remember this is not a one or two step process. It is going to be ongoing. I appreciate what you have been doing.

I thank you, Mr. Chairman, for your commitment.

Mr. CUMMINGS. I want to thank you, Ms. Matsui.

Let me say this to you, Ms. Matsui. This is the first time in my almost 12 years in Congress that I have seen a Member sit for an entire hearing on a Subcommittee that they weren't on, and I think that shows a lot, particularly for a hearing that has lasted this long. So I want to thank you for your advocacy.

I want to say to our witnesses. One question for you, Mr. Dale. Who is invited to these meetings? Because Ms. Hudson, I think. Was it you, Ms. Hudson who said you weren't invited again, and I am sure some others.

Tell me who is invited to these meetings.

Mr. DALE. The invitation is to go to and has, I believe, to all ICVA members. The Family Assistance Foundation has sent the invitation to survivors that they have worked with, and our cruise line members have also issued the invitation to survivors that they work with as well.

Mr. CUMMINGS. About how many people is that, victims? Do you know?

Mr. DALE. Well, we have received word back from somewhere around 10 saying that they would like to participate in this.

Mr. CUMMINGS. Out of how many, would you say?

Mr. DALE. I don't know what that number is as far as what the cruise lines issued themselves.

Mr. CUMMINGS. How would somebody like Ms. Hudson not be on the list? She said she didn't want to be, in other words, if she came to one meeting and then wasn't invited back?

Mr. DALE. She was to be on the list.

Mr. CUMMINGS. She was what?

Mr. DALE. She was to be on the list, and I apologize if she did not get the invitation.

Mr. CUMMINGS. All right, so you are going to be invited, Ms. Hudson, is what he is trying to tell you.

When I walked, when I was on my way to vote, I looked to my left and there is a board out there. I guess it is your father with a Mason's cap on.

I just thought about something that I teach my kids. Whenever they have disappointments because somebody let them down, I tell them to think about how they feel at that moment. I want them to feel it, so if they ever let somebody down, that they will know how they feel.

These folks who have come here, I have got to tell you. I think that the victims folks have been very reasonable. I really do. I think that they have reached out and tried. I mean they are just reaching and reaching and reaching and reaching, and I think they are getting the feeling at times that there are some reaching going on by the industry but maybe you are not reaching far enough.

This is just my assessment of listening to everything that I have heard. I think that the industry has reached, but I think we have a little bit further to go.

I agree with Ms. Matsui that more needs to be done, but I don't want us to underestimate—I want to say this to the victims groups—that a lot has already been done. I don't want that to go by because it has. I mean Mr. Bald and Mr. Dale, the things that you all testified to and then in your written piece.

There is one thing you may have mentioned, but I didn't hear you. You may have. It said to ensure that shipboard medical staff are familiar with the proper procedures for administering the pelvic exam and that kind of thing. You may have mentioned it, but I didn't hear it in the seven things. I don't know whether that was one of Ms. Dishman's recommendations or not.

What I am saying to you is that I think sometimes we have a tendency to think lack when we ought to think abundance, to think negative when we ought to think positive. So I think I want to see us as moving forward. We are a lot further, victims groups, than we were before.

I think the industry, going back to what Ms. Matsui said, I am going to tell you. I just think it is good business to say we are doing these good things to make sure. I mean saying to the public, we don't want things to happen. We are doing everything in our power to make sure you have got the safest possible opportunity. But if something happens, we guarantee you that we are doing X, Y and Z.

To me, it just makes sense because the American people and people all over, people have common sense. They know things are going to happen. They know it. They don't want it to happen. They don't want things to happen to them, but they know it.

And it goes back to this thing that Mr. LaTourette said. It is about how you treat people. This is not rocket scientist stuff. The Bible says, and I hate to quote the Bible but I have got to, do unto others as you would have them do unto you. This is basic, how you treat other people.

I think maybe, even with all of this that we are doing, when personnel is insensitive to those kinds of things, that is a problem. One thing we need to do is make sure personnel is very sensitive. Look, I know the industry is concerned about its reputation, but

one of the best ways to have a great reputation is when you treat people like you like to be treated. I am telling you.

Maybe that is part of the problem, maybe, but I hope you will keep that in mind.

Now we have had a lot of discussion here. What I want to do is take a look and see where we are in 90 days. I don't plan to call a hearing, but I would like to have some type of report so that we can see where and how we have progressed and what we have accomplished.

It is my understanding, again, that we have had more Members of Congress, so that you don't underestimate how serious this is, who wanted people in their districts to testify in this hearing than anything I have been involved in. So it is serious business.

I think the Members of Congress are looking at it. When I went back to vote, I had at least 12 or 13 Members just ask me how is the hearing going. I mean this is the Subcommittee on the Coast Guard. They know it.

Again, we want the industry to do well, and I think the industry is doing extremely well. I think that when you look at the statistics, they are, Mr. Dale, a small number, but in your own words, one criminal act, one person harmed is one too many. Then if it happens, we want to make sure that they are treated right, as simple as that.

The same thing that I would want for my wife, I want for any other woman. The same thing I would want for my dad, I want for anybody else's dad. I think if we think about it like that, then we can get much further along.

To Ms. Dishman, I want to thank you.

I think if we listen to what Mr. Bald said, he said that he listened to her. Maybe he didn't accept everything, but there are things that did come forth that he did use and is using.

I just want to make sure that the things we are in the process of doing, that we get done. In other words, we bring closure and say, this is done. Now let us move on to the next thing. Done. Done. Done. Done.

Not just well, let us meet. Let us hurry up and meet. Meet. Meet. Meet. Then the next thing you know, you look three years later, and you are still meeting.

I want to make sure we get to some points where we have done because in the time when things are not done, then other problems may arise. When we talk about the image of the industry, the last thing we want is to have more people banging on my door, more Members of Congress saying, we want people to testify because they have gone through some difficulties.

All I am saying is I think it is good business for us to be, for the industry to be the best that it can be. Again, I think that I do believe if we look at victims groups and say to ourselves that they are trying to make things better, then with that attitude I think we will accomplish a lot.

To all of you, I want to thank every single one of you for going through this very, very, very long hearing.

I will look forward to, I guess from you, Mr. Dale, a report. Don't forget Ms. Hudson, and there may be a few other people that may have some things to contribute that may not have been invited. I

am sure they will let you know. You will not get out of that door unless they tell you. I know they will.

Thank you very much.

[Whereupon, at 5:22 p.m., the Subcommittee was adjourned.]

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CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS

STATEMENT BEFORE THE TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

HEARING: "CRUISE SHIP SECURITY PRACTICES AND PROCEDURES"

SEPTEMBER 18, 2007

Good morning. Chairman Cummings, Ranking Member LaTourette, and members of the Subcommittee on the Coast Guard and Maritime Transportation, thank you for this opportunity to appear before you as consider the timely subject of cruise ship security practices and procedures.

I understand that the purpose of this hearing is to enable the subcommittee to receive an update from persons who have been victims or are family members of victims of alleged crimes on cruise ships regarding: (1) potential refinements in procedures for reporting alleged crimes on cruise ships to U.S. authorities; and (2) specific measures that could be implemented to improve the safety and security of passengers on cruise ships.

Mr. Chairman, while I agree that procedures for reporting crimes on cruise ships to U.S. authorities and that measures to improve the safety and security of cruise ship passengers can be improved, my purpose here is not to take a position in support or, or opposition to, any particular proposal or recommendation. Rather, my sole reason for appearing before you is apprise the subcommittee of the nature and quality of my most recent experience with one cruise ship line, Carnival, in connection with the recent and tragic incident involving the late David Ray Ritcheson, who was one of my constituents.

Most of you know that I have long been one of the House's strongest advocates for federal hate crimes legislation. I am proud to have played a leading role in the passage earlier this year by the House of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act

of 2007. Most of you also know that the late David Ray Ritcheson was instrumental in the passage of this landmark legislation.

In a case that drew national attention, 16-year old David Ray Ritcheson, a Mexican-American, was severely assaulted on April 23, 2006, by two youths while attending a party in the Houston suburb of Spring, Texas. One of his teen-age attackers, a skinhead, yelled ethnic slurs and kicked a pipe up his rectum, severely damaging his internal organs and leaving him in the hospital for three months and eight days — almost all of it in critical care. For the supposed crime of allegedly kissing a white girl, this Hispanic young man was punched unconscious, kicked him in the head, suffered 17 cigarette burns sadistically inflicted that still scar his body. His assailants poured bleach on his face and body, and then assaulted with a pipe taken from a patio umbrella. He was left lying unconscious and unattended in the back yard of house for more than eight hours. He has endured more than 30 operations to restore his appearance and regain the normal use of his bodily functions.

After surviving this horrific attack, David Ray Ritcheson refused to live as a victim. Instead, he devoted the remainder of his life to making America a hate free place to live. Earlier this year, he testified

before the Judiciary Committee in support of H.R. 1592. His testimony was so powerful, so compelling, so eloquent, that it helped inspire the House of Representatives to pass the bill. No one present in the hearing room that day will ever forget his concluding words:

> "It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign to enact a much needed law such as the 'Local Law Enforcement Hate Crimes Prevention Act of 2007.' I can assure you, from this day forward I will do what ever I can to help make our great county, the United States of America, a hate free place to live."

David Ray Ritcheson's testimony helped persuade the House to take the lead in deterring individuals like those who attacked him from committing violent crimes against others because of where they originate, the color of their skin, the God they worship, the person they love, or the way they look, talk, or act.

David Ritcheson died this past July 1 of blunt force trauma sustained when he jumped from the upper deck of the cruise ship Ecstasy, owned by Carnival Cruise Lines, while a passenger on a cruise from Galveston, Texas to Cozumel and Progreso, Mexico.

Cruise staff tried, unsuccessfully, for perhaps an hour to talk him out of jumping from the ship and, according to media reports, at least one of his friends witnessed the suicide. The ship's captain quickly

alerted passengers the boat was being turned around to rescue a man who had gone overboard. A rescue crew recovered David's body later that morning and the captain made a second announcement, telling passengers the man who went overboard had died.

I was notified by Carnival Cruise Lines of the tragic incident on Monday, July 2, by Tom Dow, Vice President for Public Affairs for Carnival, who maintained regular contact with me until the ship arrived back in Galveston Thursday, July 5. This included updates on the parents and arrangements being made to take custody of the body in Galveston.

Mr. Chairman, the subcommittee should know that in this case Carnival, through its CARE Team, provided assistance to David's family, including travel arrangements to Mexico, a cabin on the ship, and arrangements for a van in Galveston. The parents did not wish to speak to media, so the van was directed to a private entrance to the terminal from where his body was take to the Medical Examiner's office in Texas City. In short, Carnival handled a very tragic and traumatic incident with both compassion and discretion.

Thank you, Mr. Chairman. I will be happy to answer any questions you may have.

Doris O. Matsui

Testimony for Congresswoman Doris O. Matsui
Subcommittee on Coast Guard and Maritime Transportation
"Crimes Against Americans On Cruise Ships Follow-Up"
September 19, 2007

Intro

I would like to first thank Chairman Cummings for calling this important and necessary second hearing. I look forward to hearing from the cruise industry what steps they have taken to improve the security on their ships. Mr. Chairman, I appreciate your commitment to this issue and to informing and protecting the nearly 12 million American passengers who take cruises each year.

I had asked Chairman Cummings to hold the hearing in March of this year after learning about a young woman from my district who came to me for assistance after she had been a victim of a violent crime on February 21, 2006 on a cruise ship.

The Committee heard from my constituent Laurie Dishman at the first hearing. Laurie is here with us today...I want to publicly thank her for her continued and brave efforts to make sure that no one else goes through what she has endured.

Laurie: thank you for being here today.

What has happened in 6 months since last hearing

Since our hearing last March, I know that individuals like Ken Carver and Laurie Dishman have been working hard to secure a meeting with the cruise industry. While there were seemingly unnecessary delays and even a few false starts, I was pleased to learn that the discussions did take place just a month ago in August.

The ICV-CLIA meeting was the first time that there has ever been a discussion of the various issues concerning cruise lines by an independent group with the cruise line Industry.

I look forward to hearing the reforms the cruise industry is undergoing based on this meeting. I am particularly interested in the time frames for which these

reforms will be enacted and what information is being shared with passengers about their potential for danger onboard a cruise.

Security Personnel and Background Checks

As Laurie testified at the last hearing, as a passenger on board the Vision of the Seas, a ship operated by Royal Caribbean, she was raped by a crew member. One of the most disturbing aspects of Laurie's case is that the cruise ship on which she was raped was short security staff. As a result, the cruise line promoted someone with no training to perform security personnel duties.

The tragedy that ensued is something that Laurie will never forget. I continue to be concerned about the lack of security personnel on cruise ships...many of which are essentially floating cities with thousands of passengers and few security guards.

Similarly, passengers may hear that background checks are performed on all crew members...however, what Americans do not understand is that many of these individuals are foreign nationals and that their countries do not have the same system in place for background checks.

Victims Rights and Crime Scene Preservation

The story of Laurie and other victims' experiences are shocking enough. Unfortunately, most of these victims and their families continue to experience difficulties after the crime occurs. For Laurie, she was forced to collect her own evidence and after she departed the ship, experienced difficulty getting information about the incident from the cruise line.

Proper evidence collection and victims' assistance after a crime are important and seemingly missing from cruise ships. I hope that the cruise industry has worked during these last six months not only on ways to prevent crimes from occurring, but also on working to take care of victims and their families after a crime has occurred.

Reporting Mechanisms

The more I have inquired about crimes on cruise ships, the more I have been alarmed that there is no shortage of cases of: rape, sexual assaults of minors, alcohol related fighting and abuse, and persons overboard.

The last hearing highlighted how crime numbers reported to Congress were radically different from the cruise industry's internal crime statistics. The cruise industry insists that they are voluntarily reporting more crimes than they are statutorily required to...I feel that their actions have been less than forthcoming. Unfortunately, it seems that without continued Congressional oversight or penalties for noncompliance, the cruise industry reports what and when they want to.

Conclusion

We continue to hear media reports of passengers falling overboard, passengers gone missing and passengers being raped and sexually assaulted. Sadly, many of these cases remain unresolved because of lack of security personnel and standards for crime scene preservation. Worse yet, many cases go unreported because there is no industry reporting mechanism.

The result of our first hearing, combined with numerous media reports of crimes on cruise ships, point to the need for increased safety and security for these passengers. Prevention can be an important tool, and prevention begins with making people aware of the potential for a crime to occur.

There will be 12 million Americans traveling on cruise ships this year--- the industry is growing. With growth comes a greater responsibility. This is an opportunity for all of us---working together---we can and we will improve the safety and security of Americans who travel on the high seas.

Thank you Mr. Chairman.

TESTIMONY OF
GARY M. BALD
SENIOR VICE PRESIDENT OF GLOBAL SECURITY
ROYAL CARIBBEAN CRUISES LTD.
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION
SEPTEMBER 19, 2007

Good morning, Mr. Chairman, Congressman LaTourette, and Members of the Subcommittee. I would like to take this opportunity to thank you, Mr. Chairman, and the Subcommittee, for holding these hearings. After 29 years in the FBI, I am a true believer in Congressional oversight and the reform it can bring about when conducted in a fair and productive manner. Because of your interest in cruise industry operations, issues facing the industry and our guests today have become more clearly focused and progress is being made in how we mutually ensure their security and care. I have been particularly impressed with your recognition and support of an industry partnership with individual cruise incident survivors. I thank you for your encouragement and collegial inclinations in this important area. Some of the best external guidance I now receive is from cruise incident survivors.

I first appeared before the Subcommittee in March of this year at which time I had served just nine months as the head of global security for the Royal Caribbean cruise brands, which include: Royal Caribbean International, Celebrity Cruises and Azamara Cruises. At that time, Mr. Chairman, I testified to a number of shortcomings in our policies and procedures which, unfortunately, led to additional trauma for several guests who had suffered a crisis while on vacation with us. I also testified about some of the changes we had put into place to address these shortcomings. Those changes remain in place and are part of a strategy to advance our security to ensure the welfare of our guests.

Guest Security Strategy

At Royal Caribbean, our guest security strategy is to implement processes that prevent and effectively respond to security incidents. Prevention, our highest priority, is being pursued through a dual effort of 1) effective deterrence, and 2) understanding and eliminating the factors that contribute to incidents. Simply stated, I believe that if we can eliminate the factors that lead to incidents, we will be able to prevent incidents from occurring.

In those situations where an incident does occur, our goal is to effectively respond in a manner that restores safety and security; treats and cares for our guest appropriately and with compassion; identifies those responsible; preserves evidence; and facilitates and supports investigation of the incident and prosecution of those responsible.

The first steps in this process are underway. We have instituted a deterrent presence on several of our ships, and will expand this in the future. The next step involves developing a process to identify the factors that contribute to incidents. Once this step is complete, we will begin to collect and evaluate this information and develop security measures that eliminate these contributing factors.

In the mean time, we are redefining the roles and qualifications of our security staff and providing the training they need to be successful. We have revised several of our key processes, and expect to eventually conclude a complete rewrite of our security procedures. We are aggressively re-training our security teams on how to recognize and preserve evidence; how to conduct post-incident follow-up; and, importantly, on the acceptable manner in which to interact with victims of crimes.

Although I will list below some of the steps we have already taken, there are many others, both underway and planned, that I can not present today in this open setting. Some of these fall into the categories of security countermeasures; promising proprietary technical research and development; and personnel initiatives. It is important to note that although I believe we have come a long way in our security efforts, we still have much more to accomplish. Ultimately, this process is not about statistics or even about past incidents, although both are important. It is about preventing even a single negative experience on a cruise ship. This is no small task. With the continual support of this Committee, government officials, our cruise industry counterparts and our incident-survivor partners, I am confident our efforts will make a significant impact on the issues we collectively face and on the cruise experiences of our future guests.

External Input and Recommendations

Since the March hearing before this Committee, I have benefited from both direct and indirect input from cruise incident survivors. Their unique perspectives have afforded me an excellent compass-check to ensure my efforts are on a course that will prevent future incidents. Many of the suggestions I have received from survivors have either led to new initiatives; validated current projects; or produced promising ideas for future planning. We have also received recommendations from the International Cruise Victims Association. Their "Ten-Point Program" contains sound concepts and, although in some instances we do not agree with their implementation approach, their work has stimulated productive dialogue. In general, their proposals are consistent with our goals to ensure: reliable cruise employee vetting; well-trained and capable shipboard security with a high degree of integrity and appropriate oversight; effective video surveillance systems; viable technology and processes to address missing persons; and capable medical care. I am also particularly pleased and optimistic about CLIA's initiative to form a Survivor/Industry Working Group. Based on what I know about the survivors who have volunteered to serve on this group, I am confident that we will continue to make progress through this collaborative process and the flow of security ideas for the future will be rich and well informed.

Security Progress

Today, I am pleased to report that we have continued to make progress in both securing our ships and in providing needed personal and emotional support to our guests. Mr. Chairman, as I have noted, our progress over the last six months has been greatly enhanced by the partnership of cruise incident survivors who have graciously provided firsthand accounts of ways in which we can improve. I have spent many hours in personal discussions and reviewing input from incident survivors and their families. I have found the information I have received to be very helpful in ensuring the direction of my improvement strategies is in keeping with the needs of those I am dedicated to protect.

For the past several years, Royal Caribbean has focused on improving the tools, technology, training, and performance of our company in terms of security and guest care. Although I would be pleased to respond to questions about any of the initiatives we have undertaken, for purposes of my remarks today, I would like to focus on some of the steps we have taken in the six months that have passed since this subcommittee's last hearing in late March of this year. The majority of these steps in our ongoing security progress speak to issues raised in our conversations with individual incident survivors and in the written proposals for improvement we have received.

April 2007

- At the conclusion of the March 27, 2007 hearing, I was approached by Kimberly Edwards, a cruise incident survivor. Ms. Edwards expressed concern over her personal cruise experience and manner in which her situation was handled. I addressed her concern and we began a dialogue about shipboard security that has been very informative. I found Ms. Edwards to be a strong advocate of her own and other cruise victims' concerns and someone with the ability to bridge perspective gaps such as those that may develop between the industry and incident survivors. The manner in which she has approached our mutual goal of security improvements confirmed for me the absolute need to involve survivors in our security improvement process.

- We have entered into a partnership with the Rape Assault and Incest National Network (RAINN). RAINN, the nation's largest anti-sexual assault organization, operates a National Sexual Assault Hotline, and conducts programs to prevent sexual assault, help victims, and ensure that perpetrators are brought to justice. We are working with RAINN to establish access from our ships to RAINN's web-based 24-hour Online Hotline and to their 24-hour 800 Telephone Hotline for those rare instances where a guest or crew member becomes the victim of a sexual assault. Our mutual goal is to facilitate both immediate and continuing professional counseling services should a guest desire and need this assistance. Our partnership with RAINN will contribute strongly to the support now routinely provided to guests by Royal Caribbean's Guest Care Team.

- After meeting Ken Carver for the first time at the March hearing, we began an exchange of information concerning his daughter's apparent suicide, as well as information about the International Cruise Victims Association's (ICVA) recommendations for security improvements. Through CLIA's leadership, I look forward to continuing discussions with Mr. Carver as we advance our efforts to address our mutual concerns.

- We began a formalized process whereby the Global Security Department and the Risk Management Department of Royal Caribbean conduct formal quarterly reviews of all shipboard incidents. This is an oversight process that helps us ensure incidents are properly reported, characterized and addressed at various levels/perspectives and offers an additional opportunity to identify lessons learned and areas where we can improve.

- We implemented a Guest Care checklist for ships' management to facilitate consistent support of our guests' emotional and logistical needs following an unforeseen event. This includes providing shipboard toll free telephone access for guests to RAINN, the FBI and other law enforcement entities who may be involved in responding to their shipboard incident. This is a service that will be routinely provided under the Royal Caribbean Guest Care Program.

May 2007

- Laurie Dishman, who testified on the victim's panel at the March 27, 2007 hearing, and I exchanged several emails which included her thoughtful suggestions for security improvements. Although our interactions have been limited by her attorney's concerns about pending litigation, Ms. Dishman's suggestions have directly led to security improvements within Royal Caribbean. I hope one day to discuss our security initiatives with Ms. Dishman and to obtain more of her valuable input and feedback.

- Royal Caribbean co-sponsored a Family Assistance Foundation (FAF) symposium in Atlanta, Georgia. The symposium was attended by survivors and industry representatives and was facilitated by Dr. Carolyn Coarsey of the FAF. The conference successfully enabled all parties to discuss our shared goal of enhancing transportation security while at the same time providing a much needed opportunity for us to interact on a personal level with persons who are survivors of a cruise-related incident. The value of these discussions has been evident in the progress the industry has made in addressing survivors' specific concerns.

- We implemented a formal "after-action process" at the conclusion of the internal handling of a shipboard incident involving a sexual assault or a "man-overboard" incident. While we do many things right, we have learned from our survivors that there are things we have done wrong or that we could do better in these matters. For that reason, we have designed the after-action review process to identify lessons learned and to make appropriate improvements.

- We formed an internal Employee Vetting Working Group to re-evaluate both our internal and outsourced vetting processes and to identify opportunities for improvement. This group will also further explore legal ways to address the vetting concerns expressed by Ms. Dishman and the ICVA.

June 2007

- We entered into an agreement with an outside contractor to supply former federal, state and local law enforcement investigative experts who are on call to respond to certain ship-board incidents such as man overboard or sexual assault incidents. This team provides us a resource we can dispatch with strong investigative credentials to assist in understanding how an incident occurred and what steps we can take to prevent a recurrence. Given the input we have received from this committee and our survivors, we have required this team to include highly skilled female investigators who will greatly add to our efforts to effectively respond, assess and ultimately prevent sexual assault incidents.

July 2007

- We expanded our existing internal Watchlisting Process to include all terminated Royal Caribbean employees. This now permits us to consider whether a terminated employee should be permitted to sail as a guest on a Royal Caribbean ship in the future. Existing protocols within the Human Resources Department already ensure that a terminated employee will not be rehired without a complete review of the reasons for a prior termination. Terminations for criminal activity are a bar against both sailing with and future employment with Royal Caribbean. (Due to prohibitions on the practice of blacklisting, within the context of anti-discrimination laws, civil rights laws, antitrust laws and labor laws, Royal Caribbean does not share a list of employees terminated for criminal activity with other cruise lines, as has been recommended by the International Cruise Victims Association.)

- We contracted with an outside expert for the development of incident metrics to facilitate a prevention approach to shipboard security. The goal of this project is to identify and eliminate patterns in circumstances that contribute to shipboard incidents. If we can better understand the underlying causes of incidents, we will be better able to target them for elimination.

- We added two new full-time employees to our Guest Care Team, bringing this important response team to a total of five full-time specialists prepared to travel on a moment's notice anywhere in the world when an RCL guests needs assistance. This team, lead by a registered nurse, has received amazing results and feedback from those they have helped.

- We filled the first position on our Global Security Department's investigative team. This 20 year veteran and Detective from the New York City Police Department brings extensive investigative experience to the department. (See the August entry below for more details on the role of this team.)

- We participated with CLIA and other cruise industry colleagues in a meeting with several board members of the International Cruise Victims Association to discuss suggestions for improving ship security. We believe continuing dialogue with the survivors of cruise incidents will permit us to match improvement processes to some of the concepts underlying the ICVA's Ten-Point program for the benefit of all cruise travelers.

- We formally established security career path and related job descriptions for our shipboard security teams. This is the first of several steps we will take to ensure we attract and retain high-quality, motivated professionals to these critical positions.

August 2007

- We joined CLIA, other cruise industry colleagues and the Family Assistance Foundation in meeting with survivors and family members of incidents on cruise ships. This meeting was to permit us to hear directly from survivors suggestions for improving the security and guest care practices of the industry in ways that will help us prevent future incidents. This meeting was very productive and produced ideas and partnerships that bode well for future guests and the industry on topics such as prevention, training, guest care, family support, communication and medical care. Survivors expressed their desire to participate in a formal working group with the industry. This working group is being formed by CLIA and will provide further opportunities to continue this great exchange.

- We developed a plan for the installation of peep holes in guest stateroom cabins on an existing ship in October 2007. This follows an earlier decision to install peep holes in guest staterooms on two ships currently being built. We are in the process of obtaining fire safety acceptance for our proposed installation process from Det Norske Veritas, the classification society for technical requirements for construction or design and certifications for industry standards. Pending this certification of our process, installation will proceed in October, and planning to install peep holes on all Royal Caribbean ships will move forward. This initiative is the result of a suggestion from Laurie Dishman, and is further evidence of the value of our ongoing dialogue with cruise incident survivors.

- To ensure our shipboard executives understand the impact our handling of incidents has on our guests, we distributed a DVD containing excerpts from the March 2007 Congressional Hearing of this Subcommittee to every ship in the fleet. This DVD is now mandatory viewing for Captains, Staff Captains, Hotel Directors, Security Officers, Security Staff, Medical Staff and Guest Services Desk Staff. The DVD highlights testimony from survivors expressing the trauma they experienced;

government witnesses setting forth their role in investigating incidents onboard cruise ships; and Members of the Subcommittee, including the Chairman, expressing their commitment to seeing improvement in the security and care of the cruising public.

- We formally amended policy on incident response and codified these changes in Royal Caribbean manuals. This new policy reflects our emphasis on preserving evidence and standardized the method by which we will reliably secure staterooms that become the location of a shipboard incident.

- We hired two additional experienced investigators, both women, as full-time members of the Global Security Department's investigative team. These career professionals, along with their counterpart hired in July and their Director, bring over 80 years of investigative experience to the company, and form a team whose past assignments include the handling of sexual assault investigations and strong experience working with international law enforcement partners. They will directly oversee our response to shipboard incidents; ensure the complete reporting of criminal incidents to the appropriate law enforcement agency (worldwide); and direct the response of contract investigators when needed. This team is also joined by a newly hired senior intelligence analyst, with U.S. Intelligence Community experience, to monitor changes in world security risks and drive appropriate corporate response.

- To further elevate the importance of shipboard security, the Chairman and CEO of Royal Caribbean Cruises Ltd. approved that I, as Senior Vice President for Global Security, participate in evaluating the annual performance of our shipboard Captains. This is the process that determines their end of year bonus. This supplements the role I play in the annual ratings of Staff Captains and Security Officers.

September 2007

- We formally reassigned accountability for our response to shipboard criminal incidents and man overboard investigations from the Risk Management Department to the Global Security Department. This places day-to-day planning, response, reporting and oversight for incidents in the hands of career investigative professionals.

- Our next generation SeaPass Program entered the Request-for-Proposal Phase. This will provide our ships with a platform-based guest identification and purchasing card with enhanced security recognition features. This approach will also provide opportunities to leverage anticipated near-term technology advancements as they become available.

- We began including the FBI in our quarterly reviews of shipboard incidents by the Global Security Department and the Risk Management Department. This provides valuable input and an additional level of oversight to our incident handling and reporting process.

- The Family Assistance Foundation provided training to Royal Caribbean corporate communication and security officials focusing on the importance of effectively communicating with guests and their families, with employees, and with the public in the event of an incident. The FAF also shared videotaped interviews of survivors who described the positive impact on their emotional recovery of cruise employees who responded immediately and appropriately to their needs.

- We developed and submitted for publication, a concise safety/security guide for guests. This guide, to appear on the inside cover of every guest stateroom service directory in the Royal Caribbean, Celebrity and Azamara fleet, includes shipboard emergency contact numbers, safety/security tips and other helpful security information. This step is the result of a specific recommendation of Kimberly Edwards, a cruise incident survivor who has graciously shared her time to help improve cruise ship security.

- To ensure that shipboard medical staff are familiar with the proper procedures for administering the Pelvic Examination Kit, we forwarded a supplemental training DVD to each ship for mandatory viewing by all medical staff members. This is an initiative recommended by this committee in March of this year.

- We formally established that only full-time security crew members may carry or display a security badge. This will help guests distinguish between our onboard security professionals from other members of the crew.

- Finally, next week, we will provide our annual Security Officers training seminar. This year, we will include presentations by the Family Assistance Foundation, in addition to our many technical and procedural sessions and FBI training. During this ten-day session, Security Officers will receive presentations on topics such as incident reporting requirements, incident prevention, incident response, evidence preservation, conflict resolution, guest care, victim concerns, intelligence, terrorism and security countermeasures. This training will also result in each Security Officer training and then sitting for his Security Industry Authority (SIA) License, as taught, regulated and issued by the United Kingdom.

Incident Reporting

Before concluding my statement, Mr. Chairman, I would like to mention that the cruise industry's standardized reporting agreement with the FBI and Coast Guard has been in place now for six months and, from Royal Caribbean's perspective, has been fully and successfully implemented. Between the time of the last hearing and September 1, 2007, my team has worked in partnership with our Risk Management Department to

ensure our reporting requirements are being met. As I indicated earlier in my written statement, effective September 1, 2007, I became personally responsible for ensuring that all criminal incidents are appropriately reported. I pledge to you that I will continue the commitment to full reporting that our CEO mandated several years ago and that I will ensure our processes and actions result in our meeting both the letter and spirit of our agreement with the FBI and the U.S. Coast Guard.

I want to make one thing very clear about our reporting obligations. It is my understanding that the reporting standards in the industry/FBI-USCG agreement are required by U.S. law and/or regulations. I base this understanding on information from industry and corporate legal guidance as well as from information provided by the FBI and U.S. Coast Guard. Nothing I have heard or reviewed would permit me to follow any other course. However, regardless of others' interpretations of our legal reporting obligations, the instructions I have given to my team are clear. Our ships will promptly report ALL crimes on board our ships to my department; and my department will report or ensure reporting of shipboard crimes to the appropriate authorities immediately upon receipt. This is not only the right thing to do, it is an integral part of my efforts to understand shipboard incidents and develop prevention strategies.

Conclusion

Mr. Chairman, at Royal Caribbean, we are committed to providing an exceptional and safe vacation experience for our guests. If a guest becomes the victim of a crime, we want to ensure that they and their family members or traveling companions are appropriately cared for; that the person(s) responsible are effectively investigated; and that steps are taken to learn from and prevent the incident from happening again. To reach that goal, we will continue to work in partnership with survivors and their families; with outside experts such as the Family Assistance Foundation and RAINN; and with the federal government. I am personally committed to keeping open the lines of communication with these important partners and to provide periodic updates to you Mr. Chairman and other Members of the Subcommittee, as desired.

Thank you again for the opportunity to be here today. I am happy to respond to any questions you may have.

Testimony
of
KENDALL CARVER

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Appearing Before
COMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION

"Cruise Ship Security Practices and Procedures"

Hearing Scheduled
Wednesday, September 19, 2006 – 11:00 a.m.
Rayburn House Office Building
Room # 2167

I wish to thank the Committee for the opportunity to speak today and provide you with a summary of the steps that have been taken, since the last hearing of March 27, 2007, in which both International Cruise Victims Association (ICV) and Cruise Line International Association (CLIA) were instructed by Chairman Elijah Cummings to enter into discussions for improving cruise ship safety and security, particularly addressing ICV's 10-Point Plan.

As I reflect back on my life, it has been exactly three years ago today that I began living the worst nightmare that a parent could fathom, learning that one of my four daughters was missing and not knowing where she was or what had happened to her. My story is no different than that of the other members of ICV, who have joined our efforts to address the current safety and security procedures for cruise ship passengers and recommend changes to the cruise line industry's operational practices.

Having retired to Phoenix, after serving as CEO and President of a New York Domiciled Life Insurance company, along with serving as Chairman of the Board of the trade Association in 1991, which represented all of the major New York Domiciled Insurance Company, I was ready for the 'good life'. Little did I realize that my past experiences were to prepare me for what has happened during these past three years.

After several months and tens of thousands of dollars, I soon learned that I was dealing with a major cover-up of the circumstances surrounding Merrian's disappearance by a major cruise line. This journey prompted the forming of International Cruise Victims Association (ICV), a group of victims who joined together to address the numerous crimes that occur on cruise ships. For the first time, ICV has provided a voice for victims throughout the world. Attached is our latest Victim Story coming from a crewmember in South America.

This is the fourth hearing that I have attended and the third congressional hearing in which I have testified on behalf of ICV.

ICV has grown substantially since January 1, 2006, from just a few members to an organization of over several hundred members, located in 15 countries throughout the world. With no paid staff and very limited funds, we have been fortunate to attract many skilled and talented volunteers around the world, who support our mission on a 24/7 basis. We actually now have a separate ICV chapter in Australia under the direction of Mr. Mark Brimble, Vice President of ICV.

Through their own individual experiences, victims soon realized that acting on their own was ineffective. We also need to give credit to the press, which has joined in our efforts by reviewing our goals and publicizing the stories of cruise ship victims.

In the March 2006 Congressional hearing, six victims testified for the first time, four of which were ICV members. In addition, ICV's 10-Point program to improve safety was presented and members of the Committee asked the cruise line industry representative, International Council of Cruise Lines (ICCL), their position on this program. This program was developed through a composite of input from our members. It is a work in-progress and has continued to change, based on additional suggestions and comments received by new and existing members.

At the last Congressional Hearing, Chairman Elijah Cummings requested that CLIA and ICV meet to review this program, along with meeting with the FBI and U.S. Coast Guard to review their agreement, which was signed the day prior to the last congressional hearing. Chairman Cummings indicated that there would be another hearing in six months to review the progress made in these discussions. I would like to bring the Committee up-to-date with those developments:

It has not been an easy task to comply with the Chairman's request to enter into serious negotiations. In the exhibits you will see the communications of our efforts for scheduling our first formalized joint

meeting. As you can see, on April 16th, after providing 60 pages of detailed documents concerning our proposal meeting, it was not until July 26th before we were actually afforded our one and only formalized meeting with CLIA.

I would also like to discuss four meetings in which ICV has participated with the details of each meeting following this list of dates:

- May 7, 2007
  Mr. Terry Dale (President & CEO of Cruise Lines International Association - CLIA), and Mr. Son Michael Pham (Vice President & Treasurer of ICV) and myself met to establish guidelines for the initial formalized meeting agenda and to determine the attendees.

- July 25, 2007
  ICV representatives met with representatives of the FBI, regarding an agreement between the FBI, the U.S. Coast Guard, and CLIA, which was signed and released just days prior to the March 7, 2006 congressional hearing.

- July 26, 2007
  First 'official' meeting with the ICV Team and CLIA (and two cruise line representatives) to review ICV's 10-Point Plan and discuss steps for solutions of each issue.

- August 14, 2007
  CLIA-sponsored meeting, as a result of their letter dated June 25, 2007, addressed to 'Passengers and their families'. This letter is shown under Section III of the Exhibits.

On May 7, 2007, the following guidelines were established between CLIA and ICV:

- The group would be limited in size for the purpose of productive discussions.
  (NOTE: This particular guideline was suggested by Terry Dale.)

- While there were some concerns, regarding the ICV team and who would be attending, it was agreed that ICV had the right to select who would represent ICV, subject to the approval of the ICV Board.

- Although Terry Dale suggested that the discussions be limited to just a few of the points in ICV's 10-Point plan, we stated that all 10 points would be addressed during our discussions.

- Terry Dale would forward the 60 pages of documents to a CLIA committee to be reviewed, and submit any questions from that committee to ICV, prior to our first formalized meeting, allowing sufficient time for ICV to review their questions, prior to the meeting.

On July 25, 2007, a meeting was initiated by ICV with the FBI, and held at the headquarters of the FBI, and included Salvador Hernandez, Deputy Assistant Director, and John Gillis, Director of the Violent Crime Division of the FBI.

The purpose was to review the concerns of the March 2006 agreement between the FBI, U.S. Coast Guard, and CLIA. Please refer to Section I Attachment that reflects the main points of our 2-hour discussion. The main conclusions from the meeting are as follows:

- Both FBI representatives were unaware that in1999 the Cruise Line Industry had established a "zero tolerance for crime" policy, which required them to report all crimes to the FBI. The new

agreement only addressed how crimes were to be reported. This agreement took about 14 months to resolve, beginning in January 2006.

- Both advised us that the FBI and the Justice Department did not have the resources to follow up on crimes on cruise ships unless it reached certain thresholds. This is the reason why, in 2005, only 50 cases were opened with only 4 convictions from cruises that carry 10 million passengers (information provided by the FBI).

- The following issues were discussed with the FBI:

    1) Did the FBI have the authority to enter into an agreement that was generated by CLIA, which represents foreign-owned corporations, without having this agreement reviewed and authorized by the U.S Attorney General?

    2) We questioned the suspicious timing of this agreement, which was signed only a few days prior to the congressional hearing.

    3) The Assistant Director of the FBI informed us that they had spent months meeting with cruise company representatives, which resulted in the agreement. Knowing that CLIA and the FBI and the U.S. Coast Guard were having discussions, ICV officers actually met with the FBI and Coast Guard in June of 2006 to explain our programs and inform our intention to be included in future discussions. Although the FBI denied the secretiveness of these meetings, ICV was not included or made aware of this agreement, until after it was signed by the parties and released only a few days prior to the congressional hearing.

On July 6, 2007 we also requested by a faxed letter to meet with the U.S. Coast Guard. They never acknowledged our request until the morning of July 27, 2007 when it was too late to schedule a meeting.

On July 26, 2007, the first formalized meeting was held with CLIA and the members who had been appointed by the ICV Board to conduct these negotiations. This 5-½ meeting was held in Washington, DC, at the National Center for Victims of Crime. While the attachments go into great detail on the various points discussed, ICV presented the following materials:

- Based upon the files obtained on crimes reported by Royal Caribbean Cruise Lines from 2003 to 2005, close to 80% of these crimes involved crew members.

- Actual sexual crime rates varied significantly between various cruise ships and on average were 50% higher than comparable crimes rates for the average American city. (I.E. 3.33% to 6.36% greater than presented by Dr. Fox, Consultation for the Cruise Line industry, at the March 2006 Congressional Hearing.)

- Cruise lines take the legal position that they do not investigate crimes, and since the FBI does not have the resources to follow-up, no one is taking action.

- ICV discussed the concern of video/surveillance on cruise ships. In a deposition, a cruise line attorney took the position that this information is privileged. One of our members, Attorney James Walker, indicated that in 50 cases, he had never been able to obtain the videos. The Security Representatives for the cruise lines, attending this meeting, indicated that they were not aware of this and stated that this would be reviewed with their legal departments. So far, we have not received a response.

We approached and entered into this meeting with a positive attitude, and when it adjourned, I honestly believed that both organizations had set the stage for future positive discussions.

On August 3, 2007, following this meeting and upon receipt of ICV's minutes, which had been requested by Terry Dale, he responded, "*I believe it is fair to say that the cruise industry agrees in concept with ICVA but differs in how best to achieve the end results. We, therefore, look forward to continuing our discussions with ICVA and others in an effort to reach our shared common goals.*"

We believe it is essential to continuing these discussions with CLIA to understand the alternatives to the ICV proposals.

Prior to all of the above meetings, CLIA issued a form letter on June 25, 2007, addressed to 'Cruise Passengers and their families', inviting them to an expense-paid meeting in Miami to discuss issues concerning victims; however, their respective attorneys and the media were prohibited from attending. In early July, I began receiving requests from cruise lines officials and others to invite our members.

Since it was impossible to determine the purpose of this meeting, I sent a memo to Terry Dale on July 20, 2007 that is shown in Section III of the Exhibits, requesting clarification, regarding who was invited and what was the program for this meeting. I never received a response.

At the end of the July 26, 2007, meeting I was again invited to attend the "Passengers and their families" meeting in Miami on August 14, 2007, and was advised that I could present ICV's 10-Point Plan to those attending. Although we did not know who was invited or agenda for the meeting, Son Michael Pham and I agreed to attend to present the 10-Point Plan. We presented this decision to the ICV Board, which chose to appoint Son Michael and me to represent all of our ICV members/victims.

Following the July 26, 2007 meeting, we received continuous pressure to forward CLIA's invitation to all ICV members. While we were never advised as to who was actually invited to this meeting, a week prior to the August meeting in Miami, we finally received an agenda, which was forwarded to ICV victims. Since attorneys were prohibited from attending, and since there were victims with pending lawsuits, we explained to our members that ICV neither sponsored nor sanctioned this conference.

On August 14, 2007 when we arrived at this meeting in Miami, we were shocked to find that the only individuals, who had been targeted, were ICV members. With the entire list of cruise line victims with whom they have had past and present dealings, we were disappointed that their only real interest was ICV members. The obvious concern we have is why would CLIA set up such a meeting aimed at ICV members without advising and trying to work with the officers of ICV or even answers our basic questions, as shown in my July 20, 2007 memo to them.

Other than Son Michael Pham, VP of ICV and myself, those attending included nine (9) ICV victims and families of victims and two (2) additional individuals that were solicited by the cruise lines, who could not be categorized as victims, one had died from cancer and the other passed away due to a heart attack while on cruises.

It appeared that CLIA was interested in only the ICV members, since they were organized and were being represented as a group, rather than stand-alone victims. Members of this 'working group' do not represent the hundreds of ICV members and victims; therefore, the forming of this new CLIA 'working group' with selected victims and non-victims is questionable to us, and in our opinion, this is simply an attempt to avoid working with ICV.

It is also important to note that some of the victims being selected as part of this 'working group' still have pending lawsuits against the cruise lines and are being invited to attend, absent their legal

representation, which could either jeopardize their case(s) or create opportunities for conflict of interest.

While the invitation letter of June 25, 2007 indicated that the discussions would be limited to suggestions to improve safety issues, most of those attending told their particular story without the benefit of legal council being present. A few days after the meeting I was called by one of the lawyers that expressed his concern that his client had disclosed information to the cruise line officials that could actually be harmful to their case.

By arranging a separate committee controlled by the cruise lines, this is a deliberate attempt to separate ICV members from our organization and to avoid future direct discussions with ICV, the organization that has been recognized by U.S. Congress and other government agencies to represent cruise victims worldwide; thus, there is absolutely no legitimate reason to form separate efforts to work on solutions needed to improve safeties and securities aboard cruise ships.

We have complied with Chairman Cumming's request to enter into positive discussions with CLIA. We have complied with the mutually agreed-upon guidelines for structuring those discussions. It is our hope that the Chairman will require continuation of the meetings between CLIA and ICV, in an effort to resolve the various safety issues, rather than allowing CLIA to target individual victims, the same victims who approached them prior to the formation of ICV, coupled with the many victims who continue to contact us for help.

I sit before you today, as President of International Cruise Victims Association, the father of a cruise ship victim, my missing daughter, and for ALL the victims and their families, who have suffered needlessly, due to crimes and safety deficiencies that occurred and continue to occur on cruise ships. We sincerely feel that whatever steps are taken to protect the safely of passengers will benefit the cruise lines.

You are our government, the U.S. Congress, and I'm sure that you too have families'... parents, wives, husbands, children, and grandchildren. Unlike the tragedies that we have encountered, they deserve to be protected... and you are their voice... and you have the power to protect them and all of us. I plead with you to put an end to this.

Thank you for your time and for allowing me to testify today.

Kendall Carver, President

International Cruise Victims Association, Inc.

SUPPLEMENTAL ATTACHMENTS

Submitted by

KENDALL CARVER

Before

COMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION

"Cruise Ship Security Practices and Procedures"

SECTION I ATTACHMENT
- **FBI Meeting – July 25, 2007**

SECTION II ATTACHMENTS
- **CLIA-ICV Meeting – July 26, 2007**

SECTION III ATTACHMENTS
- **CLIA-Sponsored Meeting – August 14, 2007**

SECTION IV ATTACHMENTS
- **ICV - New Victim Story**

SECTION I ATTACHMENT – FBI MEETING

JULY 25, 2007

International Cruise Victims Association, Inc

Kendall L. Carver, President

July 6, 2007

Salvador Hernandez
Deputy Assistant Director
Federal Bureau of Investigation
935 Pennsylvania, Ave, NW
Washington DC 20535

Dear Mr. Hernandez:

As you may be aware, our organization met with members of the FBI and U.S. Coast Guard in June of 2006 to review the many suggested proposals for improving the safety on cruise ships.

At the last Congressional Hearing on March 27, 2007 titled "Crimes Against Americans on Cruise Ships," our organization was instructed to provide input concerning the agreement entered between the Coast Guard, FBI, and CLIA. I am attaching a follow-up letter sent to me on April 17, 2007 from Chairman Elijah Cummings, concerning this matter.

Since the FBI and Coast Guard are a party to this agreement, we wish to schedule a meeting to provide our comments and suggestions, regarding this agreement, in preparation for another Congressional Hearing. We are flexible with the meeting time, but suggest that the afternoon of July 25th may be a possible date. This meeting can include representatives of both the Coast Guard and the FBI or we can meet separately.

I look forward to hearing from you to make arrangements for this meeting. Please be advised that I am also forwarding a similar request to Rear Admiral Wayne Justice.

Please feel free to contact me at your earliest convenience.

Sincerely,

Kendall Carver

CC: Rear Admiral Wayne Justice
Chairman Elijah Cummings

5521 NORTH CAMELBACK CANYON DRIVE – PHOENIX, AZ 85018
PHONE (602) 852 - 5896 – CELL PHONE (602) 989 - 6752
E-MAIL kcarver17@cox.net

International Cruise Victims Association, Inc

Kendall L. Carver, President

July 6, 2007

Rear Admiral Wayne Justice
Assistant Commandant for Response
2100 Second Street, S.W.
Washington, DC 20593-0001

Dear Rear Admiral Justice:

As you may be aware, our organization met with members of the FBI and U.S. Coast Guard in June of 2006 to review the many suggested proposals for improving the safety on cruise ships.

At the last Congressional Hearing on March 27, 2007 titled "Crimes Against Americans on Cruise Ships," our organization was instructed to provide input concerning the agreement entered between the Coast Guard, FBI, and CLIA. I am attaching a follow-up letter sent to me on April 17, 2007 from Chairman Elijah Cummings, concerning this matter.

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I look forward to hearing from you to make arrangements for this meeting. Please be advised that I am also forwarding a similar request to Salvador Hernandez with the FBI. Please feel free to contact me at your earliest convenience.

Sincerely,

Kendall Carver

CC: Salvador Hernandez
Chairman Elijah Cummings

5521 NORTH CAMELBACK CANYON DRIVE – PHOENIX, AZ 85018
PHONE (602) 852 - 5896 – CELL PHONE (602) 989 - 6752
E-MAIL kcarver17@cox.net

Meeting Summary: ICV and FBI
25 July 2007
8:45 – 10:15 AM

In attendance:
For ICV: Ken Carver, Son Michael Pham, Ross Klein
For FBI: Salvador Hernandez, John Gillies

KEY TOPICS

- *Distinguishing role of FBI from role/responsibility of the cruise industry*

The FBI is an investigative organization and is not engaged in policy development or in "telling" the cruise industry or others what to do. Thus, some of the concerns raised by ICV are more properly dealt with in meetings between ICV and the cruise industry than in discussions with the FBI.

The FBI is limited by its jurisdictional authority which is mainly concerned with investigation of crimes reported by the cruise industry (it can investigate crimes reported, but is not in a position like local law enforcement to serve as an onboard police force). Even there, given limited resources, certain thresholds must be met for an investigation to be undertaken. Property crimes less than $10,000 are normally not investigated; sexual and other assaults where it is "he said, she said" are also commonly not investigated beyond initial information gathering. Consequently, the number of reported crimes/incidents does not directly correspond with the number of files opened for investigation.

The issue of prosecution of crime lies with federal prosecutors and here again decisions are made based on the severity of the crime and the likelihood of successful prosecution leading to conviction. It was clearly laid out that the FBI is directed by authority provided by legislation and that unless there are legislative changes, their intervention in crimes on cruise ships is somewhat limited.

- *Process leading to CLIA – FBI/CG Agreement*

It was a coincidence that the CLIA – FBI/CG Agreement was reached immediately before and announced at the Congressional hearings in March 2007. Discussions and negotiations around the agreement had been ongoing for approximately seven months. A key element in the agreement was a standardized reporting mechanism for shipboard crimes.

When queried about why ICV was not invited to be part of the meetings between the USCG and the FBI, Salvador indicated that he did not see any benefit of including victims/family of victims in the process of drafting the agreement. By not including

victims or victim's families, the appearance was given that the agreement was done in secret.

During the negotiations, there was no awareness or acknowledgement of the cruise industry's 1999 *Cruise Industry Zero Tolerance Policy for Crimes Committed Onboard Ships* which was signed by Carnival Corporation, Royal Caribbean Cruises Limited, Princess Cruises, and Crystal Cruises (see http://iccl.org/pressroom/press14.cfm and http://iccl.org/pressroom/press12.cfm).

ICV pointed out that the CLIA – FBI/CG Agreement is largely a reiteration of the industry's "zero tolerance policy" given that:

- the policy already embodies a commitment by the cruise industry to report all crimes against Americans on cruise ships; and
- the policy already acknowledges that "the FBI has the authority to investigate and prosecute alleged crimes involving Americans anywhere in the world."

It was agreed that the only thing "new" about the agreement is a standardized reporting mechanism for purposes of establishing a data base of crimes on cruise ships.

- *ICV Concerns about the CLIA – FBI/CG Agreement*

  1) The agreement does not extend to other than US Nationals – one would think that the cruise industry would accord Canadians, Brits, etc the same consideration as Americans.

     Response: The FBI was given the impression that the cruise industry would report crimes involving other nationals to the police/consulate of that country. Whether this is done is beyond the FBI's concern or authority.

  2) The agreement is wholly voluntary so compliance isn't assured. What actually constitutes compliance?

     Response: The FBI can only deal with those crimes reported and is not concerned (nor does it have the authority) to deal with crimes not reported. Even if there is knowledge of non-compliance with the agreement, the FBI lacks the jurisdictional authority to take action or to impose penalties. This is especially the case given that ships are foreign-flagged and foreign-registered.

  3) All data is kept "secret" so there is no way to know whether all cases have been reported by the cruise ships – passengers can not check to see whether their "incident" is recorded. Also, that data is not public deprives prospective passengers the chance to become fully-informed consumers.

     Response: The data isn't secret – it is available to Congress if requested. The Agreement is intended to yield a data set that may be used to gauge the incidence of crime on cruise ships. It is not intended to provide data that is

available to the public (given privacy concerns) and there is not mechanism for the public to learn whether some cruise ships/cruise lines are safer than others.

ICV expressed concern about the lack of transparency and discussed the value of this information being disseminated. The FBI responded that it lacked the authority to digest and make this information public. If a change were desired it would need to be through legislation. For now, the FBI's role was to accumulate data and to make that data available to Congress if/when requested. It also pointed out that people need to assume there are risks associated with going on a cruise, much like the risks associated with visiting any foreign location.

4) No stated time frame for reporting - "as soon as possible" can be interpreted differently in various circumstances.

   Response: The FBI was genuinely surprised that a more precise time frame was not indicated. ICV had the impression that earlier versions of the agreement had included a more precise statement. It was agreed that this was something that needed to be addressed in revising the agreement.

   The FBI several times stated that as on land, crime reports from cruise ships will be handled as resources permit; they will get to a case when reported if/when they can. ICV expressed concern that the longer it takes before an incident is reported, the less 'critical' the incident appears. As well, delays potentially result in loss of evidence and the dispersal of potential witnesses to a crime/event.

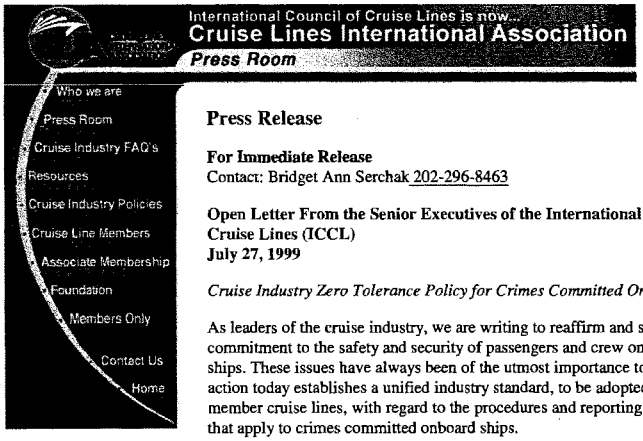
5) There is no commitment to report incidents in the territorial waters of others countries to either that country or to the US.

   Response: This is a jurisdictional issue and one which cannot be directly addressed here.

6) The definition of "sexual assault" may be construed as more limited in scope than is sufficient to truly protect passengers.

   Response: This point was disputed given recent changes in legislation which make "unwanted touching" a felony. The impression conveyed is that the problem isn't in the definition of what constitutes a crime, but whether incidents are reported as a crime. This gets back to the issue of how to enforce compliance.

The meeting concluded with agreement that we would meet again, if needed. It was also agreed that ICV would discuss with the industry those concerns that fall under the industry's control and authority. There was general agreement that there was need to deal with crimes against Americans on cruise ships, but also acknowledgement that the FBI could only do what it has jurisdiction and legislative authority to do. For now, its dual role is: 1) to investigate crimes reported which are against Americans on cruise ships, but not all crimes will lead to full investigations and even fewer will lead to prosecution; and 2) develop and maintain a data set based on reports received from cruise ships – these crimes only being those involving Americans – and to make the data available in aggregate form to Congress if asked. This role of data gathering from cruise ships is unique to the cruise industry; it is not something normally done by the agency.



Press Release

For Immediate Release
Contact: Bridget Ann Serchak 202-296-8463

Open Letter From the Senior Executives of the International Council of Cruise Lines (ICCL)
July 27, 1999

Cruise Industry Zero Tolerance Policy for Crimes Committed Onboard Ships

As leaders of the cruise industry, we are writing to reaffirm and strengthen our commitment to the safety and security of passengers and crew onboard our ships. These issues have always been of the utmost importance to us. Our action today establishes a unified industry standard, to be adopted by all member cruise lines, with regard to the procedures and reporting requirements that apply to crimes committed onboard ships.

This policy establishes a single industry standard that requires allegations of onboard crime be reported to the appropriate law enforcement authorities which, for vessels calling on U.S. ports or crime involving U.S. citizens, would include the Federal Bureau of Investigation.

In summary, our companies, and our industry as a whole, have zero tolerance for crimes committed on our vessels. If crimes do occur, the appropriate law enforcement authorities will be called in to investigate and prosecute to the fullest extent of the law. We will continue to cooperate with the authorities to ensure that perpetrators of crime are brought to justice.

Micky Arison
Chairman and CEO, Carnival Corporation
Chairman, ICCL

Richard Fain
Chairman and CEO, Royal Caribbean Cruises Limited

Peter Ratcliffe
President, Princess Cruises

Joseph Watters
President, Crystal Cruises

Corporate Headquarters: 910 SE 17th St., 4th Floor, Fort Lauderdale, FL 33316
Satellite office: 2111 Wilson Boulevard, 8th Floor, Arlington, VA 22201
Visit Us: www.cruising.org | Contact Us: info@cruising.org

SECTION II ATTACHMENTS – CLIA-ICV MEETING

JULY 26, 2007

ICV Members and Friends elected by the Board of Directors to negotiate with CLIA.

Kendall Carver - Serves as President and founder of ICV. Lost our daughter, Merrian, and found ourselves facing a major cover-up. Has testified at both the March 2006-2007 congressional hearing concerning the cruise line industry. I served as President and CEO for a New York Insurance Company for 18 year.

Son Michael Pham - Serves as Vice President and Treasurer of ICV. He was one of the co-founders of ICV and is deeply involved in the day-to-day activities of ICV. He lost both parents on a cruise ship under mysterious circumstances. Testified at the March 2006 congressional hearing.

Jeanne Olson - Serves as Board Secretary of ICV. Jeanne was involved with a stalking case on a cruise ship and is also actively involved in the daily activities of ICV. Jeanne's work experience has been serving in the position of VP level in the banking industry.

Lynnette Hudson - As a member of the Board of ICV, she was selected by the Board to participate as a member of the ICV Negotiation team in our talks with CLIA. Lynnette lost her father on a cruise ship last year because of a fire. She is a claim representative with a major industry company. In addition, she has started a non-profit foundation to improve safety on cruise ships.

James Walker - He is a Maritime lawyer that has had experience working for the cruise lines from 1983 - 1996. Since then he has his own practice. His website is located at www.cruiselaw.com. Jim's experience and knowledge of the cruise line industry has been extremely helpful as a member of the ICV Team.

Phil Gerson - Brings great experience and knowledge to the ICV Team. In addition to working with ICV, Phil serves as a member of the Board of Directors for the National Center for Victims of Crimes. His firm has been representing Victims of various crimes and brings to the ICV team a great background. His Website is located at http://injuryattorneyfla.com/

Dr. Ross Klein - Professor at Memorial University of Newfoundland in St. John's, Newfoundland. His academic training is in sociology and his interests include conflict resolution, nonviolent alternatives to war, and of course the cruise industry. He maintains a website at www.cruisejunkie.com

10-POINT PLAN
TO INCREASE SECURITY & PASSENGER SAFETY

1 - BACKGROUND CHECKS (*Crewmembers/Officers*)

- **Create a MAIN database for reporting all terminated employees, ensuring that the same employee will not be rehired by another cruise lines.**
  - a) Tighter security checks and screening of all employees
  - b) Although the cost of vacation cruises may increase, reliable personnel should be stationed on all decks and all the time.

2 - INTERNATIONAL POLICE/U.S. MARSHALLS

- **An International police force should be establisbed at the expense of the cruise lines, connected to Interpol or another international police organization:**
  - a) Such authority should not be affiliated with the cruise line or its' crew.
  - b) U.S. Marshals to be present on cruise ships.
  - c) When a crime is not reported to the appropriate authorities by the cruise lines, and in a timely manner, substantial fines should be imposed.
  - d) All crimes must be made public - Not voluntarily, but mandatory.
  - e) Require protocol for filing any form of incident and to be immediately processed through specific channels.
  - f) Currently cruise lines maintain the position that they are not obligated to investigate crimes, nor do they have the necessary technical expertise or crime laboratory.
  - g) All crimes and missing passengers must promptly be reported, if a crime occurs or if a passenger goes missing on a cruise ship. In many high profile cases there have been significant delays before such cases have been reported.
  - h) Criminal cases that occur on a cruise line must be properly handled resulting in the prosecuting of those who commit such crimes.
  - i) An independent investigative organization will ensure that there is no 'conflict of interest' between the cruise line and the victims.
  - j) With the added concern of terrorism, additional security is necessary to protect passengers and crewmembers.

3 - SECURITY – Crime Scenes

- **Certified security training and security enhancements with documented procedures and check-off lists in place for the following:**
  - a) Roping off/securing the crime scene
  - b) Securing surveillance videos
  - c) Taking pictures of the crime scene
  - d) Avoiding physical handling of evidence
  - e) Properly bagging and securing such evidence
  - f) Immediately interviewing and obtaining names of witnesses
  - g) Documenting statements and details from witnesses
  - h) Recording time frames for each step of the investigation
  - i) Requiring a sign-off for each step
  - j) Distributing photos of missing passengers (Recent photos, not video)
  - k) Inspecting all cabins and all compartments throughout the ship
  - l) Contacting authorities immediately (Coast Guard, FBI, etc.)

4 - STRUCTURAL ENHANCEMENTS

- **Increase the height of various places on the outside of each ship, making it difficult for passengers to go overboard:**
  - a) Higher glass walls
  - b) Other design changes

5 - VIDEO/SURVEILLANCE CAMERAS

- **Upgrade existing surveillance systems and increase the number of cameras:**
  - a) Strategically place cameras in all areas, where passengers may frequent, i.e. decks, outside railings, non-glass elevators, etc.
  - b) Monitor system and cameras 24/7
  - c) Ensure and install proper lighting for image quality
  - d) Require daily inspections and monitoring to ensure proper functionality

6 - ACCESS/SECURITY BRACELETS

- **Bracelets to be issued just prior to boarding the ship:**
  - a) Designed to include microchips
  - b) Distributed and worn by ALL Minors and initially offered to ANY passenger on a voluntary basis throughout the entire cruise (onshore & offshore)
  - c) Bear the name of the ship and identifying each passenger; thus, if an individual is missing, falls overboard, etc., their location will be detected.

7 - MISSING or OVERBOARD PASSENGER(S)

- **When a passenger is reported missing/overboard, the ship must stop immediately and complete a search:**
  - a) Rail alarms to go off if an individual should go overboard.
  - b) Station 24/7 lifeguards on each side of the ship's decks.
  - c) Require a full accounting of the # passengers who board vs. exit

8 - MEDICAL CARE PROVIDED to PASSENGERS (*INCUDING RAPE KITS/RAPE REPORTING*)

- **Cruise lines must assume responsibility for medical care provided to passengers on cruise ships.**
  - a) Doctors with medical licenses to practice medicine, must be available 24/7.
- **Rape kits MUST BE available on all ships:**
  - a) No requests should be refused or taken lightly.
  - b) Written documentation to be provided, signed, and issued to the patient.

9 - EXCURSIONS – SOLD & PROMOTED

- **Cruise lines have selected specific on-shore companies for passenger excursions from which they obviously receive promotional revenue/commission:**
  - a) Since the cruise lines select and promote various excursions, they should be held accountable for the safety of their passengers, who purchase such excursions through them.
  - b) Weather conditions should be verified, prior to allowing passengers to purchase excursions, such as sightseeing tours, scuba diving adventures, water-skiing etc.

10 - CRUISE LINES' ACCOUNTABILITY & U.S. CONGRESS INTERVENTION

- **Legislation changes must be made to hold cruise lines accountable for the safety of U.S. Citizens**
  - a) Maritime Law was intended to protect countries and jurisdictions during wartime and boundaries of these countries. It was NEVER the intent for individual cruise line companies to hide under this Law and not be held accountable.

- **Cruise lines need to acknowledge the following:**
  - a) Agree to move forward with Congress to make changes for the safety of all passengers, as the cruise line industry continues to become the number one vacation preference for many thousands of people.
  - b) Create consequences that are stricter for those who engage in foul play and for those who dismiss it, including these cruise ship companies, which are just shrugging their shoulders at the expense of so many families.

The second meeting took place on July 26, 2007 between Representatives of ICV and CLIA. This meeting lasted about 5 ½ hours. I believe the Committee has our minutes of this meeting. I really felt that this was a positive meeting setting the stage for future discussions. Using our 10-point program as an agenda for the meeting, our discussions covered the following items.

Point I

- EXHIBIT II shows that for the period of time from 2003-2005 based upon Court Documents submitted by Royal Caribbean Cruise Lines, close to 80% of all reported crimes on Cruise Ships involved a crew member. Therefore, there appeared to be an agreement of all present that there is a need to establish a procedure so that crew members dismissed by one cruise line could not just go to work for another cruise lines, which often the case. ICV has since furnish a legal statment that this can be done under the laws of which the cruise line operates, contrary to the position of the cruise companies that this practice is illegal.

Point II

- ICV presented material to CLIA and shown in Exhibit II which indicates the following:

  Cruise Lines take the legal position that they do not investigate crimes but do contact the FBI.

  FBI crime data indicated that they open only about 50 cases a year and in 2005 there were on four convictions for crimes on cruise ships. In a separate meeting held with the FBI on July 25, 2007, they indicated that they really do not have the resources to follow up on various crimes on cruise ships.

  Since the cruise lines take the legal position that they do not investigate crimes and the FBI indicates that they do not have the resources to follow up on these crimes, this means that chance of a crime being prosecuted on a cruise ship is extremely low and the victim is left with no action being taken. The Laurie Dishman case is a perfect example of this problem. To address this issue, ICV presented extensive documentation to establish an independent security force on cruise ships. CLIA response has indicated that they support this concept but believe there are more viable alternatives. At this point in time we do not know what they would propose to address this major issue of crimes not be prosecuted.

Point III

- ICV made recommendations as to addressing the question of how to better secure a crime scene by establishing standards. CLIA is reviewing these recommendations but we have not yet been advised as to their proposed response.

Point IV

- ICV recommended that the cruise lines fund a study to determine what additional steps could be taken to limit a person's ability to fall overboard. We have received no confirmation as what steps the cruise line industry will take other than reviewing this issue.

Point V

- ICV expressed great concern that the video/surveillance cameras are usually not available when a crime occurs. Exhibit 4 showed that in legal depositions the cruise lines have taken the position that this material is privilege information and not available. James Walker, Maritime Lawyer and member of the ICV team, indicated that out of 50 requests he had never obtained the videos. Only when it worked to the cruise line advantage were they obtained. We were somewhat surprised that the two representatives in charge of Security for the two major cruise lines indicated that they were not aware of this and needed to review this with their legal department. As of this time, we have received not received their response.

Point VI and VII

- The need for security bracelets and better methods to determine when someone is missing was discussed and the cruise lines indicated than they are currently reviewing this matter. There appeared to be agreement on this matter but have not yet determined to put this technology in use.

Point VIII and IX

- ICV expressed concern that in the case of Medical Care on cruise ships and Excursions, the cruise lines take the legal position that they are not responsible. As a result, ICV strongly recommended that the cruise lines need to take responsibility for the medical care provided on cruise ships along with responsibility for the various excursions that they promote on ships which they receive commissions.

Point X

- The cruise line industry continues to take the position the legislation is not required to address these issues. Since the cruise lines announced their ZERO tolerance for crimes in 1999 and these crimes have continued to occur, ICV take the position that legislation is required since the previous voluntary programs have not been successful.

RCI "Reported Sex Related Incidents" 2003 – 2005[1]

Number of Reported Incidents and Annualized Rate per 100,000 by Ship

Ship	Inappropriate Touch	Sexual Harassment (SH)	Sexual Assault (SA)	SH+SA (annual per/100,000)	Crew - Crew	Guest - Guest	Crew - Guest
Jewel (Double occ: 2112)	1	1	0	10.75	0	0	2
Onboard pop=3100 | Incidence/100,000		10.75	0.0				
Splendour (Double occ: 1804)	1	2	0	24.69	0	0	3
Onboard pop=2700 | Incidence/100,000		24.69	0.0				
Grandeur (Double occ: 1950)	1	2	3	57.47	0	2	3
Onboard pop=2900 | Incidence/100,000		22.99	34.48				
Adventure (Double occ: 3114)	0	3	5	57.97	0	3	3
Onboard pop=4600 | Incidence/100,000		21.74	36.23				
Mariner (Double occ: 3114)	0	6	4	72.47	0	2	6
Onboard pop=4600 | Incidence/100,000		43.48	28.99				
Legend (Double occ: 1804)	2	2	4	74.07	3	2	3
Onboard pop=2700 | Incidence/100,000		24.69	49.38				
Serenade (Double occ: 2112)	0	5	2	75.27	1	3	3
Onboard pop=3100 | Incidence/100,000		53.76	21.51				
Vision (Double occ: 2000)	7	4	4	88.88	3	2	10
Onboard pop=3000 | Incidence/100,000		44.44	44.44				
Enchantment (Double occ: 1950)	1	4	4	91.94	1	2	5
Onboard pop=2900 | Incidence/100,000		45.97	45.97				
Navigator(Double occ: 3114)	3	6	8	101.45	0	1	13
Onboard pop=4600 | Incidence/100,000		43.48	57.97				
Radiance (Double occ: 2110)	4	7	3	107.53	1	2	10
Onboard pop=3100 | Incidence/100,000		75.27	32.26				
Rhapsody (Double occ: 2000)	0	3	7	111.10	0	2	5
Onboard pop=3000 | Incidence/100,000		33.33	77.77				
Sovereign (Double occ: 2276)	1	5	7	114.65	2	1	9
Onboard pop=3400 | Incidence/100,000		49.02	65.63				
Brilliance (Double occ: 2110)	2	6	7	139.79	2	2	10
Onboard pop=3100 | Incidence/100,000		64.52	75.27				
Majesty (Double occ: 2354)	1	10	7	161.91	0	2	13
Onboard pop=3500 | Incidence/100,000		95.24	66.67				
Explorer (Double occ: 3114)	2	13	11	173.91	4	2	16
Onboard pop=4600 | Incidence/100,000		94.20	79.71				
Voyager (Double occ: 3114)	2	11	14	181.16	3	7	17
Onboard pop=4600 | Incidence/100,000		79.71	101.45				
Monarch (Double occ: 2354)	6	5	15	190.48	2	8	13
Onboard pop=3500 | Incidence/100,000		47.62	142.86				
Empress (Double occ: 1600)	2	7	8	208.33	2	2	10
Onboard pop=2400 | Incidence/100,000		97.22	111.11				
Totals	36	102	113		24	50	151
Onboard pop=64000| Incidence/100,000		53.12	58.85	111.97	10.7%	22.2%	67.1%
US Rate for sexual assaults			32.20				
Place of Incident: Unknown (26.6%), Pax Cabin (20.1%), Bar/Disco (10.8%), Other (6.0%), Dining Area (5.4%), Spa/Salon (5.4%), Public area (4.8%), Cabin - Officer/Crew (3.6%), Corridor (3.0%), Deck area (2.7%), Ashore (2.7%), Child/teen area (2.4%), Elevator (1.8%), Swimming Pool (1.5%), Crew area (1.5%), Public restroom (1.5%)							

[1] **See explanatory notes on next page**

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Explanatory notes:

Data in this table was provided as part of discovery in a lawsuit involving the sexual assault of a passenger by a crew member. As such, the data only includes incidents reported to the cruise line and in turn reported in discovery. Given the limited purpose of the discovery request, it is suspected that incidents involving two crew members are under-reported.

The table shows reported incidents which have been labelled by the victim and/or cruise line as inappropriate touch, sexual harassment, sexual assault, or sexual battery. Cases of sexual battery have been included under the label "sexual assault."

The raw data included 41 incidents labelled inappropriate touching, 92 incidents labelled sexual harassment, 114 incidents labelled sexual assault, and 12 incidents labelled sexual battery. After cleaning for accurate labelling, eight incidents were dropped because they were wholly mislabelled; they are not included in the table.

The table shows both the ships passenger numbers (assuming double occupancy) and an estimate of total ship population which includes crew members and additional passengers given that many ships sail with more passengers than the double occupancy figure.

The comparison of reported incidents of sexual assault with the US rate of sexual assault convictions must be interpreted with caution. Technically, such a comparison can be misleading, however the cruise industry chose to make this comparison in testimony provided to Congress by James Fox in March 2006 and on that basis to claim that one is safer on a cruise ship than on land. Perhaps more informative is a comparison of Dr. Fox's assertion that there are 17.6 reported incidents of sexual assault per 100,000 with the data in this chart. This chart shows a rate of sexual assault that is 3.33 times greater than that presented by Dr. Fox to Congress; if we look at sexual assault plus sexual harassment the rate of incidence is 6.36 times greater than reported.

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CRIMES ON THE HIGH SEAS

FY	Cases	Jurisdiction	Complaints	Informations	Indictments	Arrests	Convictions/ Sentencings
FY 2006*	46	Federal	6	1	6	6	3/2
		International	0	0	1	1	1/1
		Local	0	10	0	10	0/0
FY 2005	41	Federal	4	0	7	7	2/2
		International	0	0	0	0	2/2
FY 2004	51	Federal	6	3	3	11	10/8
		Local	1	0	0	1	0/0
FY 2003	52	Federal	8	3	5	8	13/14
		International	11	0	0	11	0/0

*08/16/06

MEMORANDUM OF LAW

I. Count I - Fraudulent Concealment

The "fraudulent concealment" claim is premised on RCCL's alleged failure to timely investigate Merrian Carver's disappearance and RCCL's failure to provide certain information to Plaintiffs and other third parties following her disappearance. Plaintiffs allege that RCCL failed "to investigate the disappearance of a passenger and to report the disappearance to the emergency contact listed by said passenger," or, "to timely notify the passenger's next of kin and the appropriate law enforcement personnel." Further, they allege that RCCL had a duty to the family members of Merrian Carver "to provide all relevant, material and wholly truthful information."

These statements are legally invalid. There is no court of law that has recognized the legal duties contrived by Plaintiffs in this Complaint. In fact, courts have specifically held that no duty to investigate exists. *See Doe v. Celebrity*, 145 F. Supp. 2d 1337 (S.D. Fla. 2001); *York v. Commodore Cruise Line, Ltd.*, 863 F.Supp. 159 (S.D.N.Y. 1994). The only duty owed by a ship owner to a passenger is that of reasonable care under the circumstances. *Kermarec v. Compagnie Generale Transatlantique*, 358 U.S. 625, 79 S.Ct. 406, 410 (1959). Moreover, a cruise ship operator owes no duty, whether to disclose information or otherwise, to third parties such as the Plaintiffs herein. Absent a duty to disclose, there can be no claim for "fraudulent concealment."

II. Count II – Intentional Infliction of Emotional Distress

The claim for Intentional Infliction of Emotional Distress simply re-alleges multiple paragraphs from the prior count, for fraudulent concealment. This cannot form the basis of a claim, as the practice of incorporating the allegations of prior counts into succeeding counts is prohibited under Florida law.

Kendall Carver

From: MSheehan@rccl.com [mailto:MSheehan@rccl.com]
Subject: Royal Caribbean responses

7. Royal Caribbean's frequent defense is that there is no duty to investigate crimes and no duty to assist families with investigations. Moreover, there are several examples of when the cruise line has denied information - including employee names, security tapes, etc. - to families.
Please reconcile those actions with comments from Richard Fain in the annual report and other public statements from spokespersons that Royal Caribbean responds to victims with honor and compassion.

A. We take very seriously our duty to reports alleged crimes to law enforcement agencies. However, we are not a law enforcement agency and do
not have the technical expertise of a crime laboratory. For these reasons
it is our policy to report all allegations of crime to the FBI and other appropriate law enforcement agencies for their professional investigation.
We cooperate fully with all law enforcement agencies, giving them unrestricted access to our ships, guests and crew members, and allowing them to sail with us as they continue any onboard investigation. In fact,
our Senior Vice President of Global Security is a former senior official with the FBI, which further assists us in interacting with various law enforcement authorities.

Our approach has always been to provide full access to all information to
the FBI and other investigating law enforcement agencies. We then work in
coordination with the involved law enforcement agencies to determine what
information should be released to a person making an allegation, the accused, and their lawyers.

# # # # #

Michael J. Sheehan
Associate Vice President, Corporate Communications
Royal Caribbean Cruises Ltd.
Phone: 305-539-6572 Fax: 305-536-0140
E-mail: msheehan@rccl.com

22 A. To my knowledge certain areas are covered
23 by video surveillance.
24 Q. And can you tell -- can you tell me which
25 areas are and which -- or how it's determined which
0039
1 areas are?
2 MR. ROSE: Let me see if I can -- because some
3 of this goes into security -- security procedures that
4 we have in place. If I can, I'm just going to confer
5 with him to make sure that you know -- to find out what
6 areas are recorded.
7 MR. BARNETT: Okay.
8 THE REPORTER: Off the record.
9 (Recess taken.)
10 MR. ROSE: Let me just interpose an objection.
11 He's going to answer the question, but to the extent
12 that the issues may later arise somehow, we would object
13 just on the basis to the extent that the cameras are
14 used for means of antiterrorism and security. For those
15 type of purposes, we have an objection.
16 But go ahead.
17 THE WITNESS: I mean, I see the cameras on
18 board. They are located in several areas. But it is
19 not part of my job to see the videos, or I do not have
20 anything to do with the video surveillance system, so I
21 can not answer -- I do not know what else to tell you.
22 BY MR. BARNETT:
23 Q. So when you were conducting your inquiry,
24 your investigation, did you ask to see any of the
25 videotapes during that cruise?
0040
1 A. No, I didn't.
2 Q. Okay. And are those videotapes maintained
3 from cruise to cruise or are they taped over or how does
4 that work, if you know?
5 A. I do not know, sir.
6 Q. Okay. Did you -- did you speak to the
7 waiter or waitress at the table to which Ms. Carver was
8 assigned?
9 A. No. I spoke with the restaurant manager
10 who informed me that she did not come to the dining
11 room. So there was no further question.
12 Q. Okay. And -- okay. So it wasn't just
13 that he didn't remember her. He knew that there was a
14 passenger and that she was the passenger who didn't come
15 for her meals?
16 A. No. He -- what he needs to do is check
17 his records. We have, I mean, the charts that indicate
18 where are people seated in the dining room, and this is
19 what he checked, and there was no indication that
20 Ms. Carver had dinner in the dining room.
21 Q. Is that something that is unusual for a
22 passenger that raises any type of red flag to the hotel
23 manager or waiter or waitress attending to that table?
24 A. No, it's not. Because we have -- apart

SECTION III ATTACHMENTS

CLIA AUGUST 14, 2007 MEETING

June 25, 2007

Dear Passengers and Families:

Cruise Lines International Association (CLIA) and its member lines have been actively listening to and learning from the survivors and family members of tragic incidents that have occurred on board international passenger ships. You have indeed taught us so much. These are lessons that we are applying to our operations and efforts not only within each cruise line but across the industry and the 175 cruise ships operated by CLIA member lines throughout the world.

The Family Assistance Foundation has been working with cruise lines, CLIA and victims to help develop victim and family assistance programs that meet not only the physical needs but emotional ones as well. CLIA believes we have much progress to report and is developing solutions to hopefully meet many of your concerns. We would like to continue this dialog with you in person to develop additional positive solutions.

On behalf of the Family Assistance Foundation and the 23 member lines of CLIA, we invite passengers and family members of cruise incidents to attend a meeting to discuss ways to collaborate for positive change. The Foundation will help shape an agenda. Potential dates for this meeting are August 13-15, 2007. The location will be in South Florida and CLIA will organize travel for those who are going to participate.

We want to emphasize that the focus of discussions will not be on the details of specific incidents, but rather on security and guest care changes you feel are necessary. Therefore, to keep this process open and candid, we believe it is important to exclude lawyers or media representatives from this meeting. Attendance of such persons would serve to inhibit the kind of openness that we all need for this process to achieve our common goals.

We hope that you are able to join us for this important meeting. Confirmation of dates and travel details will be forthcoming.

Kind regards,

Terry Dale
President & CEO
Cruise Lines International Association

CORPORATE HEADQUARTERS: 910 SE 17th Street, Suite 400 | Fort Lauderdale, FL 33316 | TEL: 754-224-2200 | FAX: 754-224-2250
WASHINGTON DC OFFICE: 2111 Wilson Boulevard, 8th Floor | Arlington, VA 22201 | TEL: 703-522-8463 | FAX: 703-522-3811

Kendall Carver

To: Kendall Carver
Subject: RE: Ausust CLIA meeting

-----Original Message-----
From: Kendall Carver [mailto:kcarver17@cox.net]
Sent: Friday, July 20, 2007 11:48 AM
To: Terry Dale; Carolyn Coarsey; Gary Bald
Subject: Ausust CLIA meeting

Terry, Carolyn and Gary.

As we evaluate the August meeting, we have two questions.

1. Who has been invited? There are hundreds of victims and which ones were chosen to come to the meeting. A select group of victims?

2. What is the program?

This information will be helpful as we review and advise members about this meeting.

Appreciate the update.

Ken

SECTION IV ATTACHMENTS – ICV NEW VICTIM STORY

Jane Doe
(Employee attacked on a Royal Caribbean cruise ship)

JANE DOE

(Employee attacked on a Royal Caribbean cruise ship)

I am a former 6-year Royal Caribbean Cruise Line (RCCL) crew member, who would like to provide some insight into what actually happened to me.

I had just returned from vacation, when some Turkish coworkers invited me to a cabin party to just relax, converse, and watch some movies. Initially, I declined the invitation with thoughts of going to bingo in the crew bar; however, I received several phone calls from a crew member, persuading me to attend the cabin party.

Eventually, I decided to go to the party for a quick drink, and then, still leave in time to play bingo.

When I arrived at the cabin party, He was alone with no other crew members, which I found very strange and asked him, "Where is everybody?" He claimed that they were at bingo, but would be arriving shortly. He had been drinking and I joined him by accepting 2 glasses of Bourbon, while waiting for the others to arrive.

He began talking about his wife and showing me pictures. Everything seemed fine, until he attempted to hold me and asked me to stay. When I said, "No", refused to kiss him and cursed at him, he threw me against the wall and began beating me. I tried to reach the telephone to call for help, but it broke, when he hit me in the face with it. He grabbed and pulled large pieces of my hair from my head. I kept crying and remained in a fetal position against the wall, while waiting for a moment to escape.

For three horrific hours, he held me captive in that cabin, where no one could hear my screams, because everybody was at bingo. And every time I tried to talk to him, he hit me furiously.

At approximately 4:00 a.m., he put the phone back together and called a friend. When the friend arrived and entered the cabin, and saw me, he grabbed my assailant and screamed for me to call 911.... Immediately, I called the bridge, screaming that a crew member was trying to kill me.

When Security arrived, I was treated like a criminal. They did not believe my story and blamed me for going to the cabin, claiming that my intentions for going to the cabin were obvious. I was still in shock, extremely bruised, and in very bad condition. I was taken to the medical facility and given a breathalyzer test.

The next day I learned that my assailant even produced a knife, claiming that I tried to kill him with it.

Both crew members were removed from duty for investigation, but he was not even incarcerated and continued to walk freely! Although he was restricted from any guest areas, he was still free to roam in the crew member areas; therefore, I was forced to see him several

times. (Normally, under such circumstances, the assailant would have been held in the ship's jail.)

The ship's doctor diagnosed me as "fit for duty" on the 3rd day after the attack. I was put back to work with my face was still distorted, and while I was still emotionally distraught.

As I waited for a hearing with the captain, He was deported back to his country with NO PROSECUTION or charges filed against him. And I was issued a FINAL WARNING, being told "not to make any further mistakes". Although he was deported by the FBI, they never interviewed or took a statement from me.

A couple of weeks later, for being 20-minutes late for duty, I was sent for another hearing with the captain, where I was terminated as a Royal Caribbean employee.

After so many years of dedication and with an unblemished record (until the recent warning), this captain punished me and terminated my employment, even after I had lived through this terrifying experience.

The public needs to be aware of what actually occurs on ships, whether you are a crew member or a paying passenger.

MR. TERRY L. DALE

PRESIDENT & CEO

CRUISE LINES INTERNATIONAL ASSOCIATION

(CLIA)

910 S.E. 17TH STREET, 4TH FLOOR

FORT LAUDERDALE, FLORIDA 33316

(754) 224-2200

Good morning Mr. Chairman and members of the Subcommittee. My name is Terry Dale. I am the President and Chief Executive Officer of the Cruise Lines International Association (CLIA).

CLIA is North America's largest cruise industry organization with a membership of 24 cruise lines, 16,500 travel agencies and 100 Executive Partners, the industry's strategic business allies. Our member lines include US flag operators and foreign flag operators with vessels ranging in size from 50 passengers to 4,000 passengers. Our Executive Partners range from small service providers to major corporations employing thousands of persons. Our travel agent members range from the one-person home based agent to major consortiums. I am here representing all of them.

Mr. Chairman I believe you have received written submissions from a number of our travel industry partners that work closely with this industry both here in Washington and wherever our ships operate. I believe these have been submitted to the Subcommittee for inclusion in the record of this hearing and I ask that you do so. These include the Travel Industry Association, the Travel Business Roundtable, the American Society of Travel Agents, the National Business Travel Association the National Association of Cruise Only Agents, Vacation.com, Cruise Shoppes, and Cruise Planners. All of these groups, as well as the thousands of professionals they represent, can attest to the millions of satisfied passengers who cruise with us each year, as well as the great lengths that the industry goes to protect its passengers and crew. Several of these groups are represented here today. We thank them for their support of the industry.

I would be remiss if I did not express the industry's profound sympathy to the victims whose stories we have heard in the Congressional hearings on this topic, as well as during various meetings that we have held over the past six months. We all hear about bad things happening to good people, and sometimes in today's society we get overwhelmed with bad news, but to all of you, I would take this opportunity to say we have heard your concerns, and we are doing all that we can to eliminate these occurrences. Our industry is working hard to ensure that in the future if such incidents do occur, each passenger is treated with the compassion, respect and care.

As you know, Mr. Chairman, we have been asked to appear before your Subcommittee today to provide a six-month report on the collaboration between the industry and the survivor interest groups since your last Coast Guard and Maritime Subcommittee hearing on March 27th. We are pleased to report that much has been accomplished.

The cruise industry is committed to ensuring the safety and security of all our passengers and crew. I know you share this commitment and we have embraced your challenge to work together to see what can be done. CLIA and senior executives from several of our member lines have worked tirelessly over the course of the past six months in a collaborative effort with our partners. While the cruise industry has comprehensive security measures in place, we recognize that additional lessons can be learned and improvements made in our security practices and procedures. Our goal must be zero incidents of criminal acts onboard our ships. As we have continually said, one tragedy is one too many. As an industry we must and we do strive to meet this goal.

CRUISE INDUSTRY COLLABORATION WITH CRUISE SURVIVORS AND THE FAMILY ASSISTANCE FOUNDATION: PROGRESS ON SPECIFIC ISSUES

First, I would like to provide the Subcommittee with an overview of the CLIA timeline and actions taken both in working with federal agencies as well as our collaborative efforts with the International Cruise Victims Association (ICVA), other survivors, families and other external resources like the Family Assistance Foundation (FAF). Highlights include:

- FAF Symposium in Atlanta in May
- Flying to Phoenix to personally meet with Ken Carver and Son Michael Pham in May
- Industry participation in the July 26th ICVA meeting in Washington DC
- CLIA hosted meeting with FAF and 13 survivors in Miami in August

These meetings and events are illustrative of our commitment to listen to the concerns of survivors, to develop programs that are responsive to their concerns, and to adopt improved training programs on passenger vessels operating throughout the world. Some of our members have been at this effort for years, others are working vigorously to enhance their programs, but all of our members have accepted your challenge to "get the cruise industry working with our partners to come up with solutions." There is always room to fine tune our programs, and to ensure that the cruise industry fully educates our employees. We are all willing to work collaboratively to achieve our common goals.

During the course of our meetings one of the concerns identified has been the guest care provided to some of our passengers when an accident has occurred or a criminal event has taken place. In the past, we may have focused too much attention on onboard security and safety or incident reporting and response to authorities than to the compassionate care and understanding needed by each individual or survivor who has experienced a traumatic event. Improving guest assistance and encouraging open dialogue between past survivors has been the focus of our meetings with ICVA and the Family Assistance Foundation. As you will hear from Vicky Rey of Carnival Corporation, and Jeff Morgan of the Family Assistance Foundation there has been excellent progress on improving the industry's guest assistance programs as well as enhancing the training programs for cruise employees both onboard our vessels and shoreside. As the Family Assistance Foundation will testify, they have developed comprehensive training programs for our industry, and since 2005, have provided training to thousands of cruise employees on the responses necessary for individuals both during and following a traumatic or other bad experience. Creating awareness of what survivors need and want most is a challenge, but change and improvement will occur as a result of comprehensive education and training.

I believe that their testimony will further illustrate the commitment our industry has placed on this important matter.

A second important initiative taken by CLIA since the March Subcommittee hearing is illustrated in Annex I of this testimony. On July 13th and August 3rd, CLIA forwarded to the ICVA and other survivors a response to their 10-point action plan. CLIA has conducted or participated in two subsequent meetings with the survivors where these issues were discussed in further detail.

The following is a summary of the major issues addressed:

1) Industry's incident reporting practices
2) Security officer training
3) Investigative procedure and preservation of evidence
4) Background of crewmembers
5) Vessel surveillance systems
6) Structural safety requirements
7) Emergency procedures
8) Shore excursions
9) Guest assistance programs

I believe that this industry response was comprehensive and addressed the major concerns expressed by the ICVA. At this time, we will not go into further detail on these issues as I believe they are fairly laid out in Annex I. However, I or my colleagues can address any specific questions you may have in this regard.

The cruise industry's addressing these concerns and indeed is constantly striving to improve the safety practices and procedures on our vessels. Our goal is continuous improvement. Our industry has an extremely good safety record. However, we will strive to improve this record and to respond to each and every incident of crime onboard our vessels in the appropriate manner.

I would be remiss Mr. Chairman if I did not mention that this industry has had an excellent rate of growth and a very high satisfaction rating. These two factors are very significant indicators that the industry in general does a good job of meeting the expectations of its guests regarding safety and security. If we didn't, our guests would not be returning and the industry would not be growing. I say again, however one incident is one too many, and as it has been made painfully obvious today and during other occasions when we have heard first hand the experiences of those who have been victimized by accident or intentional act, we have more work to do.

CLARIFICATION OF MANDATORY CRIME REPORTING OBLIGATIONS

In March when I last testified before this Subcommittee, the FBI, Coast Guard and CLIA formalized a crime reporting protocol. This process has further strengthened reporting procedures for all serious violations of U.S. law alleged to have occurred aboard cruise ships and outlined the jurisdiction that the U.S. has over crimes committed aboard cruise vessels. Under these procedures, CLIA members will continue to report to the FBI and Coast Guard incidents or allegations of criminal conduct. The protocol requires that the reporting of all such serious incidents shall be by immediate telephonic communication. The protocol also requires that telephonic reports be followed by written reports of all alleged felonies occurring on board the ship involving U.S citizens.

The agreement standardizes the industry's existing practice of reporting all unlawful acts as required by U.S. laws adopted in 1998 and published in the Code of Federal Regulations (Title 33 CFR Part 120). We have also sought this agreement to further the industry's own Zero Tolerance for Crime Policy adopted in 1999. The agreement is in accordance with the reach of federal criminal jurisdiction to crimes against Americans on the high seas and even in foreign waters found in Title 18 of the United States Code as part of the "special maritime and territorial jurisdiction of the United States." Let there be no doubt, Mr. Chairman and members of this committee, we continue to be fully committed to bringing perpetrators of crimes on cruise ships to justice wherever and whenever they may occur.

There has been past debate whether reports of unlawful acts on board non-US flag vessels are required to be reported. We are grateful the federal government has now resolved the issue and clarified the reporting of alleged crimes to US authorities is ***mandatory*** onboard any ship that calls on US ports. Our members also report crimes involving U.S. citizens occurring on any ship worldwide. This clarification has already been confirmed in writing by the Departments of Justice and State, as well as the FBI and Coast Guard.

We are sincerely appreciative of the work the Coast Guard, FBI, Department of State and Department of Justice in reviewing the laws and regulations that are applicable, and in clarifying a standardized reporting protocol. We know they have many high priority issues and they have devoted considerable resources to this task. However, it is important for Americans to know that they are protected by US laws, and that their protection is being monitored by US agencies.

I would like to make note of an important international development on the issue of incident reporting and multi-lateral cooperation in prosecution of crime. Next month at the International Maritime Organizations' Legal Committee meeting, a draft maritime law will be proposed that would enhance international cooperation on reporting and prosecution of crimes against persons at sea as well as a multi-lateral treaty on international cooperation in reporting and prosecution of crimes at sea against passengers and crew will be discussed. CLIA will support the development of both of these initiatives. We believe that these initiatives will be important to protect not only US citizens but all passengers, regardless of nationality, that are carried onboard ships throughout the world.

I have attached as Annex II to this testimony a legal analysis of the crime reporting requirements, as well as CLIA's point by point response to ICVA's concerns on these matters. They are mandatory for our members and we are treating them as such.

We have taken note of the FBI's report of incident statistics, and would observe the following:

THE FREQUENCY OF ALLEGED CRIMES ON CRUISE SHIPS IS REMARKABLY LOW WHEN COMPARED TO THE SAME INCIDENTS ON LAND

Any discussion of statistics or crime figures must be undertaken with a high degree of respect and sensitivity for the victims and survivors of these incidents. CLIA offers the following discussion solely to address concerns expressed by members of Congress and other interested parties about the frequency of crimes on cruise ships compared to that on land. Although we believe cruise ships are safer than any comparable venues on land, we are firmly

committed to eradicating crime wherever and whenever possible and to bring all perpetrators to justice.

Professor James Fox, Ph.D., is a nationally renowned criminologist from Northeastern University who has been consulted by the cruse industry and testified last year before the House Subcommittee on National Security, Emerging Threats and International Relations. At that time he concluded "While virtually no place-on land or sea- is totally free of risk, the number of reported incidents of serious crime from cruise lines is extremely low, no matter what benchmark standard is used."

CLIA asked Dr. Fox to update his analysis based on the number of incidents reported by the FBI over the past five months, April through August, 2007, since the time of the last Congressional Hearing before the House Subcommittee on Coast Guard and Maritime Transportation. Focusing on reported sexual assaults, which comprised the largest percentage of incidents reported, according to the FBI there were 41 such incidents reported during the five-month period, or approximately 98 on an annualized basis.[1] Based on the cruise industry population, Dr. Fox was able to calculate a sexual assault rate of 30.9 for every 100,000 persons.[2]

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[1] In reality, the number of alleged sexual assaults reported in the cruise industry between April and August 2005 is higher than the yearly average because this time frame included Spring Break and Summer Vacation. Most experts agree that reports of sexual assaults are higher on land during this period. Therefore, the mathematical estimate of 98 incidents per year is likely inflated.

[2] During the same five-month period approximately 4.3 million passengers traveled on cruise ships, translating into approximately 10.3 million per year. However, because passengers are typically on board for only a week, the estimated passenger head count can be divided by 52 weeks to derive and annualized passenger population estimate of 198,462. There are 120,000 crew members employed on cruise ships at any given time, yieldiug a total estimated population of 318,462. These were the calculations Dr. Fox used to determine the rate of reported sexual assaults of 30.9 per 100,000.

By comparison, the rate of reported *forcible rapes alone* in the United States in 2005 was 31.7 for every 100,000 persons. (See National Uniform Crime Report at http://www.fbi.gov/ucr). This means that ***the rate of all alleged sexual assaults in the cruise industry* still *less than the rate of alleged forcible rapes alone on land.***

Unfortunately, the national uniform crime reporting program does not track the number of sexual assaults reported each year. CLIA therefore asked Dr. Fox if there was a reliable way to calculate the rate of sexual assaults on land in order to compare that number to the rate of sexual assaults in the cruise industry.

Dr. Fox responded that the number of sexual assaults on land can be estimated by reference to the arrest rate for forcible rapes and for other sex offenses which are maintained by the FBI. After consulting those figures, Dr. Fox concluded that the number of persons arrested for ***all*** sex offenses on land was approximately 4.59 times the arrest rate for forcible rape alone. This same multiplier can be used to estimate the total number of all sex offenses reported annually, which Dr. Fox determined was 145.5 per 100,000 persons in the U.S. ***Using the FBI's numbers of reported cruise ship sexual assaults from April through August, 2007, or approximately 30.9 for every 100,000 cruise ship inhabitants, the shore side rate is approximately 5 times higher.***

For the same 5 month period the FBI reported there were 28 "Other sexual contacts" that were not considered sexual assaults. Even adding that number of incidents to the sexual assault

total, and annualizing the total of all reported sexual crimes in the cruise industry during 2007, the rate is 52 such incidents per 100,000 persons on cruise ships. ***The national average of 145.5 per 100,000 persons on land is almost three times higher.***

CONCLUSION

Mr. Chairman, I began my testimony talking about the strong collaboration this industry has had since we received your charge six months ago to work with cruise ship survivors. I would like to close by announcing the establishment of a CLIA Survivor Working Group. This group will be comprised of cruise ship survivors, senior level cruise line executives, and CLIA executives. We plan to have quarterly working group meetings, either in person or by conference call. As in past meetings, the industry will reimburse all travel and participation expenses incurred by Working Group members. Our goal is continued open dialogue and continued improvement. We believe these efforts will further ensure our common goal of maintaining the best safety record in the vacation industry.

In closing Mr. Chairman we pledge our continued vigilance with cruise ship security and the safety and security of our passengers continues to be our number one priority. Thank you for the opportunity to appear before you today.

Annex I

August 3, 2007

Mr. Kendall L. Carver, President
International Cruise Victims Association, Inc.
5521 North Camelback Canyon Drive
Phoenix, AZ 85018

Dear Ken:

I am writing to express my appreciation to you and your colleagues at the International Cruise Victims Association (ICVA) for meeting with me and cruise line representatives on July 26, 2007 to continue our ongoing dialogue regarding cruise ship security. We found the meeting to be productive and hope you did as well.

On August 1, 2007, you provided a summary of the meeting as prepared by ICVA. We have reviewed that document and identified some discrepancies with our recollection of discussions at the meeting, particularly with regard to a number of the action items. In an effort to provide you with our best recollection and to clarify any misunderstandings, we are providing the enclosed. This document also serves as our additional responses to ICVA's 10 Point Program, as requested at the conclusion of the meeting. For ease of reference, we also note the sections of our July 13, 2007 letter in which we provided additional information on each of the 10 points.

I believe it is fair to say that the cruise industry agrees in concept with ICVA but differs in how best to achieve the end results. We, therefore, look forward to continuing our discussions with ICVA and others in an effort to reach our shared common goals. Toward that end, we will be meeting with survivors of cruise ship incidents on August 14. I am pleased that you will be joining us and again ask that you extend the invitation to other survivors both within and outside of ICVA membership.

Finally, at the end of the meeting, ICVA also requested that we comment on possible legislation to address the issues discussed. We firmly believe that collaboration, not legislation, is the answer. As evidenced by the substantial agreement we have with the concepts behind ICVA's 10 Point Program and the progress the cruise industry has made to date, there is no reason to believe that legislation would induce a more effective or more timely response.

We continue to believe that a strong partnership with cruise survivors is the best platform for suggestions on security initiatives and passenger care. We are committed to this partnership and look forward to ongoing discussions with members of ICVA and other survivors in the months and years ahead.

Sincerely,

Terry Dale
President & CEO

TD/lms

CC: Representative Elijah Cummings
Chairman
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Representative Steven C. LaTourette
Ranking Member
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

A meeting between representatives of the cruise industry and the International Cruise Victims Association (ICVA) took place on July 26, 2007. Attendees included the following: Kendall Carver, President of ICVA; Jeanne Olson, Secretary and Member of the ICVA Board; Lynette Hudson, Member of the ICVA Board; Son Michael Pham, Member of the ICVA Executive Board; Dr. Ross Klein, Member of ICVA as a friend; James Walker, Lawyer and member of ICVA as a friend; Phil Gerson, Lawyer and member of ICVA as a friend; Terry Dale, President, Cruise Lines International Association (CLIA); Gary Bald, Senior VP of Global Security for Royal Caribbean Cruises Ltd.; and Travis Winslow, Director of Maritime Security, Carnival Corporation. Based on clarifications to ICVA's "10 Point Program" provided by Mr. Carver, the cruise industry provided the following feedback:

Point #1 – Background checks and a "Blacklist" for terminated crew members.
▪ Concept: Vetting of crewmembers would be improved through use of a shared blacklist.
▪ The cruise industry questions the legality of maintaining an industry blacklist of terminated employees. Cruise industry representatives asked Mr. Walker, for assistance in identifying legal precedent that would allow creation and maintenance of such a list.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Background of Crewmembers" in the letter sent to ICVA on July 13, 2007.

Point #2 – International Police/U.S. Marshals on cruise ships.
▪ Concept: A reliable, capable and well trained ship-board security component operating with a high degree of integrity and appropriate oversight must be in place on each of CLIA's ships.
▪ Cruise industry representatives support this concept but believe there are more viable alternatives to deliver this capability than that which was proposed by the ICVA and will continue to explore options in pursuit of this goal.
▪ The cruise industry provided additional details regarding this issue in the sections entitled "Security Officer Training" and "Crime Reporting" in the letter sent to ICVA on July 13, 2007.

Point #3 – Security crime scenes.
▪ Concept: Timely and effective handling of potential crime scenes is an essential element in responding to allegations of criminal activity; proper handling of crime scenes increases the odds of successful prosecutions.
▪ Cruise industry representatives agree to continue efforts to deliver this capability on each of its ships, with the caveat that cruise ship security personnel will not be expected to collect evidence from an incident site without direction from the law enforcement personnel with jurisdiction over the incident.
▪ The cruise industry provided additional details regarding this issue in the sections entitled "Security Officer Training" and "Investigative Procedures and Preservation of Evidence" in the letter sent to ICVA on July 13, 2007.

Point #4 – Structural enhancements.
▪ Concept: Ships should be designed to reasonably prevent guests from falling overboard.
▪ Cruise industry representatives believe this is a standard feature of its current fleet. Cruise industry representatives do not agree that raising railing heights or other such design changes are necessary.

▪ The ICVA recommended that the cruise industry fund a study to determine what additional steps may be undertaken to limit a person's ability to fall overboard.
▪ Cruise industry representatives will research this issue to determine if such efforts have already been undertaken and then consider the merits of this recommendation.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Structural Safety Requirements" in the letter sent to ICVA on July 13, 2007.

Point #5 – Video/surveillance cameras.
▪ Concept: An effective video capability on ships is necessary and captured video must be retained for a reasonable period of time to support incident investigations.
▪ ICVA expressed concern that CCTV recordings are rarely made available to plaintiffs in civil proceedings against the cruise industry.
▪ Cruise industry representatives agree to discuss this complaint with their respective legal departments to better understand this issue. Cruise industry representatives will continue to review current technology for enhancements as appropriate.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Vessel Surveillance Systems" in the letter sent to ICVA on July 13, 2007.

Point #6 – Access/security bracelets.
▪ Concept: Technology advances should be evaluated for use in locating missing guests onboard thereby aiding in the quick identification of a man-overboard situation.
▪ Such evaluations are underway within the industry, and in several important areas, have reached the pilot stage. Cruise industry representatives will continue to review current technology for enhancements as appropriate.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Vessel Surveillance Systems" in the letter sent to ICVA on July 13, 2007.

Point #7 – Missing or overboard passengers.
▪ Concept: Technology advances should be evaluated that would increase the odds of detecting when a passenger goes overboard.
▪ This is currently the topic of research within the industry, and a pilot program is imminent.
▪ ICVA also suggested measures that would provide for better passenger awareness of shipboard dangers. Cruise industry representatives agreed to consider ways this could be accomplished.
▪ The cruise industry provided additional details regarding this issue in the sections entitled "Vessel Surveillance Systems" and "Emergency Procedures" in the letter sent to ICVA on July 13, 2007.

Point #8 – Medical care provided to passengers.
▪ Concept: Ships must provide capable and licensed doctors and an appropriate level of medical service, to include effective use of Pelvic Exam Kits.
▪ The cruise industry provides medical care consistent with American College of Emergency Physicians guidelines. Further details are available on the CLIA website at http://www.cruising.org/industry/medical_facilities.cfm.
▪ Cruise industry representatives will review any current medical advisories on the level of medical service offered on ships and determine if improvements should be made. A current

advisory regarding the availability of advanced medical services is provided on the CLIA website.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Investigative Procedures and Preservation of Evidence" in the letter sent to ICVA on July 13, 2007.

Point #9 – Excursions sold and promoted.
▪ Concept: Excursion vendors must be appropriately vetted.
▪ Cruise industry representatives agree with Mr. Walker that vicarious liability law limits the responsibility of the cruise industry in regard to excursion injuries. The cruise industry representatives will review any current excursion advisories and determine if improvements should be made in the area of informing passengers of the extent of liability ships have for excursion mishaps.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Shore Excursions" in the letter sent to ICVA on July 13, 2007.

Point #10 – Cruise lines' accountability and U.S. Congress intervention.
▪ Concept: Cruise lines must be accountable for the accurate and timely reporting of shipboard crimes, consistent with legislation, regulations and government guidance.
▪ The cruise industry understands that current legislation and regulations make reporting mandatory and that penalties attach for failure to report. The cruise industry, however, will continue to work with ICVA and appropriate government agencies to clarify any areas of disagreement.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Crime Reporting" in the letter sent to ICVA on July 13, 2007.

July 13, 2007

Mr. Kendall L. Carver, President
International Cruise Victims Association, Inc.
5521 North Camelback Canyon Drive
Phoenix, AZ 85018

Dear Ken:

At the March 27, 2007 Congressional hearing of the Coast Guard and Maritime Transportation Subcommittee regarding cruise ship safety, Chairman Elijah Cummings expressed his desire to "get the [cruise] industry working with the other partners to come up with solutions." The Cruise Lines International Association (CLIA) endorses this approach and believes that this is a productive and effective way of implementing improvements in a time efficient manner. Our collaborative efforts to date with (the International Cruise Victims Association (ICVA), families and other external resources like the Family Assistance Foundation, indicate our strong commitment to improving the areas of onboard security and guest care on CLIA member ships.

To recap some recent activities, I traveled to Phoenix in May and met with you to follow up on concerns you had raised at the March hearing. Also in May, CLIA members joined the Family Assistance Foundation in hosting a symposium for survivors and family members which proved extremely productive. I am pleased to report that due, in part, to our meeting, to the recommendations discussed during the symposium, as well as to internal enhancements already implemented by member lines, the cruise industry has made progress in addressing the concerns of our guests and their families.

Attached to this letter is a summary of the progress made to date in many of the major issue areas underlying the recommendations that have surfaced during this process. We have endeavored to address those points raised by the ICVA that involved the most pressing issues -- based on concerns raised at the Congressional hearing and at the symposium – and to outline some of the initiatives, practices and procedures implemented or underway in the cruise industry to address those issues.

I am planning to meet with you and other ICVA representatives on July 26, 2007 at 11:00 a.m. to continue our discussion. I will be joined by: Michael Crye, CLIA's Executive Vice President; Larry Kaye, CLIA's maritime counsel; Gary Bald, Senior Vice President and Global Chief Security Officer of Royal Caribbean Cruises, Ltd.; and Travis Winslow, Director of Maritime Security for Carnival Corporation. We look forward to discussing any remaining ICVA concerns, including any issues you may have regarding the reporting agreement between CLIA and the FBI and Coast Guard.

You wrote prior to our April meeting, that it is essential "that all discussions and deliberations be done *in camera*." I agree. As you can appreciate, many of the guests who experienced incidents on cruise ships or their families are involved in litigation against member cruise lines of CLIA. Representatives who attend our meeting on July 26 need to be able to discuss the issues

openly and candidly without concern that their statements or opinions will be introduced in pending or future litigation. As a condition of this meeting, we will be asking that all CLIA and ICVA representatives in attendance sign an agreement confirming that nothing stated in the meetings will be admissible in any court proceeding for any purpose. We will shortly forward that agreement to you for review in advance of the meeting.

Finally, CLIA is again working with the Family Assistance Foundation to provide another opportunity during a meeting to be held on August 14 for survivors and family members to provide additional input as we move forward on the common goal of providing a safe cruise vacation as well as emotional and practical support when an unforeseen event occurs. As Chairman Cummings suggested, we need to "work together to see what we can build on." I hope you agree that the attached documents are evidence that this approach is proving successful.

I look forward to our meeting later this month and to the continued dialogue and exchange of views.

Sincerely,

Terry Dale
President and CEO

TD/tm

CC: Representative Elijah Cummings
Chairman
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Representative Steven C. LaTourette
Ranking Member
Subcommittee on Coast Guard and Maritime Transportation
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U.S. House of Representatives
Washington, DC 20515

CRIME REPORTING

Existing federal regulations (Title 33, Code of Federal Regulations, Part 120, et seq.) require the cruise industry to report to federal authorities allegations of criminal activity whenever the perpetrator or victim is a US national and the vessel embarks or disembarks its passengers in a US port.

The regulations further require such reports for all incidents arising in US waters, regardless of the nationality of the victim or perpetrator. On US flag vessels such incidents must be reported wherever and whenever they occur. Despite our belief that such instances of crime occur much less frequently in the contained shipboard environment than in any comparable venue on land, we are unaware of any other industry subject to such mandatory reporting requirements. Congressional hearings have demonstrated that in the recent past, the industry has, in fact, been consistently reporting known allegations to US authorities.

The cruise industry has repeatedly indicated its willingness to support the amendment of existing crime reporting regulations to resolve any perceived confusion or ambiguity regarding the requirements set forth in Title 33, Code of Federal Regulations.

In response to questions raised in December 2005 whether the industry had been reporting incidents as required, the cruise industry trade association initiated contact with the FBI and the Coast Guard in January 2006 to develop a standardized crime reporting protocol which would augment the mandatory reporting requirements already imposed by federal law.

In March 2007, a comprehensive crime reporting agreement was reached. At the industry's suggestion, this agreement exceeds the requirements of the existing federal regulations and establishes that we will also notify US authorities about incidents involving a US citizen wherever it occurs in the world.

The protocol requires immediate reporting for allegations of certain serious crimes and more routine reporting for incidents deemed less serious by the FBI.

- These categories, defined by the FBI, are based upon prosecutorial guidelines established by the Department of Justice with regard to cases they agree to prosecute and therefore justify the expenditure of FBI resources in the immediate investigation.

- Despite our understanding that the FBI will not respond immediately to all allegations of criminal activity, we continue to report all allegations of serious crime to the FBI.

The industry works closely with local and state authorities to ensure appropriate response to less serious violations of law.

Each cruise line has codes of conduct for its shipboard employees that will trigger disciplinary actions including termination if that code is violated by its employees. Each cruise line cooperates fully with law enforcement authorities to the fullest extent of the law in bringing perpetrators to justice.

As an industry we host a meeting of various federal agencies of the US government every 60 days. In these meetings the focus is on security, encouraging best practices, and exchange of information in areas where practices need to change.

SECURITY OFFICER TRAINING

Individual cruise lines have redoubled their efforts to include police department and/or FBI training in their security officer training programs. The industry has requested and received various modules of training from the FBI, to include training on response to allegations of serious crimes, crime scene management, and evidence preservation. When appropriate, this training is videotaped to maximize distribution and utility.

The cruise industry focuses on recruiting persons with previous law enforcement, military, or similar experiences to fill security positions on cruise ships. As discussed in the section on crew background checks, employment onboard cruise ships represents a highly desirable opportunity and well paid job in many countries. This ensures quality applicants for openings in security departments. In addition, more career US law enforcement personnel have been recruited into the industry to sharpen investigative protocols.

All ships engaged in international commerce must adhere to the International Ship and Port Facility Security (ISPS) Code. This international treaty requirement was enacted at the International Maritime Organization (IMO) shortly after the terrorist attacks of 9/11/2001, and it contains detailed requirements for shipboard and corporate security officials, their qualifications, and their duties. On a passenger ship, these duties extend well beyond protection of the ship into protection of each and every passenger carried onboard that vessel.

In the US, the Maritime Transportation and Security Act (MTSA) applies to ships as well as ports. Both the international and US requirements are built upon practices and requirements that have been in existence for cruise ships since well before 9/11. In developing the ISPS code, our existing practices were found to be appropriate for the entire shipping industry worldwide.

- Both the ISPS and the MTSA require that terminal security plans and vessel security plans be reviewed by the appropriate parties to include independent auditors in advance of departures and arrivals. In the US, security personnel from the port and ship must sign an agreement detailing who will assume specific security responsibilities. These measures further enhance the layers of security that exist to ensure the security of all passengers both before and after they board a vessel.

Cruise lines have corporate security training that is conducted for their security officials. Frequently, federal and local law enforcement officials conduct certain of the training modules and these are videotaped when appropriate so they can be shared with others within the cruise line and throughout the industry.

INVESTIGATIVE PROCEDURES AND PRESERVATION OF EVIDENCE

The cruise industry recognizes the importance of properly preserving evidence in conducting thorough and professional investigations. Depending on jurisdictional determinations, law enforcement authorities from the US or another country may direct evidence-gathering standards. The cruise lines recognize the need to engage law enforcement authorities early in the process to instruct the shipboard security officials in the investigative protocols to be used for the alleged crime in question.

Further, as stated in the section on security officer training, the industry has requested and received various modules of training from the FBI, to include training on response to allegations of serious crimes, crime scene management, and evidence preservation. When appropriate, this training is videotaped to maximize distribution and utility.

All CLIA cruise lines are aware of the significant penalties for failure to report unlawful acts, as set forth in the US federal regulations found at 33 CFR Part 120. In addition, there are penalties for destruction of evidence and/or impeding a federal investigation.

Failure to do the right thing by our guests will quickly cause a cruise line to lose reputation and business. Unlike most mass transportation facilities, cruise lines rely upon guest satisfaction for their very survival. We recognize the safety and security of our guests as a matter of the highest priority.

An example of the industry's efforts in this regard is our response to allegations of sexual assault. Pelvic examination kits are commonplace on cruise ships and are routinely used by ships' medical personnel in cases involving alleged sexual assaults. Biological samples and other evidence gathered on board is bagged and labeled for delivery to criminal law enforcement agencies to aid in their investigations.

BACKGROUND OF CREWMEMBERS

Cruise ship workers are sourced from throughout the world. The jobs crewmembers hold on ships represent highly desirable opportunities and well paid jobs in their home countries.

Turnover rates are relatively low and many members of the crew are multi-generational employees of the industry. The employees are generally recruited from manning agencies in their home countries that have a stake in providing quality and well-trained crew.

In certain countries, there is a well developed agency of the government that oversees all aspects of overseas employees.

- For example, in the Philippines, the Philippine Overseas Employment Agency is a major source of revenue for the government and it also has a very well established social security and health care system associated with its programs.

- The Philippines has a significant stake in providing quality employees to the cruise industry and is relied upon to assist in vetting candidates for positions on passenger vessels.

Other countries that are significant source countries, such as Indonesia and China, have similar programs.

Each crewmember employed on a cruise ship must undergo a layered vetting process.

- First, manning agencies are required to obtain a statement from the police in the crewmember's home country. That statement includes a requirement for information on any criminal history for the potential crewmember in that country. These statements are required to the extent permitted by host nation employment and/or privacy laws.

- Second, crewmembers must obtain US work visas and undergo the attendant US State Department background checks in order to work on US-based cruise ships.

- Third, crewmembers' names are included in ship manifests provided to the U.S. Customs and Border Protection prior to each entry into the U.S. As designed, this manifest is to be checked against various government databases. Any crewmember suspected of illicit activity by U.S. authorities would be identified through this process, and he/she would be subject to appropriate legal action.

While cruise lines work closely with law enforcement authorities regarding the disposition of individuals accused of criminal activity, crewmembers are subject to strict codes of conduct that can result in swift punishment and the loss of one's livelihood as well as the possible loss of their US visa for any criminal violation. These on board codes of conduct are much more stringent, and disciplinary action is much swifter and more determinative than for workers in other parts of the United States hospitality industry.

There are various international requirements either in place or shortly to be implemented that will place greater responsibilities on source country employment oversight and record keeping requirements by ships and owners.

- The International Labour Organization's (ILO) Convention on Seafarers Identification Documents (ILO Convention 185) and the Maritime Labour Convention of 2006, which consolidates most existing labor conventions into a single document are examples. These have been strongly supported by maritime industry. They provide a sturdy framework for managing crews into the future.

Most of the officers on passenger ships are sourced from countries with strong and established and highly-respected maritime traditions and educational institutions. They are largely British, Dutch, Norwegian, Italian and increasingly US nationals. These officers are licensed in their home countries and hold very desirable positions. They are true professionals who uphold the industry's excellent traditions and reputation. In our evolving society and technology, their duties become more complex with ever-changing requirements, but they know our guests' choice to take a cruise is a discretionary vacation that is based, in large part, on the industry's excellent reputation.

A proposal that would ban or "blacklist" an employee from working on board any cruise ship simply because he/she was the subject of an alleged crime, even when there is no arrest, prosecution or conviction, or when the allegations were determined to be unfounded, would likely violate the legal rights of those accused, just as it would if such a proposal were made for employees performing similar jobs on land in the US.

VESSEL SURVEILLANCE SYSTEMS

The cruise industry has significant surveillance and communications systems onboard its ships. These systems are upgraded as new and beneficial technologies are developed.

Cruise ships also have closed-circuit television cameras placed in strategic locations. Recordings from these cameras are made available to investigative authorities as appropriate.

From the moment that a guest completes their registration for a cruise, they have left a record that is submitted to officials of the federal government for screening against watch lists and government databases.

- Automated manifests are provided to the government prior to the ships departure and again prior to arrival in the United States.

- Before our guests board the ship, they are issued an access card that is used to check their identity each time they board and leave the vessel. That card is also used to provide them access to their cabin and to record their onboard purchases. These systems create a trail of activity for each person onboard a cruise ship, to include entries into a particular stateroom. A significant record of guests' activities can be obtained from the card's usage, if deemed appropriate. These systems can and have been used as part of investigations and to confirm the presence of a person onboard a particular ship.

Some of the newest technology being tested in an effort to detect the body heat of an individual who is overboard includes infrared and thermal imaging camera systems. These systems, in combination with potential application of other technologies, are being considered as possible ways to alert the bridge in the event that a person is detected going overboard.

None of these systems are failsafe and we have used lessons learned from unfortunate incidents to correct defective procedures and practices as well as ensure that equipment is working as designed. It is important to not only invest in new technology and procedures but to ensure that these systems are accepted by our guests and not unduly intrusive into their privacy. This is a constantly evolving area and one that requires ongoing vigilance to balance security versus enjoyment of one's vacation.

STRUCTURAL SAFETY REQUIREMENTS

The height of balcony railings is established by both international and US requirements. This height is very similar to the height requirements at hotels in the United States. While it is possible to construct railings at a height that would prevent a person from climbing or jumping overboard, the international safety experts have found that there is no inherent defect in the height of existing railings.

Potential structural safety changes must also be carefully balanced against enjoyment of the vacation and passenger safety and international vessel safety requirements.Instead of focusing on railings that would prevent anyone from harming themselves, we believe it more appropriate to focus on technology that would promptly detect a person who goes overboard. (Please refer to the discussion on surveillance technology above).

EMERGENCY PROCEDURES

Safety is the number one priority for any cruise line. With this in mind, cruise lines promote a culture of safety awareness, hazard and accident prevention and personal responsibility that extends to guests and crew, to everyday life on the ship, but most particularly to emergency events on board.

Cruise lines have the highest levels of requirements when it comes to providing instructions to guests with regard to safety procedures. This information includes not only a mandatory, 100% participation abandon ship drill, but specific guidance on what steps to follow when a person is seen going overboard, i.e., the use of a dedicated emergency phone line that connects a guest or crew member so that an immediate response can be initiated.

In addition to the in-cabin directory and safety emergency placard and the regulatory drill that takes place before sailing, a comprehensive safety video is displayed in the staterooms for 24 hours after departure outlining emergency procedures.

By law, before they enter service all crewmembers must be trained in safety and emergency procedures that are effective and well established practices in the international maritime community. The IMO's "Safety of Life at Sea" standards require that emergency drills be conducted and, within their first week of service, crewmembers undergo a competency evaluation with the ship's safety officer to ensure complete understanding of what is expected of them in the event of an abandon ship, man overboard, fire, or instance of violence. These events are encompassed in the Standards of Training, Certification and Watchkeeping (STCW) International guidelines that apply to all international voyages and outline minimum guidelines for training of all crew members involved in safety or emergency procedures. The internal training, exercises, and drill frequency across the cruise industry meets or exceeds the regulatory requirements.

There are frequent and regular drills, including crowd and crisis training that take place to ensure that skills and knowledge remain current and top of mind. Further, recurrent safety training is given every time a crew member renews a contract.

In addition to these internal measures, all lines are inspected regularly and crew competency is verified by the US Coast Guard, Classification Societies and Flag Administration through a series of inspections and drills

The important factor in the response to any emergency is early detection and communication. Crewmembers are well versed and well trained in emergency procedures and their roles during such an event.

SHORE EXCURSIONS

Providing a quality and safe shore side experience when guests disembark at ports of call is an important component of the vacation package that our member lines strive to provide. Activities commonly undertaken by cruise lines in connection with shore excursions made available to passengers during a cruise include: (1) vetting of operators and facilities to verify licensure and adequate capabilities; (2) assessment of operating history and experience with group operations; (3) direct participation in the excursion by representatives of the cruise line; (4) oversight of specific conditions at the time of the scheduled excursion, such as weather, seas, number of participants and adequate timing allotted for travel to or from the excursion; and (5) verification of level and form of casualty insurance available. Through CLIA's sister organization, the Florida Caribbean Cruise Association, the cruise industry has been instrumental in the development of appropriate insurance products to protect passengers on shore excursions throughout the Caribbean and elsewhere. Such insurance has invariably benefited American tourists on land vacations unrelated to the cruise industry as well.

Much the same as tours and excursions offered by any resort in the U.S. and throughout the world, shore excursion operators serving cruise passengers are independently owned and operated and cruise lines have no operational control over these businesses. Nonetheless, cruise lines do their best to communicate to these operators the high standards of care and professionalism that is expected of them and their employees. Due to the strong competition among shore excursion operators to offer their services to cruise passengers, complaints are taken seriously and monitored closely. Additionally, cruise lines closely track conditions in local ports and may issue warnings to passengers of possible dangers through the ship's daily newspaper, port lectures and/or public announcements.

Notwithstanding the independent status of shore excursion companies, in the event of an unfortunate accident involving cruise passengers on a shore excursion, cruise lines routinely provide a very high level of shore side oversight, assistance and logistical support to passengers and their families when the need arises. Through port agents retained by cruise lines in virtually every port around the globe, cruise lines maintain a network of shore side support that is unparalleled in any other industry. Assistance is routinely provided to passengers in need regardless whether they have purchased a shore excursion as part of an organized activity booked through the line, or on their own while ashore in ports of call. The work performed by the cruise lines' port agents is augmented by the ships' officers and crew and shore side employees of the lines, as appropriate. Recent examples have included religious and grief counseling, family assistance, coordination of medical care and evacuation in foreign ports for passengers involved in accidents or emergencies related to all types of activities and transportation by road, rail, air and sea.

GUEST ASSISTANCE PROGRAMS

CLIA lines recognize the fact that unforeseen events can sometimes occur. For this reason, many of our lines have organized teams of employees who are equipped to handle critical incidents of mass guest displacement, such as in the event of a cancelled or deviated sailing.

Though originally intended and trained to handle the logistical complexity of re-accommodating large numbers of people, Guest Care Teams have evolved significantly and now become active in handling the more day-to-day unexpected, and sometimes tragic, occurrences that result from medical and bereavement debarks, missing person situations or any other type of traumatic instance where guests may need emotional and practical support.

Today, CLIA lines have either well-developed teams, are in varying stages of developing teams, or partner with outside resources so that they can extend the right kind of care and support when these kinds of events occur.

When professional counseling services are necessary, the cruise lines are availing themselves of mental health professionals who can offer telephonic or on-site support with relatively short notice.

All CLIA members recognize the importance of treating any tragic event with compassion and sensitivity. The goal of each company is to provide a safe and comfortable environment where guests can complete their business with the line and be returned to their personal network of support.

Annex II

Crime reporting legal analysis

A. Timing, Form and Content Of SPV Reports

Pursuant to the SPV regulations an initial report must be provided to both the Commandant ***or*** Captain of the Port, ***and*** to the local office of the F.B.I. 33 C.F.R. 120.220 (a) as soon as possible. Additionally, for U.S. flag vessels, notification via a special telephone hotline is specifically required for incidents occurring outside the jurisdiction of the U.S., to the Response Center of the Department of Homeland Security at 1-800-424-0201.

Under § 120.220 (b), a written report in the form and substance required by IMO/MSC Circular 443 must be sent by the cruise line or ship's security officer to the Commandant (G-MOR), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593-0001. The formal written report may initially be filed with the Commandant (G-MOR) by fax at (202) 267-4085 or 4065. The § 120,220 (b) written report must contain the following:

(1) Vessel name

(2) Flag

(3) Master

(4) If moored to a terminal, name of terminal security officer

(5) Account of incident

(6) Date, time and place of incident

(7) Number of alleged offenders

(8) Method used to introduce any prohibited weapon, incendiary or explosive into or onto the vessel

(9) Description of weapon, incendiary or explosive

(10) Description of how weapon, incendiary or explosive was concealed and used

(11) Description of how security was breached, and

(12) Statement of recommended measures to prevent future similar incidents.

According to the 4-02 official Navigation and Vessel Inspection Circular ("NVIC") issued by the Coast Guard, other forms apart from the standard form required by IMO/MSC Circular 443 are acceptable as long as they contain the above information. See 4-02 NVIC, section 3.3, entitled "Standard Report Form", at p. 27. The 4-02 NVIC can be found at http://www.uscg.mil/hq/g-m/nvic/4-02.pdf. The report form agreed between the Coast Guard FBI and CLIA in March, 2007, a copy of which is attached, therefore clearly satisfies the Title 33 SPV Regulations as interpreted by the Coast Guard.

B. Penalties Are Imposed For Failure of Any Cruise Line To Report Actual Or Suspected Crimes

Failure to provide the reports required by the SPV Regulations can result in individual and corporate penalties up to $6,500 and suspension or revocation of a mariner's license. See

33 U.S.C. § 1236 (as adjusted by the Federal Civil Penalties Inflation Adjustment Act). That statute reads as follows:

"Sec. 1236. Penalties for violations of regulations

For any violation of regulations issued pursuant to sections 1233 to 1235 of this title the following penalties shall be incurred:

(a) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(b) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of $5,000.

(c) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of $5,000, unless the violation of regulations shall have occurred without his knowledge.

(d) Any other person shall be liable to a penalty of $2,500."

C. Concerns Expressed by the ICVA Concerning the March 2007 Agreement between the Coast Guard, FBI and CLIA for the Reporting of Crimes at Sea are Without Merit

As part of the ongoing communications between CLIA and the International Cruise Victims' Association ("ICVA"), ICVA has raised seven concerns regarding the March, 2007 Agreement between industry and the regulatory agencies governing the reporting of crimes on

cruise ships. As stated in prior testimony received by the Subcommittee at the March 2007 hearing, the purpose of the Agreement was simply to standardize the timing, manner and format for the mandatory reporting of crimes under the title 33 SPV Regulations. Thus the Agreement augments the SPV Reporting Regulations themselves.

CLIA has responded to each of ICVA's concerns as follows:

1. *" The Agreement does not extend to non U.S. Nationals."*

This statement is not correct. As clearly demonstrated by the SPV Regulations, in addition to the government's own interpretation of them, cruise lines must report any incident committed ***by*** or ***against*** a US national anywhere the ship travels on cruises to or from a US port. US flag ships must report every incident involving any person, regardless of nationality, wherever it occurs. Even on foreign ships, incidents committed by a foreign national against a foreign national must also be reported if the incident arose in US waters. The fact that CLIA has entered into the Agreement with the FBI/CG addressing incidents involving Americans does not mean we simply ignore everyone else. Our members routinely report to the port state at the next port of call, the vessel's flag state, and the embassy or consulate of the passenger's nationality. Foreign nations, like the FBI in the U.S., routinely get involved in investigating and prosecuting perpetrators of crimes at sea.

2. *"The Agreement is wholly voluntary."*

This statement is not correct. The email reprinted above establishes without doubt what the cruise industry has been telling Congress all along: that crime reporting is mandatory. All

the Agreement does is to standardize the manner, form and timing of the reports. There are fines and penalties imposed by federal statute for non-compliance and to date no cruise line has been cited or even criticized by the CG or FBI for not reporting or reporting late.

3. *"All data is kept secret and data is not made public; passengers cannot see if their incident was recorded".*

This statement is not correct. The FBI has already reported to Congress on the data regarding crimes on cruise ships in the first congressional hearing convened by Congressman Christopher Shays before the House Subcommittee on National Security, Emerging Threats, and International Relations on March 7, 2006. CLIA understands the FBI will update its report to Congress in the September 19, 2007 hearing before the House Subcommittee on Coast Guard and Maritime Transportation.

It is true that specific investigative information cannot be made public at sea or on land for privacy reasons or if an investigation is ongoing. However, industry would welcome the compiled data being included as part of the Uniform Crime Reporting Program so consumers can compare shipboard safety to land side statistics. While even one incident of criminal activity on a cruise ship is one too many, we believe our statistics compare very favorably to those on land due to the inherently protected environment of a cruise ship. Any victim of a crime can contact the FBI to verify whether an incident was, in fact, reported. The FBI routinely boards cruise ships to investigate such incidents and interview the victim, alleged perpetrator, and any identified witnesses with relevant information. CLIA is unaware of any victims of alleged crimes on cruise ships who have testified in the last three hearings that their incident

went unreported.

4. *"There is no stated time frame for reporting; 'as soon as possible' is subject to differing interpretations."*

Any confusion on this issue was, in fact, resolved by the Agreement, which states:

"CLIA members will telephonically contact the nearest FBI Field Office or Legal Office as soon as possible to report any of the following: homicide, suspicious death, missing U.S. National, kidnapping, assault with serious bodily injury, sexual assaults (as defined in 18 U.S.C. §§ 2241, 2242, 2243 and 2244(a)(c)), firing or tampering with vessels, and thefts overt $10,000. After telephonic contact, CLIA members will follow-up with a standardized written report. A sample reporting form "Cruise Line Report of Serious Violation of U.S. Law" is enclosed.

. . .

Incidents not falling into one of the above categories and therefore, not requiring immediate attention by the FBI may be emailed or faxed to the Local FBI Field Office or FBI Legal; for example theft greater that $1,000 but less than $10,000 and abusive sexual contact (as defined in 18 U.S.C. § 2244 (b))."

5. *"No commitment to report incidents in foreign territorial waters."*

This is not a correct statement. The mandatory SPV Regulations specifically require a report of any incident by or against an American on any part of a voyage to or from the US, including the high seas and in foreign waters. Again, the government's correspondence clarifying this issue, copy attached, specifically states: "[A]n offense committed against a US national on the high seas ***or in foreign territorial waters*** aboard a foreign flagged cruise ship that embarked from or intended to call on a U.S. port would be subject to the reporting requirement as a de facto condition of port entry."

6. *"Definition of sexual assault may be construed as more limited in scope than sufficient to protect passengers."*

This is not a correct statement. The Agreement specifically refers to the federal statutes governing the sexual crimes that would constitute an assault under Title 18 U.S.C §§ 2241 thru 2246. These include sexual abuse, sexual abuse of a minor, aggravated sexual abuse, and even abusive sexual contact (i.e. unwanted touching), all of which are felonies that must be reported (and are routinely reported) under the plain language of the SPV Regulations and the Agreement.

7. *"The Agreement leaves it to the cruise lines to determine whether a death is a homicide or suspicious."*

This is not a correct statement. Under the mandatory crime reporting SPV Regulations, a cruise line must report an "actual or suspected" unlawful act to any person on board. See 18 C.F.R. Part 120 et *seq.* In the event of death CLIA members routinely report the incident to the FBI if there is any hint or suggestion whatsoever of anything other than natural causes.

Moreover, a death certificate must be prepared in all cases and arrangements must be made for repatriation and/or release of the decedent's remains. Thus there are numerous opportunities throughout the process for shore side agencies and authorities to independently determine whether any suspicious circumstances may be involved. CLIA is unaware of any complaint by the FBI or Coast Guard that a death that should have been reported was not reported as required by law.

The Departments of Justice and State, FBI, and the USCG have developed the following consensus position (reflected in the three numbered points below) regarding the scope and applicability of the 33 CFR Part 120.100 and 120.220 as presently published:

1. Current Federal regulations (33 CFR 120.100 and 120.220) establish reporting requirements for all passenger vessels over 100 gross tons, carrying more than 12 passengers for hire; making voyages lasting more than 24 hours, any part of which is on the high seas; and for which passengers are embarked or disembarked in the United States or its territories. The owner, operator, charter operator, or vessel security officer of a covered vessel must report each breach of security, unlawful act, or threat of an unlawful act against any covered vessel, or against any person aboard it, that occurs in a place subject to the jurisdiction of the United States.

2. We interpret the current regulations as applying to acts committed in US internal waters, U.S. territorial sea, and, to the extent permitted by international law, aboard any foreign vessel seaward of US territorial waters during a voyage having a scheduled departure

from or arrival in the United States with respect to an offense committed by or against a national of the United States. The latter category constitutes a de facto condition of port entry. For example, an offense committed against a US national on the high seas or in foreign territorial waters aboard a foreign flagged cruise ship that embarked from or intended to call on a U.S. port would be subject to the reporting requirement as a de facto condition of port entry.

3. Covered incidents must be reported to both the USCG Captain of the Port and to the local office of the FBI. U.S.-flag vessels must report each such incident that occurs in a place outside the jurisdiction of the United States to the hotline of the Response Center of the Department of Homeland Security at 1-800-424-0201, or, from within metropolitan Washington, D.C., at 202-372-2428; Fax: 202-372-2920. The requirements to report incidents under the current regulations do not effect and may not always be co-extensive with the extraterritorial criminal investigative and arrest authorities of U.S. law enforcement agencies.

The Department of State has asked me to take this opportunity to note that where a foreign state has concurrent jurisdiction with the U.S., that is, a crime takes place in the foreign state's territorial waters or on board a vessel in international waters flagged in a foreign state, the cruise line/cruise vessel should notify the appropriate authorities of the foreign state, at least simultaneously with notification to U.S. authorities.

TESTIMONY OF SUSAN DiPIERO
BEFORE
THE SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

"Cruise Ship Security Practices and Procedures"

Wednesday, September 19, 2007
11:00AM
2167 Rayburn HOB

Susan DiPiero
4240 South Turner Road
Canfield, Ohio 44406
Telephone: 330-533-9441

Testimony of Susan DiPiero

Good morning. I would like to thank the Chairman and the Committee for inviting me to testify today.

I am Susan DiPiero of Canfield, Ohio. My son Daniel was lost at sea from Royal Caribbean's Mariner of the Sea on May 15, 2006. This was a horrible loss to my family but we have chosen instead of remaining victims, to become survivors and to fight for a change in the way that cruise lines do business and demand that safety on their ships is improved for all passengers.

We began our mission by writing letters, making calls and talking to media about safety or lack thereof on cruises as they are currently being managed. On March 27th of this year we came to Washington and attended the House Hearing on Crimes against Americans on Cruise Ships. We were quite pleased when Congressman Cummings ordered that CLIA and the cruise industry meet with victims and get our ideas on what we thought could be done to make their vessels safer.

Following the hearing Ken Carver immediately approached CLIA and proposed a meeting with CLIA and the cruise industry. This meeting was orchestrated by Ken to include himself and an expert panel of his choosing. This panel consisted of: Ross Klein an "expert" on cruise crime statistics, James Walker a maritime attorney, and a few members of the executive board of the ICV. The meeting took place July 26th in Washington DC. The ICV's Ten Point Plan and some individual suggestions were presented at the meeting and discussed. Terry Dale passed out notes from this meeting at the August meeting in Miami.

In the meantime Terry Dale of CLIA and Gary Bald from Royal Caribbean were in contact with another ICV board member and discussed what Congressman Cummings intentions were at the March hearing. They sought clarification as to what Mr. Cummings order meant and it was confirmed that Mr. Cummings orders suggested that CLIA and the cruise industry should meet with all victims and get our ideas.

On June 25th an invitation to all victims and their families was sent out. CLIA was hosting a meeting in Miami on August 14th to allow victims to tell our stories and offer our ideas on how safety on board cruises could be improved. No attorneys or experts from either side were welcome to attend. This invitation was sent out by CLIA to Ken Carver of the ICV asking him to forward it to the membership of the ICV and any other victims of which he had knowledge. (Unfortunately the invitation to the ICV was not forwarded to all of its membership until August 6th and due to the short notice some may not have had the opportunity to attend.) Another invitation was sent to Kimberly Edwards at Gary Bald's request and she was asked to forward it to Ron and myself. She sent us this invitation

immediately. Other invitations were sent out by CLIA to victims who had contact with the cruise lines or were not members of the ICV.

On August 14th Ron and I joined 18 other victims, representatives of CLIA, representatives of The Family Assistance Foundation, and representatives from Royal Caribbean and Carnival cruise lines in a meeting room in Miami.

Carolyn Coursey of the Family Assistance Foundation set the mood and agenda for the meeting. Everyone in the room introduced themselves and explained their position or reason for being at this meeting. Carolyn then spoke of what lead up to her part in organizing the Family Assistance Foundation. She then spoke on how to begin to heal and move forward. She encouraged everyone to listen and be open to all the others in the room.

Then all victims attending were invited to tell their stories and offer any suggestions and ideas that they thought would improve the safety of passengers on future cruises. Most of the victims in attendance shared their stories and their ideas on how their situation could have been made better or been prevented. Each person was given about 10 – 15 minutes to speak. Ron and I each spoke and we personally handed out a four page list of our ideas. There was a great deal of talk on how the victims could have been treated better or helped after their experiences.

Next the ICV was offered time to speak. Ken Carver was allowed to do a brief presentation of the ICV's "Ten Point Plan". During this time a letter from an ICV board member that could not attend was read as well as a letter from the board of the ICV that asked that CLIA and the cruise industry deal directly and exclusively with the board of the ICV in the future. During the next break I talked to Terry Dale and was assured by him that all victims would be included and informed about any future events, meetings, etc. that CLIA planned and not just the board of the ICV.

The last part of the day was presented by Terry Dale of CLIA, Gary Bald head of security for Royal Caribbean and Travis the head of security for Carnival. Gary and Travis discussed some of the technology that they were looking into as far as security cameras, chips in sea passes (which would cost about $10 a piece) and infrared imaging to help locate persons who had gone overboard. They also discussed a few things that were already taking place such as Royal Caribbean installing peepholes (which cost about $11 a piece) in all their cabin doors and a more complete training program for their security staff. Terry Dale stated that he felt that the meeting was very helpful and that this type of communication should continue in the future. He suggested "working groups" be formed. He was not quite sure what these groups would do but felt that interaction with and ideas of victims would be beneficial to the cruise industry in improving safety.

At the end of the day this is what I knew for sure was being done:

- Since Daniel's disappearance Royal Caribbean and Carnival have formed care teams. These teams go immediately to a ship where an incident has occurred (such as a rape, a man overboard, etc.) Their job is to assist the alleged victim or families of victims by offering anything within their power to accommodate and fill their needs.

- Royal Caribbean began putting peepholes in the cabin doors of all of their ships.

The representatives of CLIA, the cruise lines and the Family Assistance Foundation were very hospitable. They shared dinner with us on the 13th, lunch with us on the 14th, and drinks with us after the meeting. They offered sympathy and support to all of us, should we ever need anything. There were no promises or proposals on the part of CLIA or the cruise lines. They listened to what we had to say but did not as much as promise to form a plan or proposal to raise the standards and regulations on their vessels.

Terry Dale has begun organizing working groups. He has asked all victims that were in Miami if they would like to be considered to be a part of this venture. Ron and I have told him absolutely. As of yet we are not sure of what being a part of these groups will mean.

It is my nature to want to believe that people will do the right thing on their own. But as of today I have seen no signs that the cruise industry is going to do their absolute best to protect the safety and well being of their passengers.

The working groups that are being formed should be a great channel for communication, sharing ideas and brain-storming. Hopefully there will be great ideas that will save lives and prevent crimes. But unless the results of these working groups become the goals of action groups, that can implement change, they are nothing more than an illusion created to make the cruise industry appear to be making changes on their own.

The subject of cost always comes up when safety is discussed. The cruise industry is a business. It is the goal of every business to show maximum profit at the end of the year. So ultimately the decision within the cruise business to make improvements is in the hands of the people that control the purse strings. Not one president, CEO or CFO attended the meetings in July or August. These are the people who can truly authorize the changes. Until it is more profitable to make the ships safe than to settle lawsuits, I don't believe that all of the necessary changes will come at the hands of the cruise industry. I believe:

1. That we should support bill H.R. 2989 that is now in the House Judiciary Committee This bill would change the Death on the High Seas Act to allow non-pecuniary and punitive damages to families of

someone who has died while at sea. Congress has deemed the DOHSA limit on damages unfair in the context of aviation cases and has removed the limitation of damages that previously applied. It makes no sense whatsoever to limit surviving family members' damages in a wrongful death case, when the death happens on the high seas on a ship instead of on a plane. Why should there be a different treatment for survivors of a maritime accident and survivors of a plane crash? In the cases of my family, George Smith's family, Annette Mizener's family, Ashley Barnett's family, Merrian Carver's family, and others involving death at the high seas, the cruise lines use DOHSA to limit their responsibility. This thwarts the goal of our tort system, which is full compensation to survivors. If full compensation is allowed the cruise lines will turn to improving safety measures in order to prevent liability. Since the current DOHSA does not permit punitive damages, the cruise lines now get away with "murder".

2. That until our government steps in and creates legislation to set standards, create laws, monitor accident and crime statistics and to insist on proper security forces the cruise industry may only do what is necessary to appear to be making changes. Quick but reasonable deadlines **must** be set as each day that passes offers the opportunity for another incident to occur. Fines and consequences will need to be substantial so that it is more profitable to follow the law than to pay the fines or suffer the consequences. The safety and well being of all United States citizens or any person leaving from a United States port needs to be protected.

3. That the legislation needs to be updated as technology changes. The rules and regulations that were set up in the 1900s when cruise liners were first built and a cruise consisted of shuffle board, dinner and dancing are far outdated. Cruises are now floating cities with casinos, bars, shopping, rock climbing walls, etc. The ships are bigger, faster and hold many more passengers and crew members. And I'm sure that as time changes and technologies develop the cruise industry will incorporate any feature into their ships that will entice people to take a cruise and increase their profits. The safety standards and legislation also needs to change to meet the current situation.

4. That care teams and infrared imaging and sea passes that can locate passengers are great. However these things are for after a rape happens, a person dies from smoke inhalation, or a young man is lost overboard. These are the cheap ways out. Their goal should be to prevent all of these things from happening in the first place as well as offering care to victims should something happen. I realize that change will cost a great deal but the cruise industry operates at a huge

profit. **Our** goal should be for all passengers that leave from a United States port, return to the same port safe and sound.

5. That cruise lines should be regulated like any other business in the United States. Our businesses are required to update and enhance their product for the safety of their consumers. For example car manufacturers are now required to install airbags, and emission controls in their products. This is a far cry from when cars were first manufactured without turn signals or seatbelts. The automobile industry spends millions yearly drafting designs and implementing concepts for better and safer equipment in their cars. Our government has regulations for cosmetics, laser products, the food we eat, the toys our children play with, even the dogs that are imported into this country, the list goes on and on. There are also government departments that enforce these regulations. These regulations must be followed regardless of the cost to the industry. The cruise industry should be regulated in the same manner as any U.S. business as they are doing business from our ports and transporting our citizens on their vessels.

In closing I want to say in order achieve these changes all victims, CLIA, the cruise industry and our government must work together. This can not be hindered by an effort of single individuals with an agenda to punish cruise lines and get even. It can not be an effort by the cruise industry to do minimal changes at minimal costs in order to appear to be improving their way of doing business. There must be legislation to assure that all U.S. citizens and those leaving from U.S. ports come back safe and sound. This legislation can not be a defined in a single "Ten Point Plan" but must set forth a flexible plan that allows for continuous improvement.

I would like to thank the Committee again for allowing me to have the opportunity to honor the memory of Daniel with my testimony.. Thank you.

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CRUISE SAFETY IDEAS

TO PREVENT OVERBOARDS

1 sensors on sides of ship (laser, heat sensitive, motion ???)
to detect any item of mass that goes over the side
2 decorative grating or netting on sides (netting could be put out at 11 pm and retracted at 7 am)
this would prevent anyone from ever hitting the water
3 monitor cameras (employee must fill in computer log to assure being done)
4 send passengers sleeping on deck to room between certain hour (11:00 pm - 6:00 am)
(can have secured "twilight" deck available for persons who would like to sleep on deck with higher rails, constant video monitoring, extra security checks, etc.)
5 raise all rails to at least chest height of 6' person (can be on a timer and raised at dusk and lowered in morning)
6 slats between rails should be to standard so small child cannot put head or body through
7 have floors within 2 feet of rails a rougher texture to prevent slipping
8 top rails should be made to that it can be gripped securely (currently wide and varnished)

UPON REPORT OF MISSING PERSON

1 stop boat
2 set off GPS of sea pass or bracelet to locate that passenger
3 announcement immediately
4 retrieve all cameras - start viewing beginning with closest to last known position of victim
5 check to see where sea pass was last used and when
6 begin thorough search of boat
7 drop life jackets, life boats, floating lights, etc. (automatic upon overboard alarm)
6 have fluorescent die spray automatically when overboard alarm goes off
9 notify coast guard and FBI (any local agency if islands nearby)
10 interview companions and anyone who had seen victim
11 figure position of boat at last known position of victim
12 turn boat and start heading back to that position
secure cabin, etc

UPON SOUNDING OF OVERBOARD ALARM (FROM SENSORS IF AVAILABLE)

1 Stop ship
2 drop life jackets, life boats, floating lights, etc. (automatic upon overboard alarm)
3 instruct passengers and crew to proceed to closest sea pass checking station and swipe their sea passes (any one who has not swiped pass - contact traveling companions to see if they know where the missing person is)
4 Check videos in area where alarm originated
5 Page all persons that had not swiped sea pass
6 Once all passengers and crew members are accounted for life jackets, etc can be retrieved and trip continued (security will check to see why alarm sounded and make report)
7 If a person is determined missing continue with above steps

DRINKING POLICIES

1 have alert on system if person has bought more than 1 drink per hour
2 train employees to recognize signs of intoxication and act on it
3 if person showing signs of extreme intoxication
a cut off sea pass
b have security escort to room or a secure holding room (supply with coffee and snacks)
(put note on door of cabin of this person so others know where they are)
4 for alcohol packed in luggage

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a look through all luggage, purses, etc
b confiscate any liquor bottles
c confiscate mouthwash bottles, etc that are not sealed with factory plastic
(disposition of confiscated items should be included in rules on itinerary/ticket)
d this should apply to over the counter medications also
(prescription medication should be in original bottle with correct name on label)

5 breath analyzer for use with difficult passengers to prove intoxication

SEXUAL ASSAULT (any type)

1 take report from victim
2 offer rape kit immediately
3 offer medical and psychological care
4 secure crime scene
5 notify US authority
6 identify assaulter (may need to use photos from boarding)
7 secure assaulter in comfortable area until authority can question and determine disposition

ROBBERY (any amount)

1 take report from victim
2 file report with US authority
3 have security investigate (may require training from a police academy)
4 view and secure videos in area where robbery occurred

ASSAULT

1 take report from victim
2 offer medical and psychological care
3 secure crime scene and videos
4 notify US authority
5 identify assaulter (may need to use photos from boarding)
6 secure assaulter in comfortable area until authority can question and determine disposition
7 If person complains of another person bothering them, take it seriously.
Ask person accused to please stay away from other person for their own protection

MISC

1 GPS card in sea passes - can be activated individually if a person is missing
(the sea passes are plastic and therefore waterproof - could have sensor to set off alarm when comes in contact with salt water)
2 Have checking stations located on all decks so if overboard alarm goes off all passengers can swipe sea pass to determine quickly who is missing
3 Have emergency instruction cards in various locations (Customer service desk, Security, Captains office, etc.)
This card should
a Have a check list of things that should be done and in what order.
(each step should be signed by employee with date and time when done)
b be kept in secure log
c copy should be given to US authority

Should be a separate card for each type of incident
overboards
sexual assault

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robbery (no matter what amount or articles)
medical emergency
other emergency (fire, fall, injuries, etc.)

4 AED boxes located throughout ship (all personnel should be trained in CPR and AED use)
5 Peepholes on cabin doors so person inside can identify persons knocking
6 Spider units on all employees - to track where they are and where they have been (This is currently used in Ohio prison system and can track where all employees are and where they have been - also has panic button in case employee encounters emergency)
7 Motion activated cameras should be in all areas of the ship except cabins, restrooms, on room balconies) should include storage rooms, kitchen, shopping areas, etc.
8 Talk to Disney World security - (they have parents of missing children watch videos for their children's shoes (abductors change hair (put on hats) clothes of children but seldom the shoes as sizes are too hard to figure) - they are family and safety oriented and probably have great ideas.
10 intensive training for all security employees, should be a certified course - must be certified to act as security during cruises - (no fill-ins from other areas)
11 quarterly meetings with security from other cruise lines - to discuss new safety ideas and technology (share your knowledge and make the whole industry safer)
12 have security do rounds - keying in at checkpoints to assure being done in a timely manner (this will provide a record and proof that the halls and decks are being monitored)
13 security training for all employees
    give numbers to call - contacts in case of emergency
    basic security procedures
    teach when to contact supervisor or someone from security
        passenger being bothered by other person
        lost child
        overly intoxicated person (this includes employees)
        medical emergency
        untouched cabin for more than 24 hours (report to supervisor, page passenger
        see unsafe condition
14 Have video cameras record in 3 places (1 for cruise line, 1 for investigating agency and 1 in sealed box for International reporting organization) can be recycled every 90 days
15 Have a station on TV that constantly broadcasts safety procedures and practices that would help to keep passengers safe (run emergency numbers across bottom of screen)
16 Have hotline number directly to security office for emergencies (911) (Someone will be in office 24/7 if they are monitoring cameras)
17 Have a hotline number to central reporting and investigating agency so that any incidents can be reported immediately
17 Any rules (such as only sleeping all night on designated areas of deck, alcohol/medication confiscation, disorderly conduct, etc) should be noted on initial agreement, itinerary and/or ticket so that passengers are aware in advance.
18 Medical staff should ba easily to reach by pager by person manning hotline - should be codes as in hospital to let them know urgency of need (code blue for dire emergencies)
19 All records (security logins, security monitoring and videos, emergency records, etc) should be kept in log for a pre-determined amount of time (at least a year as that is the limitation for filing a lawsuit). This could be scanned and kept in main frame at corporate security office and hard copies filed by date in a central location.
20 Videos could be converted automatically at end of each trip to dvd or computer media by each agency (cruise line, investigating agency and reporting organization) so that tapes can be recycled and integrity of information will not be compromised
21 Form a central reporting and investigating agency where all incidents are reported and evidence

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is kept

22 Set up standards for building ships
   Materials - fire resistant, non-toxic
   Rails - heights and distance between rails
   Glass - safety glass, etc

THINGS NEVER TO SAY TO VICTIMS OR FAMILIES

1 It is impossible to fall from ship accidentally
2 Don't imply that a person may have jumped - just knowing they are missing is enough
3 Don't imply anything - let authorities sort through details and make report
4 Do not tell them what another passenger may have said, again let the authorities sort through details and make a report
5 Never tell a person reporting an assault (sexual or other) that it is their word against the other persons let the authorities handle it
6 Never say that something would cost too much (How much did you just make on that cruise?)
7 Never say anything is impossible. (Remember sending the man to the moon?)
8 Never tell them that you will check on something and get back to them if you don't intend to do it.
9 Do not pass out letters to all passengers on-board with presumptions of what happened i.e. Letter for missing or overboard person should not give any details, it should just give basic information to keep passengers informed. "This person is missing please contact security if you have any information"
10 Employees should never discuss what is happening with anyone - they should refer any questions to a PR person (i.e. should not be discussed with other passengers, other tourists or cruiselines that are in port, etc.) Should be a standard statement that employees are instructed to use. "We have had an accident on our line and a statement will be issued to the press" (reprimand if found doing so)
11 Do not tell them that once an incident is reported to other authorities it is "no longer your problem"
12 Do not tell them that once it is proven that a person is off the ship it is "no longer your responsibility
13 Never take any complaint lightly, take a few minutes to listen

June 25, 2007

Dear Passengers and Families:

Cruise Lines International Association (CLIA) and its member lines have been actively listening to and learning from the survivors and family members of tragic incidents that have occurred on board international passenger ships. You have indeed taught us so much. These are lessons that we are applying to our operations and efforts not only within each cruise line but across the industry and the 175 cruise ships operated by CLIA member lines throughout the world.

The Family Assistance Foundation has been working with cruise lines, CLIA and victims to help develop victim and family assistance programs that meet not only the physical needs but emotional ones as well. CLIA believes we have much progress to report and is developing solutions to hopefully meet many of your concerns. We would like to continue this dialog with you in person to develop additional positive solutions.

On behalf of the Family Assistance Foundation and the 23 member lines of CLIA, we invite passengers and family members of cruise incidents to attend a meeting to discuss ways to collaborate for positive change. The Foundation will help shape an agenda. Potential dates for this meeting are August 13-15, 2007. The location will be in South Florida and CLIA will organize travel for those who are going to participate.

We want to emphasize that the focus of discussions will not be on the details of specific incidents, but rather on security and guest care changes you feel are necessary. Therefore, to keep this process open and candid, we believe it is important to exclude lawyers or media representatives from this meeting. Attendance of such persons would serve to inhibit the kind of openness that we all need for this process to achieve our common goals.

We hope that you are able to join us for this important meeting. Confirmation of dates and travel details will be forthcoming.

Kind regards,

Terry Dale
President & CEO

CORPORATE HEADQUARTERS: 910 SE 17th Street, Suite 400 | Fort Lauderdale, FL 33316 | TEL: 754-224-2200 | FAX: 754-224-2250
WASHINGTON DC OFFICE: 2111 Wilson Boulevard, 8th Floor | Arlington, VA 22201 | TEL: 703-522-8463 | FAX: 703-522-3811
www.cruising.org

August 3, 2007

Mr. Kendall L. Carver, President
International Cruise Victims Association, Inc.
5521 North Camelback Canyon Drive
Phoenix, AZ 85018

Dear Ken:

I am writing to express my appreciation to you and your colleagues at the International Cruise Victims Association (ICVA) for meeting with me and cruise line representatives on July 26, 2007 to continue our ongoing dialogue regarding cruise ship security. We found the meeting to be productive and hope you did as well.

On August 1, 2007, you provided a summary of the meeting as prepared by ICVA. We have reviewed that document and identified some discrepancies with our recollection of discussions at the meeting, particularly with regard to a number of the action items. In an effort to provide you with our best recollection and to clarify any misunderstandings, we are providing the enclosed. This document also serves as our additional responses to ICVA's 10 Point Program, as requested at the conclusion of the meeting. For ease of reference, we also note the sections of our July 13, 2007 letter in which we provided additional information on each of the 10 points.

I believe it is fair to say that the cruise industry agrees in concept with ICVA but differs in how best to achieve the end results. We, therefore, look forward to continuing our discussions with ICVA and others in an effort to reach our shared common goals. Toward that end, we will be meeting with survivors of cruise ship incidents on August 14. I am pleased that you will be joining us and again ask that you extend the invitation to other survivors both within and outside of ICVA membership.

Finally, at the end of the meeting, ICVA also requested that we comment on possible legislation to address the issues discussed. We firmly believe that collaboration, not legislation, is the answer. As evidenced by the substantial agreement we have with the concepts behind ICVA's 10 Point Program and the progress the cruise industry has made to date, there is no reason to believe that legislation would induce a more effective or more timely response.

August 3, 2007

We continue to believe that a strong partnership with cruise survivors is the best platform for suggestions on security initiatives and passenger care. We are committed to this partnership and look forward to ongoing discussions with members of ICVA and other survivors in the months and years ahead.

Sincerely,

Terry Dale
President & CEO

TD/lms

CC: Representative Elijah Cummings
Chairman
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Representative Steven C. LaTourette
Ranking Member
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

A meeting between representatives of the cruise industry and the International Cruise Victims Association (ICVA) took place on July 26, 2007. Attendees included the following: Kendall Carver, President of ICVA; Jeanne Olson, Secretary and Member of the ICVA Board; Lynette Hudson, Member of the ICVA Board; Son Michael Pham, Member of the ICVA Executive Board; Dr. Ross Klein, Member of ICVA as a friend; James Walker, Lawyer and member of ICVA as a friend; Phil Gerson, Lawyer and member of ICVA as a friend; Terry Dale, President, Cruise Lines International Association (CLIA); Gary Bald, Senior VP of Global Security for Royal Caribbean Cruises Ltd.; and Travis Winslow, Director of Maritime Security, Carnival Corporation. Based on clarifications to ICVA's "10 Point Program" provided by Mr. Carver, the cruise industry provided the following feedback:

Point #1 – Background checks and a "Blacklist" for terminated crew members.
- Concept: Vetting of crewmembers would be improved through use of a shared blacklist.
- The cruise industry questions the legality of maintaining an industry blacklist of terminated employees. Cruise industry representatives asked Mr. Walker, for assistance in identifying legal precedent that would allow creation and maintenance of such a list.
- The cruise industry provided additional details regarding this issue in the section entitled "Background of Crewmembers" in the letter sent to ICVA on July 13, 2007.

Point #2 – International Police/U.S. Marshals on cruise ships.
- Concept: A reliable, capable and well trained ship-board security component operating with a high degree of integrity and appropriate oversight must be in place on each of CLIA's ships.
- Cruise industry representatives support this concept but believe there are more viable alternatives to deliver this capability than that which was proposed by the ICVA and will continue to explore options in pursuit of this goal.
- The cruise industry provided additional details regarding this issue in the sections entitled "Security Officer Training" and "Crime Reporting" in the letter sent to ICVA on July 13, 2007.

Point #3 – Security crime scenes.
- Concept: Timely and effective handling of potential crime scenes is an essential element in responding to allegations of criminal activity; proper handling of crime scenes increases the odds of successful prosecutions.
- Cruise industry representatives agree to continue efforts to deliver this capability on each of its ships, with the caveat that cruise ship security personnel will not be expected to collect evidence from an incident site without direction from the law enforcement personnel with jurisdiction over the incident.
- The cruise industry provided additional details regarding this issue in the sections entitled "Security Officer Training" and "Investigative Procedures and Preservation of Evidence" in the letter sent to ICVA on July 13, 2007.

Point #4 – Structural enhancements.
- Concept: Ships should be designed to reasonably prevent guests from falling overboard.
- Cruise industry representatives believe this is a standard feature of its current fleet. Cruise industry representatives do not agree that raising railing heights or other such design changes are necessary.
- The ICVA recommended that the cruise industry fund a study to determine what additional steps may be undertaken to limit a person's ability to fall overboard.
- Cruise industry representatives will research this issue to determine if such efforts have already been undertaken and then consider the merits of this recommendation.
- The cruise industry provided additional details regarding this issue in the section entitled "Structural Safety Requirements" in the letter sent to ICVA on July 13, 2007.

Point #5 – Video/surveillance cameras.
- Concept: An effective video capability on ships is necessary and captured video must be retained for a reasonable period of time to support incident investigations.
- ICVA expressed concern that CCTV recordings are rarely made available to plaintiffs in civil proceedings against the cruise industry.
- Cruise industry representatives agree to discuss this complaint with their respective legal departments to better understand this issue. Cruise industry representatives will continue to review current technology for

enhancements as appropriate.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Vessel Surveillance Systems" in the letter sent to ICVA on July 13, 2007.

Point #6 – Access/security bracelets.
▪ Concept: Technology advances should be evaluated for use in locating missing guests onboard thereby aiding in the quick identification of a man-overboard situation.
▪ Such evaluations are underway within the industry, and in several important areas, have reached the pilot stage. Cruise industry representatives will continue to review current technology for enhancements as appropriate.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Vessel Surveillance Systems" in the letter sent to ICVA on July 13, 2007.

Point #7 – Missing or overboard passengers.
▪ Concept: Technology advances should be evaluated that would increase the odds of detecting when a passenger goes overboard.
▪ This is currently the topic of research within the industry, and a pilot program is imminent.
▪ ICVA also suggested measures that would provide for better passenger awareness of shipboard dangers. Cruise industry representatives agreed to consider ways this could be accomplished.
▪ The cruise industry provided additional details regarding this issue in the sections entitled "Vessel Surveillance Systems" and "Emergency Procedures" in the letter sent to ICVA on July 13, 2007.

Point #8 – Medical care provided to passengers.
▪ Concept: Ships must provide capable and licensed doctors and an appropriate level of medical service, to include effective use of Pelvic Exam Kits.
▪ The cruise industry provides medical care consistent with American College of Emergency Physicians guidelines. Further details are available on the CLIA website at http://www.cruising.org/industry/medical_facilities.cfm.
▪ Cruise industry representatives will review any current medical advisories on the level of medical service offered on ships and determine if improvements should be made. A current advisory regarding the availability of advanced medical services is provided on the CLIA website.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Investigative Procedures and Preservation of Evidence" in the letter sent to ICVA on July 13, 2007.

Point #9 – Excursions sold and promoted.
▪ Concept: Excursion vendors must be appropriately vetted.
▪ Cruise industry representatives agree with Mr. Walker that vicarious liability law limits the responsibility of the cruise industry in regard to excursion injuries. The cruise industry representatives will review any current excursion advisories and determine if improvements should be made in the area of informing passengers of the extent of liability ships have for excursion mishaps.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Shore Excursions" in the letter sent to ICVA on July 13, 2007.

Point #10 – Cruise lines' accountability and U.S. Congress intervention.
▪ Concept: Cruise lines must be accountable for the accurate and timely reporting of shipboard crimes, consistent with legislation, regulations and government guidance.
▪ The cruise industry understands that current legislation and regulations make reporting mandatory and that penalties attach for failure to report. The cruise industry, however, will continue to work with ICVA and appropriate government agencies to clarify any areas of disagreement.
▪ The cruise industry provided additional details regarding this issue in the section entitled "Crime Reporting" in the letter sent to ICVA on July 13, 2007.

International Cruise Victims Association, Inc. (ICV)
&
Cruise Lines International Association, Inc. (CLIA)

Meeting:	**NEGOTIATION DISCUSSIONS**
Date/Time:	**July 26, 2007 (10:30am)**
Location:	**The NATIONAL CENTER FOR VICTIMS OF CRIME** **2000 M St. NW, Washington, DC**
Purpose:	**Discussion between ICV members and cruise line representatives on ways to improve security on cruise ships, decrease the number of crimes committed on ships, and improve response to crime victims. (10-P0int Plan)**

ATTENDEES

ICV Representation: Kendall Carver, Phil Gerson, Lynette Hudson, Ross Klein, Jeanne Olson, Son Michael Pham, and Jim Walker

CLIA Representation: Gary Bald, Terry Dale, and Travis Winslow

ACTION ITEMS (Follow-up)

1	➢ Will provide the necessary language for the employment contract/application, a contractual waiver that will allow the cruise lines to share names of terminated employees.	K. Carver
2	➢ All agreed with Point #5 (*Video tapes to made available)* – Will be getting back to ICV on this issue.	T. Dale/G. Bald/ T. Winslow
3	➢ Addressing Technology – RE: Screen pop-up for alerting bartenders of excessive alcohol consumption	G. Bald
4	➢ Bracelets with Microchips – Agreed to research this issue, but needs to review the feasibility from a technology standpoint.	G. Bald
5	➢ Will review the threshold age for minors to increase this beyond the 12 years of age.	T. Dale
6	➢ Will research wristbands for minors and elderly – Will need to be piloted to determine cost-effectiveness.	T. Winslow
7	➢ Will be taking steps in reviewing the alcohol crimes that involve crewmembers.	G. Bald
8	➢ Will review steps for taking additional controls, pertaining to excursions.	T. Winslow
9	➢ An industry response to the following questions: a) What is your opinion of what legislation should be? b) What are your likes vs. dislikes, relating to Shays's Bill? c) What will be the policies to address victims, e.g., victims' advocates?	T. Dale

INTRODUCTIONS & OVERVIEW

▪ Introduced ICV members and other ICV supporters. ▪ Provided brief backgrounds of each attendee and ICV roles. ▪ Explained the history and formation of the organization in January 2006. ▪ Emphasized that the meeting of both organizations is intended to be positive.	K. Carver
▪ Introduced G. Bald (RCCL) and T. Winslow (Carnival). ▪ Agreed with the intentions of the meeting: To focus on the future, listen, and walk away with a full understanding of the 10-Point Plan.	T. Dale

ICV's GOAL	
▪ Mentioned the March 2006 congressional hearing: - This resulted in the 10-Point Plan (*created through the input of victims*) ▪ ICV's intention is not here to destroy the cruise line industry, but to focus on making cruising safer and more secure for passengers and to hold cruise lines accountable for the safety of future passengers and crewmembers. - This would require prompt and accurate reports to authorities of crimes, deaths, disappearances.	K. Carver
ICV PARTNERSHIPS	
▪ The National Center for Victims of Crime (NCVC) ▪ Rape, Abuse & Incest National Network (RAINN) - P. Gerson introduced ICV to NCVC	K. Carver
ICV EFFORTS (To-date)	
▪ 10-Point Plan ▪ Working with Congress ▪ Meetings with FBI & US Coast Guard ▪ P & O Australia Note: ICV was organized a year and a half ago - Currently, 13 countries are represented	K. Carver
POINT #1 **(BACKGROUND CHECKS – Crewmembers/Officers)**	
▪ Cruise line industry should maintain a "blacklist" database of terminated employees, including criminal histories and reports of incidents on other cruise ships to avoid dangerous or criminal crewmembers from working in the industry and transferring from one ship to another.	K. Carver
▪ The benefit would be fewer claims to benefit the cruise lines, citing Janet Kelly's case as an example.	J. Walker
▪ Question: How would we to create this type of a database?	T. Dale
▪ Agreed with this point, IF a 'Black List' is legal. ▪ RCCL has a 'Watch List', but if this list is shared, that's the issue, as the law does not currently allow it. ▪ Under maritime law, cruise ships do not need specific reasons to fire people and/or not hire them.	G. Bald
▪ Also in agreement on this point, if it's legal; however, Carnival's attorneys seem to feel that it is illegal and unconstitutional.	T. Winslow
▪ Suggested that this language could be built into the employment application.	K. Carver
▪ Answer: A contractual waiver would cover this point.	J. Walker
▪ FOLLOW-UP: Agreed to provide T. Dale with the necessary language for the employment contract/application.	K. Carver
▪ This should be part of the pre-employment practice.	R. Klein
▪ "We just need help on the legal part of this, but we agree."	G. Bald

POINT #2 (INTERNATIONAL POLICE/U.S. MARSHALLS)	
▪ Cruise industry needs to regain public trust by making full disclosure of crimes, allowing for immediate response and independent investigation. ▪ To avoid conflict of interest in reporting, investigating, and prosecuting, international police force should be no affiliation with the ship or cruise line. ▪ R. Klein provided ICV with crime rates by cruise line and by ship.	K. Carver
▪ Question: Do other companies post their statistics on the Internet? - 113 sexual assaults = 2 per ship/per year.	G. Bald
▪ Police reports provide Disney and Marriott information upon request – ICV has the right to post it.	K. Carver
▪ Stated that they both recognize specific ships that have higher crime issues than others.	G. Bald T. Winslow
▪ Was unsure of the purpose of this point – Just needed to understand.	T. Dale
▪ This would increase the rate of prosecution.	K. Carver
▪ Stated that he did not previously understand this point, but the explanation was helpful. ▪ Explained that the FBI categories "do not fall into one bucket", e.g., fraud, drugs, etc. - FBI has a method of calculating rates with multiple categories of crime ▪ Suggested that ICV revisit this issue with the FBI to obtain a full breakdown of 'crimes on the high seas."	G. Bald
▪ Suggested a group meeting with the FBI to have this dialogue (breakdown of 'crimes on the high seas').	T. Dale
▪ Suggested that the groups put the FBI stats aside for now, as this is not the main topic of the meeting.	S. M. Pham
▪ Question: What is your position on Independent Security?	L. Hudson
▪ Answer: Stated that, at first, he did not understand this point, but now realizes that it relates to conviction and successful prosecution.	G. Bald
▪ Reviewed Salvatore Hernandez's 3/27/07 statement, regarding 258 cases: - 184 or 71% occurred aboard a cruise ship - 84 or 46% involved employees, as suspects	R. Klein
▪ "From a concept standpoint, we all want the same thing."	G. Bald
▪ Stated that there is a difference between crime and disappearance, which are not publicly disclosed. - There needs to be transparency, e.g. the Carnival passenger who went missing.	R. Klein
▪ Based on that particular passenger, Carnival was unable to locate the family.	T. Winslow
▪ One of the challenges that the cruise lines face is the Coast Guard releasing information to the public, prior to the family being notified.	G. Bald
▪ Not all disappearances are crimes, but would like to distinguish between types of disappearances.	R. Klein
▪ Protocol should be to address the issue immediately and not allow other passengers to leave the ship, who may have seen something.	S. M. Pham
▪ Both agreed that the investigations should be immediate and before the families are notified. (Note: They were previously referring to the Coast Guard releasing information to the public, before families were notified.)	G. Bald T. Winslow

▪ The search for a missing passenger begins before the Coast Guard & FBI are notified. - Example: 2-3 people go "missing" on a cruise ship each day, but are later found sleeping or lost.	G. Bald
▪ Suggested 'Hot Lines' for passengers to report these types of issues.	K. Carver
▪ Would like to see a 'Command Center', instead of the current process of directly contacting the bridge/captain. - Currently reviewing policies and procedures in Miami for security logs, reporting and auditing. - Command Centers are being addressed for 'new' ships, similar to conference rooms, but to do this on existing ships is difficult, due to space availability.	G. Bald
▪ Has no control over the FBI, as to whether they choose or choose not to investigate an alleged crime.	G. Bald
▪ The FBI has a tendency to take the approach NOT to investigate a crime, when it is sometimes influenced by the ship's view of the incident.	J. Walker
Independent police would resolve this issue, citing that the airlines use this method as a resolution.	K. Carver
POINT #3 **(SECURITY – Crime Scenes)**	
▪ This point relates to securing crime scenes.	K. Carver
▪ Agrees with this point – Wants to be sure that ALL cruise lines have an industry-wide procedure on this particular issue and are currently working towards this.	T. Dale
▪ Current Security Personnel have a background in law enforcement and security. ▪ Contact local authorities on how to proceed with the necessary steps, before law enforcement comes onboard. - Agreed with all of the steps in POINT #3 – All of these steps are valid - In general, all points are being addressed.	T. Winslow
▪ Also agreed with POINT #3; however, this is not an 'end-state'. ▪ Stated that this is a practice that continuously needs to be addressed. ▪ Does not disagree with any of the steps, except for "Step E – Properly bagging and securing such evidence", unless directed by the FBI and under their step-by-step direction.	G. Bald
▪ Addressed the issue of private security functions and procedures ▪ American Society for Industry Standards (ASIS) is a universally recognized organization, which helps develop a protocol and will assist a cruise line sub-group - The cruise line would need to fund this to develop 'situational' procedures - Benefit: CLIA and each cruise line could sign a compact to abide by these developed standards. - Written standards would be developed specifically for the cruise line industry.	P. Gerson
▪ Agreed that this was a "good idea" ▪ Question: Would ASIS review the current standards?	G. Bald
▪ Answer: Explained that the cruise lines would first need to front the $$. ▪ ASIS would work with cruise line security in the development of these standards.	P. Gerson

▪ Both felt that is was a good idea/recommendation.	T. Dale T. Winslow
▪ Question: Are cruise ship security officers 'certified'?	L. Hudson
▪ Answer: Security officers go through training, but there is no certification.	G. Bald
▪ 'Certified Training' is a possibility by working with ASIS to obtain this certification and keeping it current.	T. Dale
POINT #4 **(STRUCTURAL ENHANCEMENTS)**	
▪ Railings should be an obstacle, making it difficult to fall overboard.	K. Carver
▪ Question: Difficult for falling or climbing over?	G. Bald
▪ Answer: Both - Suggested a study be completed on the height of the railings. ▪ ICV recognizes that cruise ships cannot be made foolproof for people seeking to commit suicide, but additional barriers can discourage it and prevent accidents.	K. Carver
▪ Question: How do we define 'success'?	G. Bald
▪ Cited two incidents: Daniel DiPiero and Lynsay O'Brien, as examples of passengers falling over rails due to alcohol. ▪ Consideration should be made to designing rails to avoid passengers falling overboard while nauseous.	J. Walker
▪ Commented on this point, stating that there has never been 'overboard' design criteria on the current ships, but it can be addressed in the design criteria of the NEW ships… and quantified with a justification that 22 people went overboard. ▪ Experts should be involved in this solution.	P. Gerson
▪ Despite alcohol intake, there is an obligation of 'reasonable' care on the part of the cruise lines.	J. Walker
POINT #5 **(VIDEO/SURVEILLANCE CAMERAS)**	
▪ There are limitations to this, but is conversing with Carnival and seeking a solution.	G. Bald
▪ Of the 50 cases among several cruise lines, no video tapes have ever been provided; however, in the case of Daniel DiPiero when the video tape benefited the cruise line, the tape was available. ▪ Questioned the remaining tapes that were never made available in other cases, including the industry's policy for retaining tapes. ▪ RE: Accountability – Violators are still employed	J. Walker
▪ Stated that he was unsure why the tapes were never made available. ▪ Is also questioning the accountability aspect – Unsure of the policy for not sharing the videos. ▪ Will do his best to have more surveillance camera. ▪ There is a cost ($$) factor for retaining tapes: - Analog vs. Digital – Analog is less costly - Retaining tapes for 6 months is unaffordable. - Huge expense associated with preserving 'digital' videos	G. Bald
▪ Italian ships require destruction of tapes at the end of the cruise. ▪ This is very challenging and varies by cruise line.	T. Winslow

▪ Since we are advancing towards digital technology, this issue needs to be addressed by the cruise line industry.	P. Gerson
▪ Question: Which incidents rise to the level of liability?	R. Klein
▪ If maintaining tapes is the issue, due to limited space on the ships, suggested the following solution: - A record of the incident should be made - The video tape(s) should be preserved - Video tapes should be reviewed 'on land'	P. Gerson
▪ Question: Do we have a commitment that victims or the families of victims will have a right to the tapes? And will you be checking on this?	K. Carver
▪ Answer: YES – All in agreement - Will be getting back to ICV on this point.	T. Dale/G. Bald & T. Winslow
▪ Monitoring drinks/alcohol intake - Currently, there appears to be no standard for alcohol service on cruise ship. - Cited the Lynsay O'Brien (a minor) incident - After a certain amt. of drinks (short time frame), the card should prompt an alert.	K. Carver
▪ Agreed that technically is possible for providing an alert, e.g., a pop-up screen for the bartender. - Has no disagreement on this merit. - RCCL is working in this direction.	G. Bald
POINT #6 **(ACCESS/SECURITY BRACELETS)**	
▪ Under the age of 12-years old, minors now wear wristbands. - Minors only - Not offered to adults at this time - Only when in the care of "babysitters" or youth programs ▪ RE: Bullet 'C' – Stated that technology is not currently where it should be - Agreed - Needs to review the feasibility from a technology standpoint.	G. Bald
▪ Age 12 may not be the appropriate threshold (Too low)	K. Carver
▪ Comment: The message to parents should be, "You don't stop being a parent, when you step onto a cruise ship." ▪ Agreed to review the threshold age for minors to possibly expect it beyond the age of 12	T. Dale
▪ Children in cabins is one of the most dangerous issues	J. Walker
▪ Monitoring is possible in confined areas with wristband, but not in ALL areas, due to technology issues.	G. Bald
▪ Will be taking steps in reviewing the alcohol crimes that involve crewmembers.	G. Bald
▪ Stated that two (2) more investigators have been hired – Both with law enforcement experience: - Expected to be onboard in Miami with the next week, reporting directly to him	G. Bald
▪ Investigators - This hold true for Carnival, as well, regarding those who fly out to reported crime scenes.	T. Winslow
▪ Continuously receives information from victims - Offered to provide the cruise lines with such information without releasing the victim's identity	R. Klein

▪ Unanimously accepted Ross Klein's offer to receive information obtained from anonymous victims.	T. Dale/G. Bald & T. Winslow
▪ Wristbands for minors (and elderly): - Should NOT be limited to just minors, but also to elderly passengers - This would provide families with a level of comfort. - Suggested offering the wristbands on a voluntary 'pay for service' basis.	P. Gerson
▪ Cost of wristbands - Not the issue - Pertains to the areas of sensor coverage, which is very costly	G. Bald
▪ Agreed to research this point; however, this would need to be piloted to determine the cost-effectiveness.	T. Winslow
▪ Accountable to RCL shareholders: - Must justify the cost of the technology ($2 million? $4 million?) ▪ Needs to prioritize the delivery of some of these points: - Some can be addressed immediately - Four (4) points can be resolved quickly vs. high technology-expensed items.	G. Bald
POINT #7 **(MISSING or OVERBOARD PASSENGERS)**	
▪ Suggested dropping a GPS buoy, when a passenger has fallen overboard.	K. Carver
▪ GPS Technology – Does not exist for cruise ships ▪ Thermal-imaging is available (Infrared cameras) - Currently being researched and expected to be piloted by Carnival	G. Bald T. Winslow
▪ Although this will not stop people from going overboard, it will assist the cruise lines with locating them.	G. Bald
▪ Question: What about dealing with this issue in-between, now and before the technology is available?	P. Gerson
▪ Posting signage – "DO NOT LEAN OVER RAILINGS" or other warnings, disseminating this information to passengers (e.g., daily newsletter, leaflets delivered to staterooms)	R. Klein
▪ This could begin with the 16,000 travel agencies – A 'pre-safety' warning	T. Dale
▪ RCCL should address both the successes and failures of the cruise line industry vs. saying 'nothing'.	J. Walker
POINT #8 **(MEDICAL CARE PROVIDED to PASSENGERS)**	
▪ Explained that RCCL updates the capabilities of hospital along the cruise route. - Doctors determine if a passenger is better served in the hospital or on the ship.	G. Bald
▪ Stated that 'good image' should be → "We hired the doctor, therefore, we are responsible."	K. Carver
▪ Both representatives stated that this particular topic is outside of their realm of expertise.	G. Bald
▪ Question: Where are we deficient in our medical services?	T. Dale

▪ Without specifically discussing any pending cases of his clients, responded with the following comments: - Cruise lines provide no alternatives - Although there are many skilled doctors, there are many who are not - Pharmacology the doctors should be as good as hospitals - Suggested expanding the scope and quality of the medical services, e.g., dining rooms, swimming pool areas, fitness centers, etc. ▪ Air-ambulance Insurance (air rescue) - Why not offer this as an alternative? - It would be profitable and a comfort, particularly to elderly passengers (65+)	P. Gerson
▪ Supported the Air Rescue suggestion ▪ Explained that he flies overseas regularly and always opts for 'evacuation' insurance.	S. M. Pham
▪ There is a need for passengers to be further educated to understand the medical limitations of a cruise ship, e.g., surgery is not possible.	R. Klein
POINT #8 – Continued **(RAPE KITS/RAPE REPORTING)**	
▪ Rape victims should be given a 'hot-line' ▪ Some victims have even attempted suicide, as a result of a rape and the manner in which it was handled.	K. Carver
▪ Agreed with this point. ▪ Every doctor is being retrained to use rape kits and NOT to turn a passenger away in any reported incident. ▪ Problems do stem from the victim and alleged assailant being in 'alone' situations, which is a difficult situation for prosecution and conviction of sexual assaults - It's a matter of she said/he said - She claims rape, while he claims consent.	G. Bald
▪ The problem involves the doctors, who produce their reports AFTER the cruise line attorney have interjected their thoughts/suggestions. - This distorts the medical relationship between the doctor and the rape victim, as well as the confidentiality.	J. Walker
▪ Relating to this issue, cruise line attorneys no longer join the ship after a sexual assault. ▪ Medical oversight is being addressed and will change (unable to comment on these changes at this time).	G. Bald
▪ The National Center for Victims of Crime (NCVC) - This organization is nationwide, where a women's advocate is available immediately to assist with the trauma of a rape. - NCVC is the leading organization for rape victims, including children who have been assaulted by pedophiles. ▪ The cruise lines need to "get up to speed" with land-based society.	P. Gerson
▪ In the last 4 months, RCCL and Carnival are addressing rape victims ▪ Now provide a female advocate	G. Bald T. Winslow

▪ Rape victims also deal with the aftermath of the rape: - FBI is too busy - Attorney General is too busy - Cruise line attorneys rake them over the coals - Due to this, rape victims are victimized all over again ▪ Appropriate action would be for penalties to be imposed, resulting in imprisonment.	K. Carver
▪ Unless the crewmember/rapist is jailed, the progress with the message will not be heard.	J. Walker
▪ Shore-side VS. Sea-side ← There is a difference - It's admirable that RCCL and Carnival are attempting to bring sea-side up to shore-side vigilance. - Cruise lines need to build bridges to make sea-side the same, since shore-side is the mainstream process. ▪ Lawyers prosecute based on the consent and direction of their clients. - Cruise line industry attorneys have been brutal with rape victims and should take a more humane approach in the treatment of victims in litigation process. - This performance should addressed with cruise line intervention to eliminate such tactics during the depositions.	P. Gerson
▪ This issue has been addressed with RCCL's General Counsel - A result of Laurie Dishman's case	G. Bald
▪ Female crewmembers have also been victimized, sent back to their countries (different cultures), and do not have the benefit of calling their local congressmen.	J. Walker
▪ There are also 'male' victims; however this is much less visible.	R. Klein
▪ Cruise lines have a higher burden to address vs. Dealing with US citizens, based on educational background vs. All foreign countries from which crewmembers are hired. ▪ Cruise lines should be taking the necessary steps to bridge the cultural gaps, as this is the price of the nature if the industry.	P. Gerson
POINT #9 **(EXCURSIONS – SOLD & PROMOTED)**	
▪ Questioned the safety of cruise line excursions. - Examples cited: Nancy Nelson's husband and Kenneth William's family - If cruise ship is not liable, there should be a full disclosure to passengers. - Cruise ships must take an active approach to monitoring, inspecting, and overseeing third-party excursions.	K. Carver
▪ Excursion companies are required to be insured and licensed.	G. Bald
▪ Companies are subject to on-the-spot inspections.	T. Winslow
▪ Issue: Passengers' perception is that the cruise lines are responsible and stand behind the safety of the excursion.	R. Klein
▪ Agreed that cruise lines should accept responsibility for these issues by exercising some controls.	T. Winslow

POINT #10 (CRUISE LINES' ACCOUNTABILITY & U.S. CONGRESS INTERVENTION)	
▪ It's great to claim that the cruise lines will comply with all of these points, but there should be accountability and legislative intervention. ▪ ICV wants legislation passed requiring cruise ships to adopt new security measures to protect passengers.	K. Carver
▪ Question: To what are you referring? (Trying to understand the concept)	G. Bald
▪ Answer: Reporting information should be required, not voluntary Examples: Incident disclosure laws, maximum time frame for reporting incidents - Penalties for non-compliance - Fines should be imposed for failing to comply within specific time frames. - Certification of preserving evidence of a crime	K. Carver
▪ "As soon as possible" without time frames does not provide for penalties, due to interpretation.	R. Klein
▪ Stated that "One of the things to be careful of is not to break the business model." ▪ Agreed that there should be penalties, but should be thought through 'together'. - Suggested working together to make this happen - Since Shay's bill would fine the Captain, if procedures are not followed, it would make it more difficult to obtain Captains and could be devastating to the cruise line industry.	G. Bald
AUGUST 14TH MEETING (Scheduled by CLIA)	
▪ This meeting is intended for survivors of RCCL and Carnival, as well as ICV victims. ▪ To-date, no agenda has been prepared	T. Dale
▪ Anticipating a 'give and take' dialogue and interaction with more victims	G. Bald
▪ Again, recapped ICV's history of how and why the organization was formed - Resulted in the 10-Point Plan, the collective input from ICV victims	K. Carver
CLOSING COMMENTS & QUESTIONS	
▪ Questions: - What is your opinion of what legislation should be? ("An industry response") - "This is what we think legislation should be...." - What are your Likes vs. Dislikes, relating to Shays's Bill? - What will be the policies to address victims, e.g., victims' advocates? ▪ Requested responses to these questions within a short period of time.	P. Gerson
▪ No responses will be submitted until after the August 14th meeting.	T. Bald
Meeting Adjourned – 3:30pm	

Cruise Survivors & Cruise Industry Meeting
August 13-14, 2007
Hilton Miami Airport Hotel

At the August 14 meeting of survivors and cruise industry representatives, survivors were encouraged to share their experiences and provide ideas and suggestions for improving cruise ship security and support to survivors. The meeting was facilitated by the Family Assistance Foundation and attended by 28 industry representatives and 18 survivors and/or family members.

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This meeting summary focuses on the ideas and recommendations that were put forward, as well as updates the industry reviewed with the participants. Some of the family members provided handouts during the meeting to the group and many of their ideas have been incorporated in the summary below. For convenience, the ideas discussed are categorized by topic.

Additionally, Ken Carver presented a 10-point plan developed by the ICV that has been discussed at length with CLIA prior to this meeting, in Washington, DC in July of this year.

The following recommendations were provided by the survivors and family members:

Prevention/Security

- Advocated use of additional video surveillance equipment on board all vessels.
- Encouraged use of technology that would alert shipboard personnel that someone has fallen overboard; SPIDER, GPS alarms, security bracelets for children/Amber Alert.
- Passengers place trust in the cruise lines and therefore the companies should be rigorous in vetting of tour/excursion operators for which the ships sell tickets. The cruise lines must be held responsible/accountable for the safety of passengers participating in excursions the cruise lines are promoting/selling.
- Because passengers depend upon the cruise lines for important information, the ships' crew should monitor weather reports for excursions and provide this information along with recommendations to passengers. The cruise lines should also consider providing advice to passengers on appropriate safety measures that should be considered for all shore excursions.
- Securing/preservation of crime scenes needs to be paramount to maintain the integrity of evidence.
- Industry should consider structural enhancements on board all vessels (i.e. railing heights, installation of glass walls on balconies, etc.).
- Cruise lines should conduct appropriate background checks when hiring crew members to ensure trustworthiness.

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Training

- Industry needs to improve training for shipboard personnel so that all crewmembers know proper protocols and general procedures when an emergency situation arises. This should include role-playing in emergency response situations.
- Proper and timely reporting of all incidents to FBI, Coast Guard, and International authorities at time of incident (shipboard and shore side); especially with man overboard situations and sexual assaults. In the case of an assailant being apprehended or charged, there needs to be greater prosecution of these cases.

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Family Support

- Cruise lines should reach out to family members and offer guidance and support in the immediate time after an incident and then throughout the process for a reasonable period of time.
- Cruise lines should provide an information package to family members offering guidance & information on legal, financial & estate issues resulting from the death/loss of a loved one (i.e. Presumptive death certificate issues with insurance companies, contact with U.S. embassies or consuls).

Communication

- Cruise lines need to provide open and honest communication with family members who have experienced a loss or survived a traumatic event on board.
- Cruise lines should contact families immediately upon news of an incident and when an emergency takes place, providing strong support and care to the families should be a priority for the ships' personnel and for cruise line companies
- Cruise ship staff should not treat reports of sexual assault and felony claims in a routine manner and the industry should instruct on-shore and off-shore personnel to handle these incidents with greater sensitivity and compassion. Each incident should be handled on a case-by-case basis.
- When a loss/death has occurred, a cruise line has a responsibility to ensure no further communications regarding promotional offers or offers for purchase of a future cruise are sent out to deceased passenger or surviving family members.
- Cruise lines need to be more sensitive in their communications with the media concerning these incidents; take into account the feelings of the families impacted by these events.

Medical Care

- Cruise line staff should make note of guests boarding who might require medical attention and staff should monitor these guests throughout cruise.
- Shipboard medical personnel should receive proper training to handle all incidents.
- Medical personnel on board should reach out to victims and any accompanying family members at the time of an incident and provide appropriate medical attention.
- Consideration should be given to providing access to defibrillators on off-site excursion sites.
- Pelvic exam kits should be maintained on all cruise ships for immediate use upon receipt of complaint.

Responsibility/Accountability

- Cruise lines should be held responsible for safety and security of passengers participating in shore excursions/tours conducted by independent contractors/operators.

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The cruise industry reported on the following specific improvements, which have either been implemented or are currently under review for future use by the industry:

Security

- While the cruise lines are highly competitive by nature, when it comes to security and safety, there is no competition. The companies share considerable information and exchange ideas about technology and processes that might improve security.
- The cruise industry has significant surveillance and communications systems onboard its ships. These systems are upgraded as new and beneficial technologies are developed. Some of the newest technology being tested in an effort to detect the body heat of an individual who is overboard includes infrared and thermal imaging camera systems. These systems, in combination with potential application of other technologies, are being considered as possible ways to alert the bridge in the event that a person is detected going overboard.
- Cruise lines have corporate security training that is conducted for their security officials. Federal and local law enforcement officials conduct certain training modules and these are videotaped when appropriate so they can be shared with others within the cruise line and throughout the industry.
- Regular training of all shipboard crew is being conducted – including role-play based training, crime scene preservation, taking statements, etc.
- The cruise industry focuses on recruiting persons with previous law enforcement, military, or similar experiences to fill security positions on cruise ships.
- Employees are recruited from licensed manning agencies in their own home countries that have a stake in providing quality and well-trained crew. Each crewmember employed on a cruise ship must undergo a layered vetting process.
- Cruise lines have a mandatory requirement that all incidents be reported with timeliness and accuracy to the appropriate agencies.
- The industry is working together to institute best practices and consistency in managing these incidents.

Guest Assistance Programs

- Guest Care Teams have evolved significantly and now become active in handling the unexpected, and sometimes tragic, occurrences that result from medical and bereavement debarks, missing persons situations or any other type of traumatic instance where guests may need emotional and practical support.
- When professional counseling services are necessary, the cruise lines are availing themselves of mental health professionals who can offer telephonic or on-site support with relatively short notice.
- All CLIA members recognize the importance of treating any tragic event with compassion and sensitivity.
- Medical guidelines have been established in conjunction with the American College of Emergency Physicians.
- Training of medical personnel in managing the care of sexual assault victims is a high priority.

CLIA expressed its desire to establish a working group to continue a dialogue on solutions. The details of this working group will be forwarded once they are finalized.

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<#>Proper and timely reporting of all incidents to International police, Coast Guard, FBI – all appropriate agencies at time of incident (shipboard and shore side); especially with man overboard situations and sexual assaults. In the case of an assailant being apprehended or charged, there needs to be greater prosecution of these cases. ¶
<#>Cruise lines should install additional video surveillance equipment on board all vessels;¶
<#>Industry should aggressively move to take advantage of existing technology that can provide the capability of alerting shipboard personnel that someone has fallen overboard; thermal imaging technology, GPS alarms, and security bracelets for children/Amber Alert were all specific technologies mentioned.¶
<#>More rigorous background checks should be done on all personnel hired shipboard; ¶
<#>Security/preservation of crime scenes needs to be paramount to maintain the integrity of evidence.¶
<#>Industry should consider structural enhancements on board all vessels (i.e. railing heights, installation of glass walls on balconies, etc.).¶
<#>It should be standard that rape kits are made immediately available to victims. ¶

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<#>Industry needs to improve training for shipboard personnel so that all crew members know proper protocols and general procedures when an emergency situation arises. This should include role playing in emergency response situations.¶
<#>Proper reporting of shipboard incidents and resulting protocols should be followed by all personnel; security of crime scene, preservation of evidence. Training for these kinds of matters should be rigorous and regular.¶
<#>Shipboard medical personnel should receive proper training to handle all incidents.¶

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<#>Cruise lines should be held responsible for safety and security of passengers participating in shore excursions/tours conducted by independent contractors/operators;¶
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Page 3: [1] Deleted **Linda** **8/16/2007 10:04:00 AM**

Responsibility/Accountability

Cruise lines should be held responsible for safety and security of passengers participating in shore excursions/tours conducted by independent contractors/operators;

Cruise line management has a responsibility to provide open and honest communication with family members who have experienced a loss or survived a traumatic event on board, and follow this care through to satisfaction of surviving family members.

DiPiero, Sue

From: TERRY [TDALE@cruising.org]

Sent: Wednesday, August 29, 2007 8:24 AM

To: cypriot77@aol.com; cel@casnetworks.com; jenniferhagel@yahoo.com; visioneee@aol.com; kcarver17@cox.net; kimsgreeneyes@aol.com; nancyn@vwti.com; rgangl@fredlaw.com; shannon.nowlan@gmail.com; smp@usasiagateway.com; DiPiero, Sue; mcmudgie@yahoo.com

Cc: Linda Sodaro

Subject: CLIA Survivor Working Group

As we discussed on August 14th, CLIA is establishing a CLIA Survivor Working Group to facilitate a continued and structured dialogue among survivors of incidents on cruise ships and representatives of CLIA member cruise lines and CLIA management. Issues of common concern will include: how cruise lines respond to allegations of crime or tragedies involving the safety, health and welfare of cruise passengers. Among the topics that will be addressed are enhancement of cruise ship security and safety, prevention measures, vetting of shore excursions, training of staff, timely reporting of incidents to law enforcement, preservation of evidence, appropriate communications, and care and assistance provided to those in need.

Additional details of this Working Group include:

One year appointment.

Quarterly meetings to include a combination of face-to-face and conference calls.

Cruise industry will cover the travel and participation expenses incurred by the Working Group.

Selection of Working Group members will be based on achieving a broad range of personal experiences so that all voices are heard.

If you are interested in being considered for this Working Group, please email Linda Sodaro at lsodaro@cruising.org by September 7th, 2007. CLIA will be in contact with you shortly to update you on the Working Group selection process.

Thank you for your consideration of this important invitation.

Sincerely,

Terry Dale

STATEMENT OF SALVADOR HERNANDEZ
DEPUTY ASSISTANT DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION
SEPTEMBER 19, 2007

Good morning Chairman Cummings, Ranking Member LaTourette, and Members of the Subcommittee. I appreciate the opportunity to be here today to provide an update on the FBI's work with the U.S. Coast Guard, the cruise line industry and the victims of cruise line crime regarding crime aboard cruise ships.

Reporting Agreement

I testified earlier this year that, after many months in development, in March 2007, the FBI, the U.S. Coast Guard and the Cruise Lines International Association (CLIA) reached an agreement on voluntary, standardized protocols for CLIA member lines to report allegations of serious violations of U.S. law committed aboard cruise ships. These reporting procedures are in addition to, but not in lieu of, the mandatory reporting requirements, e.g., the requirements of 46 Code of Federal Regulations (CFR) Part 4, or the requirements of 33 CFR Part 120. Further, this reporting does not replace or override any agency responsibilities and coordination mandated by the Maritime Operational Threat Response Plan.

Incident Statistics

Pursuant to the agreement, on April 1, 2007, the FBI began collecting and tracking the incident reports submitted by CLIA member lines. I would like to take a few minutes this morning to report on the results of this effort. Through August 24, 2007, the FBI received 207 reports from CLIA members. Many of these matters did not require criminal investigation and as such, should be viewed as "incident reports" not "crime reports." For example, reports were received of attempted suicides of passengers, as well as matters with purely civil implications.

Sixteen, or 8%, of all reports involved incidents that occurred while a passenger was ashore outside of the United States and, therefore, outside the jurisdiction of the FBI and other U.S. law enforcement. For example, a passenger reported that he was robbed by two subjects in a vehicle while ashore in the Bahamas. In matters such as these, the reporting agreement holds that, although cruise lines may report incidents which occurred outside of the United States' jurisdiction to the FBI, they are not required to do so.

Of the 207 incident reports received by the FBI, 39 incidents, or 19%, were responded to and/or investigated by law enforcement other than the FBI. These law enforcement agencies included local police departments in the United States, as well as foreign law enforcement agencies. Nineteen reported incidents occurred while the ship was docked. In the United States, the jurisdiction over an event that occurs aboard a vessel generally lie with the state in whose waters the vessels are moored. Accordingly, a report of a theft of items estimated at $30,000 which was stolen while a ship was docked in Galveston, Texas, was investigated by the Galveston Police Department.

In further breakdown of the incidents that were reported to the FBI during this initial reporting period I provide the following: The agreement with CLIA and the U.S. Coast Guard lists eight categories of incidents which are to be

telephonically reported by CLIA members to the nearest FBI field office or Legal Attache office. These matters -- homicide, suspicious death, missing U.S. National, kidnapping, assault with serious bodily injury, sexual assault, firing or tampering with vessels, and theft greater than $10,000 -- involve potentially serious violations of U.S. law and are to be called in to the FBI as soon as possible following the incident. After telephonic contact, CLIA members are instructed to follow-up with a standardized written report. All other, less serious matters are reported under a general "other" category and are brought to the FBI's attention by submission of a written report.

During the first five months of reporting under the agreement, there were no reports of homicide, suspicious death or kidnapping aboard CLIA member ships. There were four reports of missing U.S. Nationals. Of these four reports, one involved a husband and wife who took most of their belongings with them and chose not to re-board after docking at a foreign port. The three remaining reports involved passengers whose past histories and behavior while on board the ship strongly suggested they had taken their own lives.

CLIA members reported 13 assaults with serious bodily injury. The FBI opened two investigative cases from these reports, both of which are ongoing. Several matters submitted in the "assault with serious bodily injury" category were, in fact, of lesser seriousness.

The FBI investigates sexual assaults as defined in Title 18 of the United States Code (USC), Sections 2241through 2243 and 2244 (a) and (c). Since April 1, the cruise lines have reported 41 instances of sexual assault. Of these 41 incidents, 19 represented allegations of sexual activity generally categorized as rape, three of which occurred on shore, and, thus, outside the jurisdiction of the FBI. Based on the 41 reports, the FBI opened 13 investigative cases. Five of these cases have been closed for reasons of victim reluctance to pursue

prosecution or prosecutive declination from the United States Attorney's Office. Eight investigations are ongoing.

During this period, there were 13 reported incidents of theft of more than $10,000. Nine of these incidents involved jewelry, two involved cash, one involved miscellaneous items from onboard shops, and one involved food products.

There was one report of firing or tampering with vessels.

The remaining 135 incident reports, or 65% of all reports, involved less serious matters such as simple assault, low-dollar loss theft, fraud, suspicious activity, bomb threats, sexual contact, or activity that was not criminal in nature. Sexual contact, defined in 18 USC 2244 (b) as, essentially, uninvited touching of a sexual nature, made up 28 reports. Thirty-six of the 135 reports involved simple assault matters to include punching, slapping or pushing actions, and 41 reports related to theft of less than $10,000.

Incidents on board ships when investigated by the FBI are documented through investigative files under the "Crimes on the High Seas" classification. Of the 207 incident reports, the FBI opened 18 investigative files. This number is consistent with the number of "Crimes on the High Seas" cases opened annually for the past five years.

Based on my personal involvement in the matter of cruise ship crime reporting over the past year, and the fact that many reports we have received during the first five months of reporting fall outside FBI jurisdiction, do not constitute crimes under U.S. law, or are less serious than characterized by the cruise lines, it is my belief that CLIA member cruise lines are generally making a good faith effort to report all crimes, or allegations of crime, set out under the agreement.

Coordination with CLIA and the International Cruise Victms' Association

I would like to briefly update the Subcommittee on other matters which the FBI has undertaken in support of its role in investigating crimes aboard cruise ships. Since I last testified, the FBI has met again with members of the International Cruise Victims' Association. Kendall Carver, whom you will hear from later today, came to FBI Headquarters in July accompanied by two members of his group. I met personally with Mr.Carver and his associates to hear their concerns and to explain the work being done by the Coast Guard, CLIA and the FBI regarding cruise ship crime reporting. Over the past six months, my associates at the FBI and I have met or spoken with CLIA and the Coast Guard regularly to check progress on our reporting protocols to refine those protocols where necessary.

Training

Finally, a note about proactive steps being taken by the FBI and CLIA. When I last testified, I described the training provided by the FBI's Regional Evidence Response Teams (ERT) to cruise line Staff Captains and Security Managers over the last three years. The FBI's ERT Unit in Quantico, Virginia, has recently completed a universal PowerPoint presentation for evidence preservation. This training will be made available to the cruise line industry in the near future.

In closing, the FBI is committed to continuing its work with the cruise line industry, the U.S. Coast Guard and victims' groups to ensure full reporting of crimes aboard cruise ships and to facilitate more effective first response to such crimes. Thank you Chairman Cummings and members of the Subcommittee for the opportunity to testify today. I am happy to answer any questions you may have.

TESTIMONY OF LYNNETTE HUDSON
BEFORE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

"CRUISE SHIP SECURITY PRACTICES AND PROCEDURES"

HEARING SCHEDULED
Wednesday, September 19, 2007 -- 11:00 a.m.
Rayburn House Office Building
Room # 2167

Lynnette Hudson
204 Corinthian Drive
Bear, Delaware 19701

Tel. No. (302) 383-3195

Statement of Lynnette Hudson - Bear, Delaware

Hello, I would like to start by thanking Chairman Cummings and the entire Subcommittee for inviting me to testify today concerning Cruise Ship Security Practices and Procedures. I would also like to take this opportunity to personally thank my Congressman, Mike Castle, for his continual support of legislation to protect Americans on cruise ships. Today, I have been provided with a unique opportunity to share my experiences surrounding the death of my father on board a cruise ship. I hope that my testimony will bring to light the necessity of viable safety practices and procedures to eliminate or at least minimize death, injuries and crimes at sea. I am here today on behalf of my father, Richard Liffridge, who died on March 23, 2006 while taking what he believed to be a safe and enjoyable vacation on the Star Princess. In addition, I am also representing the International Cruise Victims Association (ICV), which is an organization formed by grieving family members and victims who have unfortunately experienced preventable tragedies while on cruise ships.

Before I explain the events of that fateful day in March 2006, that changed my life forever, I would be remise if I did not tell you about my father. Richard Liffridge was a devoted husband, father, grandfather and great-grandfather. After 20 years of honorable military service, he retired from the United States Air Force. His Air Force career allowed him to travel to places he might not have otherwise seen such as France, Germany and England. He proudly served his country in the Vietnam and Korean wars. After retiring from the Air Force, my father ironically worked for the Federal Emergency Management Agency (FEMA) for a number years. He subsequently retired and relocated to Locust Grove, GA, to realize his life long dream of retiring in a stable environment while enjoying the company of his family and friends. My father was a dedicated and committed member of the Masons. The Masons are the oldest and largest world wide fraternity dedicated to the brotherhood of man.

On March 19, 2006, my father, his wife, Victoria, and two other couples boarded the Star Princess at Fort Lauderdale, Florida. The three couples planned the seven day cruise to celebrate their collective birthdays. My father had just turned 72 years old eight days prior to their departure. This was his first cruise and he anticipated relaxing and enjoying the company of his wife and close friends. However, during the early morning hours on March 23, 2006, a fire erupted on the eleventh floor deck area of the cruise ship, which then quickly spread to the upper decks severely damaging approximately 79 cabins. This rapidly moving fire produced a black thick smoke, which was later determined to be the by product of combustible materials used in the partitions and balconies. It took an unconscionable hour and a half to extinguish this on board fire which was later determined to have started as a result of a smoldering cigarette discarded on the balcony of a stateroom.

It was difficult to piece together the actual events specifically as they relate to my father on that terrible morning. The information that was relayed to our family was that my father and Victoria were awakened by faint sounds of an alarm and static over the intercom. Victoria got up to determine the cause of the commotion. Upon opening the room door, she noticed a crew member

knocking on a door across the hall. The crew member did not say anything to her. Victoria then heard one of her traveling companions yelling, "the ship is on fire, the ship is on fire; everyone get out!" Victoria relayed this information to my father and they proceeded to evacuate. While evacuating, they thoughtfully grabbed wet towels to be used as an aid to them in safely escaping the fire. Meanwhile, the thick black toxic smoke began to fill the corridors and seep under the doorway of their cabin.

Once they opened their cabin door, they were unable to see due to dark smoke filled hallway. To escape, they proceeded to crawl on their hands and knees with the wet towels around their faces for protection. Remembering that there was an emergency exit located close to their cabin, they began crawling in that direction. My father was leading the way with Victoria holding on to his T-shirt. They were able to reach the emergency exit door, but could see flames coming from the other side of the door. The corridor continued to fill with smoke and their visibility was zero. Emergency lighting was not visible nor were there any emergency response teams there to assist them.

As the two tried to crawl towards another escape route, the ship shifted which caused Victoria to be thrown to the opposite side of the corridor. Victoria attempted to make her way back to my father but could not locate him. She was unable to call out his name as the smoke began to fill in her lungs. As she tried to reach out for my father, she heard him say, "Vicky, don't let me die." Unfortunately, she was unable to express reassurance to her husband (my father), but she frantically continued to try to locate him in the dark. Despite her tenacious effort, Victoria wasn't able to locate by father. She began to go in and out of consciousness. Thankfully, there were other passengers to assist her in exiting this chaotic area. It was unclear at that time if my father had made it out of the corridor safely. However, as it would soon be painfully discovered, my father was not successful in escaping this enormous on board fire. My father's lifeless body was found inside the corridor on deck 12 outside a stateroom.

Victoria was taken to a muster station where she sat shivering and unattended for an extended period of time. Victoria was told at that time that all passengers were accounted for. When she specifically asked about my father, she was told he was in another muster station.

Approximately nine hours after the start of the fire, I received a heartbreaking phone call from my brother, Phil. He was calling to tell me that there had been a fire onboard the ship and Dad did not make it. Phil had been contact by Victoria, who was being treated for smoke inhalation at a local Jamaican hospital. How could this be? My father was on a luxury cruise with his wife and friends. I felt like my life came crashing to an end. I fainted after hearing the news. When I came to, I was surrounded by my co-workers. After telling them what happened, some of them were already aware of the ship's fire. Someone printed a CNN.com story that said cruise line officials reported my father's cause of death as a "heart attack." That same article provided a toll free phone number for family members of passengers to contact for more information.

I called the toll free number several times, but the cruise line representatives told me that they

were not able to release any information to me. I felt frantic. It was not until I became irate that the representative attempt to assist me. I learned at that time that Princess Cruises had my contact information on file. I was provided with the phone number for the local hospital where Victoria was being treated. After speaking with Victoria, she asked if Princess Cruise line ever contacted me as I was listed as my father's emergency contact person.

In an effort to accommodate the surviving passengers, Princess Cruise line offered a full refund and 25% discount on a future cruise. They also paid to transport travelers home and for lodging during that transition. It is clear that Princess Cruise line made a genuine effort to accommodate those surviving passengers that were inconvenienced by the fire; however, Princess Cruise line would not commit to paying the cost to send my father home. They acted like his death was unrelated to the fire.

Prior to an autopsy being performed, Princess Cruise line repeatedly and erroneously released information to the media that father died because of a "heart attack." An autopsy was performed by the local medical examiner on March 24, 2006, and the official cause of death was determined to be due to smoke inhalation. Even after the autopsy was completed, Princess Cruise line never issued a statement that listed the correct and official cause of my father's death. Six days after the cruise ship fire, there had been no contact from Princess Cruise line. My father's body was still in Jamaica being held up by red tape. It was not until seven days after this tragic fire, that my father's body was sent home.

My father's death raises larger issues for all of us to consider. Contrary to what the cruise lines suggest, fires present one of the greatest threats to cruise ship safety at sea. For example, in an article entitled "Cruise Ship Fires" written by John Nicholson in the National Fire Protection Association Journal (NFPA), he reports that with bigger and bigger ships being built, the potential for disaster due to ship fires is high, particularly with cruising becoming an increasing popular option for a family vacation.

My father's death was due to a cigarette being flicked overboard (hardly unexpected) which landed on a towel or clothing left on the balcony or the balcony furniture which was combustible. The fire was fueled by the highly combustible material used for partitions on the balconies. Some of the cruise lines replaced the partitions which were obviously fire hazards. However, according to a September 13, 2006, Wall Street Journal article, only 36 ships were being "fixed." The Cruise Line International Association (CLIA) has a total of 24 cruise ship companies with hundreds of cruise ships. Some of the cruise lines have not taken steps to eliminate the danger. The low number of ships being "fixed" reflects that the danger of a fire still exists.

Some of the cruise lines have tried to address the problem by implementing restrictions where passengers can smoke or by implementing "no-smoking" policies. The cruise lines acknowledge that these policies do not work. The practical matter is that each day thousands of passengers still stand by the rails flicking their cigarettes "into the sea." In reality, hundreds of cigarettes are being

whipped down into the balconies, where they can be fanned by the wind as the cruise ships sail along at 15 to 20 knots. If the cigarettes come into contact with a towel, the fire can smolder and eventually erupt into a fire. The passengers who sail on the ships do not know which ships have been retrofitted and which ones still have the same type of dangerous partitions and lack balcony smoke/heat detectors and sprinklers. Is this information available to the public? Will CLIA provide it?

Victoria and I met with Princess Cruise line representatives in May of 2007, to find out what changes, if any, had been made to insure that this type of tragedy does not occur again. We were advised that Princess Cruise line retrofitted their balconies with external sprinklers and smoke detectors. This is a responsible first step to protect passengers, and we were encouraged to learn this information. However, we know that other cruise lines have not taken these steps and that CLIA will not do anything to force them to. We are concerned that it is a just a matter of time before another fire occurs.

This is the reason why I joined the ICV, and our family formed a non-profit organization called the "Richard Liffridge Foundation." The foundation was formed to enhance fire safety and regulations on cruise ships. We also created a website, at www.RichardLiffridge.com, to educate the public regarding this danger. By using my father's life as a story, we hope that another family does not experience a similar devastating loss.

The cruise line industry is largely self-regulated and it suffers no real consequences for failing to have comprehensive safety regulations or for not responding quickly in emergency situations. I realize that victims of crime on the cruise ships also experience the same frustrations when cruise lines do not have adequate precautions to protect them from crimes or when they fail to timely and accurately report the crimes. It is important that the ICV continue to act as a watch dog over the cruise lines. We are here asking Congress to enact legislation so that passengers can be safe and the cruise industry can be held accountable when cruise lines act irresponsibly.

During the March 2007 subcommittee hearing, Chairman Cummings made it clear that the cruise lines and the victims need to work together to develop solutions to the current problems facing cruise passengers. Following the hearing, the President of the ICV, Ken Carver, made the initial attempt to schedule a meeting with CLIA. We all knew that Mr. Carver's invitation to the past president of the cruise line trade organization was never accepted or even responded to. The purpose of this renewed effort to meet was to discuss the ICV's 10 point plan and other suggestions and to review CLIA's comments regarding each point. The meeting was not held until July 26, 2007, in Washington, DC. As a Board Member of the ICV, I felt that the process to bring CLIA to the table to seriously discuss issues took too long. Many suggestions were made at the meeting regarding how the cruise industry could improve in areas of safety. Although there was some acknowledgment by CLIA that the ICV recommendations were "good ideas," there was no commitment by CLIA to anything in particular and certainly no agreement to legislation. No follow up meeting was scheduled despite our requests.

Lynnette Hudson

On August 13 and 14, 2007, CLIA held a meeting where they flew certain victims to Miami and paid for them to stay in hotels and took them out to dinner and so forth. There was no agenda provided by CLIA for the meeting. CLIA solicited primarily victims from the ICV, but told them that their legal representatives were not welcome. CLIA also stated that the media was not welcome. At the end of the meeting, CLIA wanted to form an "advisory committee" where they would pick the members themselves. It is unclear why CLIA wants to have a separate "advisory committee" when there is already an organization formed, ICV, which consists of over 200 members and friends. Our collective "advice" is substantial and the result of years of hard work. Why does CLIA want a hand picked "advisory committee," to be wined and dined again in Miami?

I are concerned that there has been no true progress made since the last hearing. If the cruise industry has committed to changes, they have not shared them with the ICV. Are we going to hear of changes at the hearing for the first time? Our ten point program was presented to the industry over a year ago. Where is the cruise industry's written commitment to specific changes?

This is why it is imperative that legislation be enacted. The cruise industry needs an agency to regulate them. CLIA tells us that by the year 2010, twenty million passengers will sail on CLIA cruise ships. Visions of these passengers flicking their cigarette butts over the rails as unsuspecting passenger are asleep in their cabins, with no fire detectors or sprinklers outside on the balconies, instantly comes to mind. I am sure that the current cruise crime victims fear for the millions of new unsuspecting passengers. Undoubtedly, we will continue to see an increase in the number of crimes and victims while vacationing on cruise ships.

Apparently, the cruise industry is content with a 95-96% satisfaction rate of cruise ships returning safely without incidents. This statement was made by Anita Dunham-Potter on CNBC's "On the Money," which left me with the empty feeling that the cruise industry still "doesn't get it." There are many far too many tragic stories that fall into the remaining 4-5%. When the total number of cruise passengers reaches twenty million a year, this 4-5% turns into 800,000 to 1,000,000 passengers. How many of these passengers will be "dissatisfied' because they are a victim of a crime or a ship fire, or a relative of a missing family member left with no answers?

Please help us enact legislation to protect passengers on cruise ships and hold them accountable when they flaunt reasonable and civilized standard of conduct.

The following are my conclusions regarding my father's cruise, which led to his death and caused injury to his wife:

Where the Cruise Line Failed in this Tragedy

- Operating a cruise ship with highly combustible furniture and balcony partitions, with no smoke or heat sensors on the balconies, and failing to have appropriately well trained

rescue personnel who could have saved my father after he collapsed in the hallway.

- Not notifying the emergency contact person or any family member.
- Never contacting the family to advise them of the facts surrounding my father's death.
- Failing to commit to pay for the cost of sending my father home.
- Prematurely releasing to the media my father's cause of death as being a "heart attack."
- Improperly releasing my father's medical information.
- Releasing my father's name to the media prior to any family member being notified of his death.

Not only did Princess Cruise line release private information about my father without the family's permission, it provided false medical information to the media which did not relate his death to the fire that killed him.

It was not until October 2006 that our family learned the details surrounding the cause of the fire and the events that led to our father's death. The fire was investigated by the Maritime Accident Investigation Branch (MAIB) which submitted a 52 page report. During the course of the investigation, the MAIB was made aware of six fires on the balconies of cruise ships during which either plastic chairs or beach towels had caught on fire. Following the fire onboard the Star Princess, a passenger reported that a discarded cigarette had landed on one of the plastic chairs on his balcony and left a burn mark.

Here are some of the areas identified in the MAIB report that contributed to the death of my father:

- The balconies' polycarbonate partitions, polyurethane deck tiles, and the plastic furniture were highly combustible and produced large quantities of very thick black smoke when burned.
- The glass in the doors between the staterooms and balconies were neither fire rated to meet with the requirements of an "A" class division, nor self-closing.
- The balconies crossed main zone fire boundaries, both horizontally and vertically without structural or thermal barriers at the zone or deck boundaries.
- No fire detection or fire suppression systems were fitted on the balconies.
- Access between the balconies was impeded where the keys to the doors in the balcony partitions were not readily available.

- The alleyway doors have a self-closing mechanism. These mechanisms are simultaneously activated when the fire alarm is activated. Some doors were propped open with a wooden wedge. This allowed smoke to reach internal alleyways and accommodation spaces through staterooms via open balcony doors.
- The section leader did not have the master key for certain staterooms which required him to bang on the doors. The section leader was unable to contact the zone commander to inform him about the master key because the telephone lines were busy. This prevented the section leader from informing his zone commander that he had been unable to check the staterooms on the port side of zone 3.
- The ship's medical emergency number was 911. The number was monitored at the customer services desk, which was manned 24 hours per day. The customer services desk was not manned after the crew alert signal was sounded.
- The engine fire party consisted of six members. Five of the party dressed in fire fighting suits and collected their Breathing Apparatus (BA). A sixth member of the BA party had difficulty dressing because his fire suit was too small, and did not collect his BA or the remaining helmet, which contained a thermal imaging camera (TIC). None of the party wanted to wear this helmet because it was considered to be too heavy and cumbersome.
- The primary language used on most of the radio transmissions was English, although Italian was occasional used between the staff captain and the staff engineer, and the staff engineer and some of his team.
- The probability that passengers were still trapped in zone 3 on deck 12 only became fully apparent when the staff engineer recovered two other passengers (who survived) from the forward end of the alleyway. The engine fire party did not leave its fire locker on deck 4 until about 0324, and proceeded to deck 12 via deck 11 then deck 14. The engine fire party would not have arrived on deck 12, zone 3 until about 0335. By this time, the casualties had been in the alleyway for at least 15 minutes.

It is clear that changes need to be made in the areas of fire safety training, emergency response and in the protocol of handling emergency situations. Without these changes, this type of tragedy will likely occur again.

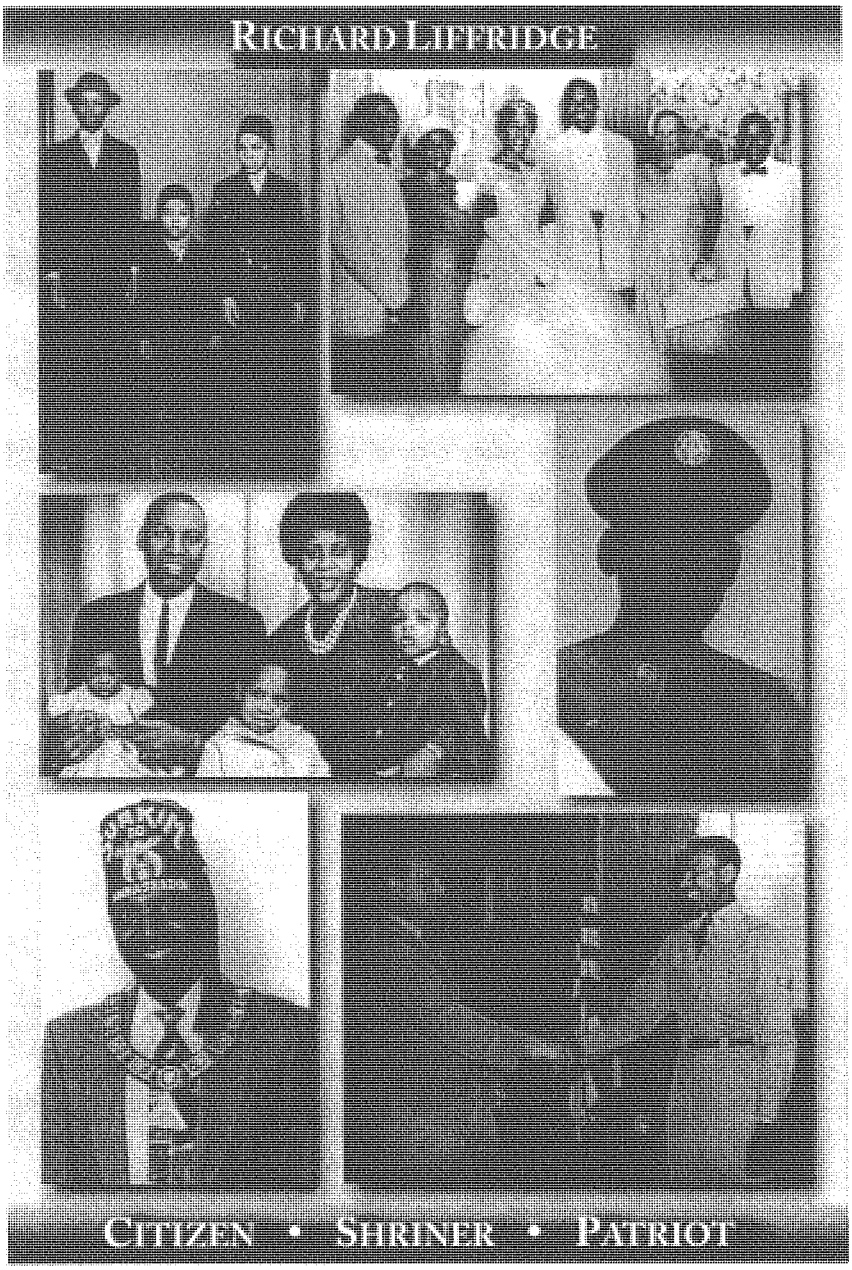
What Changes Need to be Made

- Smoking needs to be banned or restricted to certain areas of the ship, and enforced.
- Emergency Escape Breathing Devices(EEBD) need to be available for passengers and not only crew members. At least two EEBDs in each cabin on the ships. These devices are economical, and would have saved my dad's life.
- The Death on the High Seas Act needs to be amended to allow recovery for the natural grief and sadness of the surviving family members and the pre-death pain and suffering of my father,
- Fire and security training should be conducted regularly.

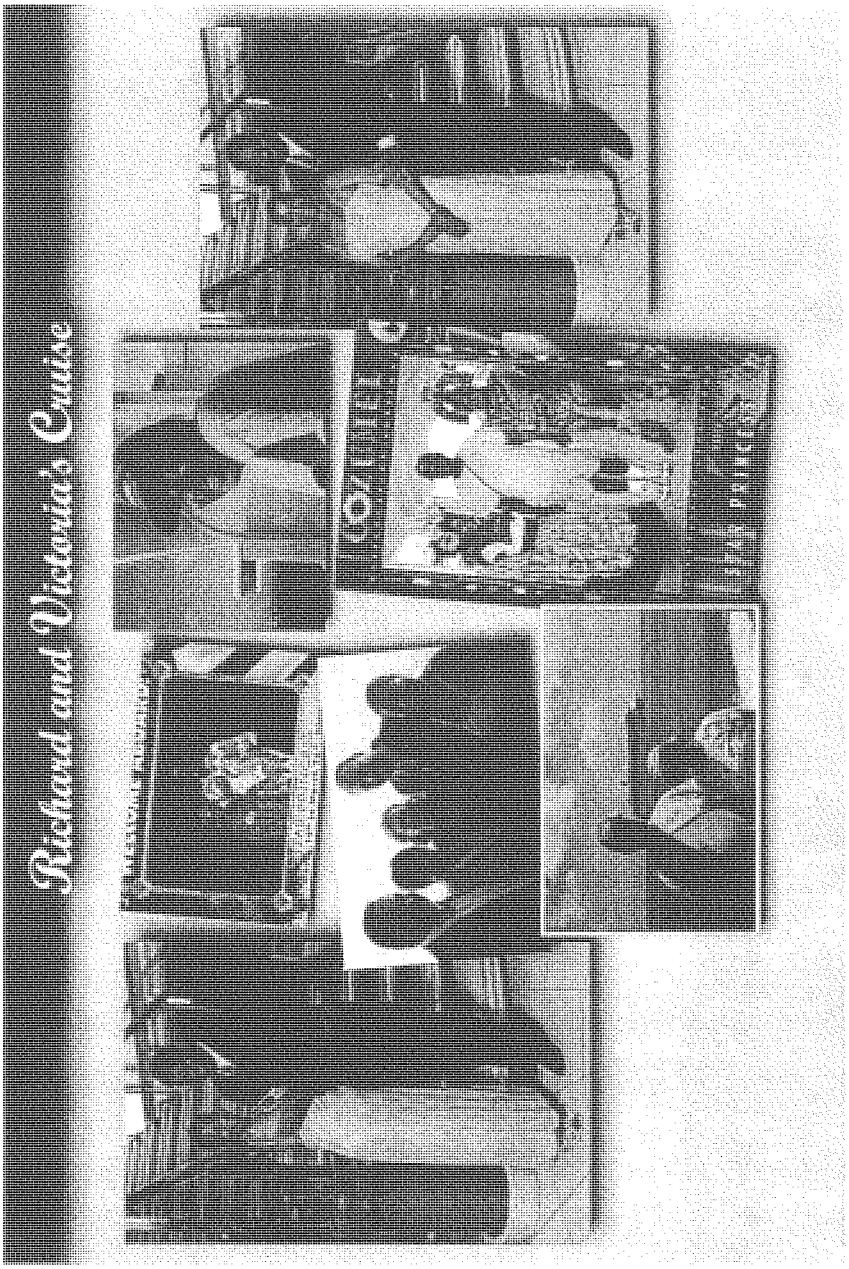
Lynnette Hudson

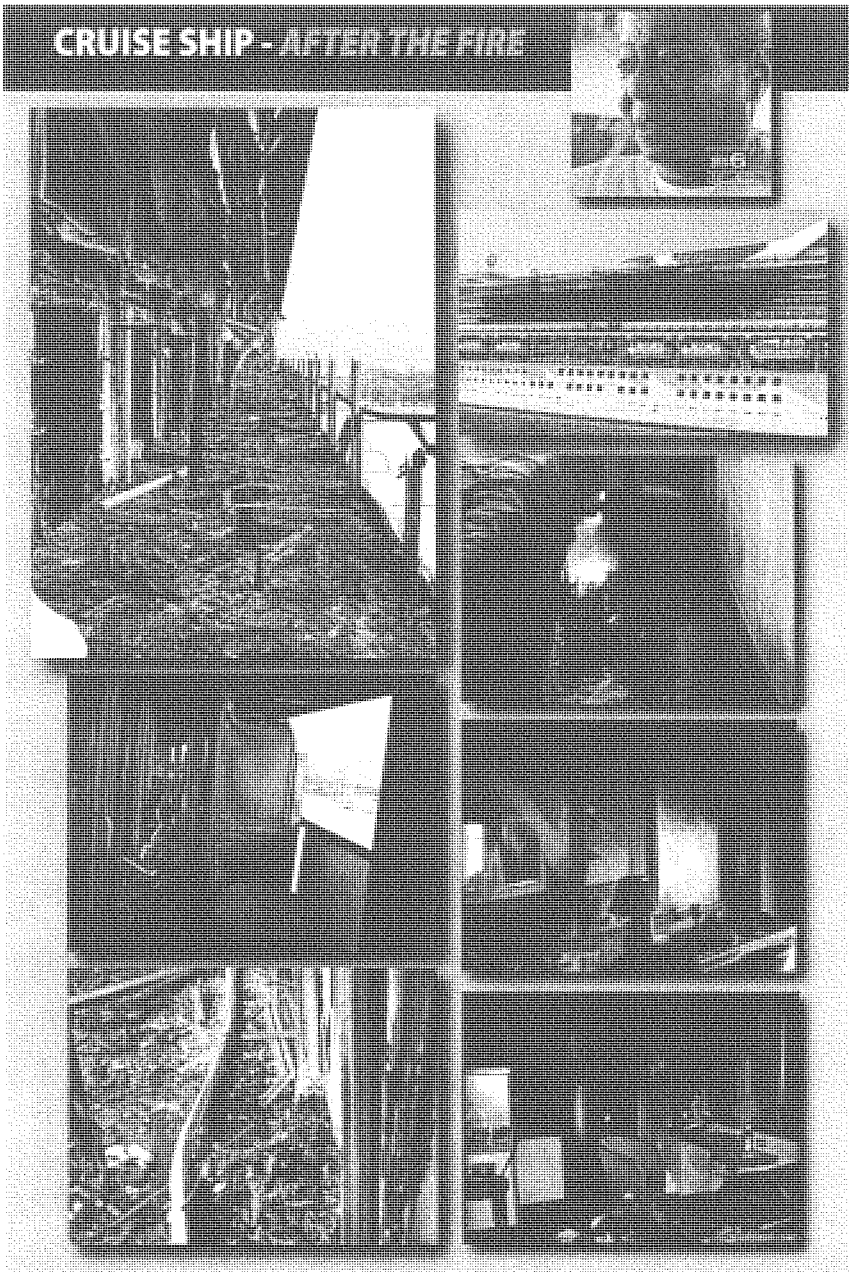
- Fire safety instructions should be included in the initial muster drill.
- Fire safety instructions should be placed on the back of the door in each cabin.
- The emergency number should not be unattended or go unanswered at any time during an emergency.
- In an emergency, the first point of contact should be the person listed on the passengers' information sheet.
- The cruise industry should require crew members to attend sensitivity training.
- A team should be formed to assist families during and after a crime or tragedy has occurred on the ship. This team should be the point of contact for the families and should include counselors.

In closing, thank you very much for conducting this important meeting, and listening to my concerns and the comments of others who have been invited here today.


RICHARD LIFFRIDGE
CITIZEN • SHRINER • PATRIOT

RICHARD LIFFRIDGE
FATHER • LOVING HUSBAND • FAMILY MAN


Richard and Victoria's Cuisse


CRUISE SHIP - AFTER THE FIRE

U. S. Department of Homeland Security

United States Coast Guard

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United States Coast Guard

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DEPARTMENT OF HOMELAND SECURITY

U. S. COAST GUARD

STATEMENT OF

REAR ADMIRAL WAYNE JUSTICE
ASSISTANT COMMANDANT FOR RESPONSE

ON

CRUISE SHIP CRIME: PRACTICES AND PROCEDURES

BEFORE THE

COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE

SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION

U. S. HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2007

Good morning Mr. Chairman and distinguished members of the Subcommittee. I am honored to appear before you to provide an update on the Coast Guard's role and actions taken to assess and address concerns about crime on cruise ships. I will focus my brief remarks on our progress since March to both clarify and highlight the scope of mandatory cruise ship crime reporting requirements, and to implement more expansive voluntary reporting of crimes on cruise ships.

The Coast Guard is committed to improving the overall safety and security of the maritime transportation system. The cruise ship industry is a very important sector within this system. Each year, cruise ships around the world carry over eight million U.S. citizens as passengers. As I reported in March, nearly all cruise ships are foreign-flagged and subject to the exclusive jurisdiction of their flag State when operating seaward of any other State's territorial sea. Much of the alleged crime involving cruise ships is clearly under the jurisdiction of either a foreign coastal State or the cruise ship's Flag State, and therefore may not be within the jurisdiction of the United States. Determining whether the United States may have authority, jurisdiction, and resources to intervene in cases involving United States citizens aboard foreign-flagged vessels beyond the U.S. territorial sea is situationally-dependent, varying with timing and content of initial reporting.

The primary role of the Coast Guard with respect to cruise ship crimes is establishing and facilitating Federal reporting requirements and procedures in a manner consistent with domestic and international law. These procedures enable notification to and decision-making by appropriate investigative agencies. By establishing maritime crime reporting requirements and facilitating delivery of incident reports through the Coast Guard's network of maritime command and operations centers, the Coast Guard supports the Federal Bureau of Investigation (FBI) in its lead investigative and statistical analysis roles. To further develop the interagency role, the Coast Guard led a successful effort this year to ensure national-level agency and industry alignment regarding the application of current Federal regulations.

Current Federal regulations (33 CFR 120.100 and 120.220) establish reporting requirements for all passenger vessels over 100 gross tons, carrying more than 12 passengers for hire, making voyages lasting more than 24 hours, any part of which is on the high seas, and for which passengers are embarked or disembarked in the United States or its territories. The owner, operator, charterer, or vessel security officer of a covered vessel must report each breach of security, unlawful act, or threat of an unlawful act against any covered vessel, or against any person aboard it, that occurs in a place subject to the jurisdiction of the United States Government.

The Coast Guard and the FBI, in consultation and coordination with the Departments of State and Justice, interpret the current regulations as applying to acts committed in U.S. inland waters and the U.S. territorial sea. To the extent permitted by international law, regulations also apply aboard any foreign vessel seaward of U.S. territorial waters during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States. For example, an offense committed against a U.S. national on the high seas or in foreign territorial waters aboard a foreign-flagged cruise ship that embarked from or intended to call on a U.S. port would be subject to the reporting requirement as a de facto condition of port entry.

Covered incidents must be reported to both the Coast Guard and to the local office of the FBI. The Coast Guard's National Command Center in Washington, DC immediately distributes all reports received to the FBI and the appropriate Coast Guard Captain of the Port. Where a foreign state has concurrent jurisdiction with the United States, that is, a crime takes place in the foreign state's territorial waters or on board a vessel in international waters flagged in a foreign State, the cruise line or cruise vessel should notify the appropriate authorities of the foreign state, at least simultaneously with notification to U.S. authorities. We have communicated our interpretation of the scope of the current mandatory reporting requirements to the Cruise Line International Association (CLIA) and reiterate them here today as part of my public statement for the record.

Our current regulatory approach with respect to mandatory incident reporting is consistent with well-settled principles of international law regarding the extraterritorial application of a coastal State's domestic laws. However, the mandatory requirements to report incidents under the current regulations do not effect and may not always be co-extensive with the extraterritorial criminal investigative and arrest authorities of U.S. law enforcement agencies. This is because the basis of our legal authority, under both international and domestic law, to compel foreign flag vessels not calling on the United States to report crimes committed by or against U.S. citizens seaward of our territorial jurisdiction is different from the authority employed by the United States to investigate and potentially prosecute such crimes.

In order to facilitate increased reporting, the Coast Guard worked closely with the FBI and the Cruise Line International Association (CLIA) throughout 2006 and early 2007 to reinforce the scope of the mandatory reporting requirements, and to develop voluntary reporting procedures for serious offenses committed by or against U.S. citizens aboard cruise ships that are beyond the scope of the mandatory reporting requirements. This effort represented the first disciplined effort to gather serious crime statistics with respect to cruise ships frequented by U.S. citizens regardless of whether such vessels call in the United States. Given the legal and operational environment that I described when I testified in March, we viewed this voluntary reporting system as the most promising and viable option in the near term for improving and expanding cruise ship crime reporting and investigative response.

As expected, many in the cruise industry reinforced compliance with existing mandatory reporting requirements and embraced the opportunity to report and improve responses to serious crimes affecting U.S. citizens. Collectively, the Coast Guard and the FBI received and processed 207 incident reports in the first six months of the program. The vessels making those 207 reports carried over 4,379,000 passengers during the period. As I mentioned earlier, it is the Coast Guard's role to establish reporting requirements and the FBI's role to determine the appropriate Federal investigative response in specific cases and compile crime statistics for policy analysis. Accordingly, I will defer to the FBI to provide more detailed investigative and analytical context for the reporting. From the Coast Guard's overall maritime security perspective, we have no evidence or data to suggest there is significantly more crime or change to the nature of crime affecting U.S. citizens aboard cruise ships.

Based on consultations with FBI, the Coast Guard believes clarifying the scope of the mandatory cruise ship reporting requirements and implementing additional voluntary reporting procedures are working well, contributing to improved situational awareness through transparency, and helping to better inform both the discussion and response with respect to allegations regarding crime on cruise ships. We see no emerging requirement for legislative change regarding incident reporting requirements. We continue to recommend prospective cruise ship passengers assess the level of security and safety on foreign-flagged cruise ships on which they may embark just like they would evaluate their safety and security risks when visiting a foreign country. Congressional hearings like these help highlight that responsibility, and encourage the cruise ship industry to embrace transparency in reporting and crime prevention strategies to remain successful.

It is clear that some serious acts affecting U.S. citizens aboard foreign-flagged cruise ships have brought great sadness to the families of victims. The Coast Guard mourns the losses these families have suffered and we are committed to improving the overall safety and security environment within the maritime domain. The Coast Guard will continue to work with the FBI and the Departments of State and Justice to ensure effective implementation of both mandatory and voluntary reporting procedures, and to intervene at sea when appropriate. Together, the mandatory reporting regulations and the voluntary reporting requirements contribute to improving the safety and security of U.S. citizens aboard cruise ships by leveraging partnerships with industry and improving transparency for consumers.

Thank you for the opportunity to testify today. I look forward to your questions.

US House of Transportation Committee
Coast Guard and Maritime Transportation Subcommittee
Cruise Ship Passenger Safety
September 19, 2007
Statement of Jeff Morgan
On Behalf Of
Carolyn V. Coarsey, Ph.D.
Co-Founder, Family Assistance Foundation
Atlanta, Georgia

Chairman Cummings and Distinguished Members of the Committee, my name is Carolyn Coarsey and I am co-founder of the Family Assistance Foundation. My doctoral degree is interdisciplinary, combining psychology and education with a specialty in training employees on how to manage trauma in the workplace.

I have come before you today to tell you about my work with the cruise industry.

In 1985, my fiancé, a former airline executive died on board Delta Air Lines Flight 191, a crash in which 137 people perished. I knew, based on my own experience as an employee, that there were people inside the company who wanted to help us, but they simply did not know how.

At that time I decided to enter graduate school in order to study the problem of how a company could prepare employees to respond to the public at the time of a disaster. I now understood the problem not only from the employee's perspective, but from the family's perspective as well. The Civil Aeromedical Research Division of the FAA (CAMI) sponsored my studies at the University of New Mexico. My doctoral dissertation, published in 1992 clearly showed a difference in how passengers turned out when they were met by employees who handled them with concern, and empathy, as well as offering them support. Survivors who felt that the company had done everything possible to help them following fatal crashes had significantly less symptoms of five psychological disorders most often associated with trauma. That information formed the basis of the work that I do today.

In 2000, a former airline executive and I co-founded the Family Assistance Foundation for the purpose of helping organizations provide a higher level of response to survivors during tragedies. The purpose of the Foundation is to provide education, training, and organized mutual aid at the time of a tragedy. The cornerstone of the Foundation is to promote open dialogue between survivors and employee helpers. We encourage family and passenger survivors to tell their stories in an educational format so that they can themselves train employees on what is needed by survivors during these vulnerable times.

In 2005 I began interviewing survivors of cruise line tragedies. Shortly thereafter I became involved in developing training materials for the industry. I also began conducting training programs based on interviews that I was conducting with survivors. These interviews included family members of persons who had gone missing overboard, family members of deceased, and guests who had become involved in a tragedy while on a cruise ship.

I have seen a very aggressive response by the cruise line industry to the problem of empowering employees to assist survivors by offering many different training programs using these video tapes and written testimony. I have personally provided awareness education to more than 4,000 employees in the cruise line industry. I have trained cruise line executives, Care Teams, telephone responders, employees who will notify next-of-kin of guests who experience tragedy while on a ship, security personnel, safety officers, Captains and other on-board staff. The goal is provide some level of awareness to every employee who might interface with a survivor during a crisis.

In addition to the cruise industry's commitment to crew training, that includes guest support on-board and shoreside to assist passenger, they have also entered into an agreement with the FBI and USCG that clarifies reporting procedures for all serious violations of U.S. law to have occurred aboard cruise ships. Heightened security measures are standard for the maritime industry today and cruise line passengers go through screening procedures similar to those found at U.S. airports including the use of metal detectors, baggage scanning devices, and biometric verification machines.

In addition to the training, earlier this year at the Foundation's annual Symposium, we featured two panels on this subject. The first panel involved family members and guests who had survived cruise line tragedies prior to this robust training being offered by the industry. The second panel involved survivors of tragedies following the new programs. We saw a significant difference. Survivors who were empowered by trained employees and offered every form of assistance possible were still healing from the losses of loved-ones, but they did not have to cope with anger and hostility. The second group expressed gratitude as they felt validated and supported by the representatives of the cruise line. They knew that everything possible had been done to help them during the tragedy by the people who had the most power to help them while they were most dependent and vulnerable.

And I know that the industry is listening and learning from survivors. I personally facilitated a meeting in August of this year where industry officials met and listened to survivors. Most of what was heard was from survivors who were very upset as their experiences occurred before the industry began its educational efforts. Despite the unpleasantness of the experience, the cruise line representatives listened and did not attempt to defend their actions. They have learned that these expressions are part of the healing process and that providing survivors with the opportunity to speak their truth will play a major role in their healing.

True change begins when companies empower the employees to empower survivors during the tragedy, when they are most helpless. And this can only be done through training and education of employees. In this evolution of compassion consciousness which we are experiencing today, I have never seen an industry take a more proactive approach to changing how its workforce responds to trauma in the workplace.

I regret that I could not be with you today, but I appreciate your allowing me to provide you with this information.

At the Foundation, our interviews continue to show that when employees are empowered to help survivors, they have a tremendous opportunity to influence how survivors heal. These interviews form the basis of all training programs offered by the Foundation as we believe the true experts on the subject of how best to assist survivors are the survivors themselves.

TESTIMONY OF ANGELA A. ORLICH
BEFORE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

"CRUISE SHIP SECURITY PRACTICES AND PROCEDURES"

HEARING SCHEDULED
Wednesday, September 19, 2007 -- 11:00 a.m.
Rayburn House Office Building
Room # 2167

Angela A. Orlich
424 Birnie Avenue
West Springfield, MA 00189

Tel. No. (413) 531-7190

Dear Committee Members:

My name is Angela Orlich and I am from Springfield, Massachusetts. Thank you for providing me the opportunity to tell the ordeal that I encountered during a Royal Caribbean cruise with several of my friends.

Our group consisted of approximately 40 individuals from a local hospital, where I worked. During the cruise, I purchased a shore excursion, which was promoted and sold to me while on the Royal Caribbean cruise ship. This excursion was to a resort in Cozumel, Mexico, which included also scuba diving.

The excursion in question was part of Royal Caribbean's shore excursions promotions called EXPLORATIONS! The cruse ship I sailed on, Nordic Empress, offered many different types of excursions, all of which sounded like great fun. I decided to purchase an excursion which was described by Royal Caribbean as:

> **PLAYA SOL BEACH BREAK**. Home of the "Mayan City under the Sea" **Playa Sol is the ideal place for a fun filled day at the beach located just 15 minutes away from the cruise ship pier. Playa Sol is a must visit in Cozumel. Your ticket includes** unlimited domestic open bar, sunchairs, beach umbrella and the use of kayak, pedaboats, hobecats, water trampolines, water platforms, floating tubes, volleyball courts, ping pong tables, hammocks, and the incredible "Water Iceberg". Guided visit to the mini Zoo and organized beach fun games for everybody to enjoy. **Also available for a nominal fee: Waverunners, Parasailing, Banana boat, snorkel and diving tours** and the "Skywalker" bungee trampoline. Meals and transportation are not included. $28.00 adult.

A copy of the EXPLORATIONS! form is attached as Exhibit "A".

I signed up for the excursion, completed the EXPLORATIONS! Shore Excursion Information and Order Form, bearing the Royal Caribbean International "Get Out There" official logo, and paid my $28.

Little did I know that it would result in a horrifying experience.

I had previously taken scuba lessons in Massachusetts, but I had not been certified. I am claustrophobic and the Atlantic waters were too murky for me to get certified. I

thought it would be a good idea to take additional lessons in the clear waters of Cozumel.

The dive instructor told me that he was a "PADI Master Instructor." I asked for a wetsuit, but the dive instructor told me that it was not necessary. I also asked not to go out very deep, because I was nervous.

During the dive, the instructor took me (alone) to a depth of approximately 60 feet. I did not want to go that deep. We stayed under water longer than I wanted and I became tired. While still under water, the dive instructor began to rub his hands over my body and molest me. He grabbed my buttocks and ran his hands up and down my legs. I shook my head "NO" and began to panic, but I tried to maintain my composure. I motioned to return to the surface. I grabbed the rope to get back up to the boat, trying to get away from him, but he grabbed me and began to pull me back down. I tried to fight him off, but he continued to molest me. Then, he turned off the air on my tank! He pulled my top down (I was wearing a two-piece bathing suit) and bit my breast. I was terrified. At this point, we were about 30 feet underwater. I was afraid that I would die, that my body would never be found, and that no one would ever know what happened to me.

Finally, I managed to get back to the surface and return to my group. I was so frightened that my friends thought a shark had attacked me. I was horrified, shaking, and crying. My friends were also very upset and tried to find a police officer, but to no avail.

When I returned to the Royal Caribbean ship, I reported what had happened to me. I could not believe that something like this could happen to me during a cruise. I didn't know what to do. I reported the assault to the cruise employee, Jessica, who coordinated passenger activities. I made a report to the ship security officer, and I went down to see the ship's doctor. The ship doctor refused to examine or treat me. He was totally dismissive and told me to see a doctor when I returned to my home.

When the cruise ship returned to Miami, there were no FBI agents waiting to interview me or any other federal agents. The cruise line offered no assistance whatsoever.

My life changed on the day that I was attacked. I could not sleep. I was traumatized and forced to seek treatment from a doctor and help from a counselor. It was clear to me that the instructor needed to be arrested and sent to jail, and only then could other women be protected. I did not want anyone else to experience anything like this.

I took it upon myself to report what happened to the U.S. Consulate's Office in Mexico (Anne Harris). The excursion company told me that the diving instructor would be fired; however, I wanted him to be criminally prosecuted. Six months after the cruise,

in an attempt to have the dive instructor prosecuted, I returned to Mexico. I made a formal declaration against him, but the criminal prosecution has gone nowhere.

This has been a very frustrating and fruitless experience, so far. It has also been expensive. The cruise line response? Not only did Royal Caribbean refuse to help me, it refused to reimburse me the $28 which I spent for the excursion.

But what did I receive instead? A form letter from the President of Royal Caribbean, thanking me for giving them an "opportunity to send you home with an experience to remember." The President also enclosed a $50 coupon (provided I cruise again!) because "you can expect just as many memorable experiences on your next cruise vacation." Exhibit "B."

In February 2006, I sought advice on what I could do from a maritime lawyer. The purpose was not to file a lawsuit (which I did not do) but to obtain information and to prevent this from happening to others. He sent a letter to the President of the cruise line and its risk management department asking for basic information about the assault on me. Our first letter is attached as Exhibit "C." There was no response to our letter.

Later in February 2006, I traveled to Washington and attended the hearing on cruise ship safety issues. I heard the stories of other victims who were attacked during cruises and were thereafter mistreated by the cruise lines. I realized that my situation was the same as so many others from all over the United States. I met a newly wed bride who lost her husband on a cruise; parents who lost their sons; a son who lost his parents; sisters who lost their brothers; and many women who were attacked on cruises by crew members and other passengers. In each person's experience, they looked for help, only to be ignored.

I joined the International Cruise Victims ("ICV") organization, and met even more victims who were galvanized by the indifference and arrogance of the cruise industry.

In March 2007, another Congressional hearing was scheduled on cruise ship crimes - specifically on March 27th. On March 23rd, over a year after my lawyer's first letter, I finally received a response from Royal Caribbean. It was now over four years since I was assaulted, and just <u>four days</u> before the Congressional hearing. Finally, the cruise line responds!

The letter came from RCCL's risk management department, and is attached as Exhibit "D." The letter outraged me. The cruise line claimed that I "went ashore on my own;" that I did not make a written report; and that I did not seek any medical care when I returned to the ship! The cruise line also refused to provide copies of its security reports

or any of its correspondence with the excursion company.

For a long time I thought that my ordeal began when the "instructor" had lied to me about being a "PADI Dive Master" and when he deceived me so that he could take me into deep water and molest me. Now, I realize that the lies began on the cruise ship. The cruise line promotes and profits from its EXPLORATIONS! excursions. It tells passengers that these excursions are safe and fun without ever checking on whether sexual predators are employed on the excursions. When predators do attack, the cruise line does nothing. And now the lies continue with their letter, four years later, proclaiming that I "went ashore on my own."

Another round of women victimized on the cruise ships came forward at the hearing last March. The stories told of the victims getting the run around and receiving discount coupons from the cruise lines, but no justice. The tragedies continue, but what have the cruise lines really done? That Congressional hearing made me realize how important it is that I continue working with the ICV organization. The public needs to be educated regarding crimes on cruise ships, as well as or during cruise sponsored excursions.

In August, I was invited by the Cruise Line International Association ("CLIA") to attend an event in Miami where cruise victims and survivors could tell their stories. I had mixed feelings about attending an event sponsored by the cruise industry. I felt particularly uneasy when the President of CLIA, Terry Dale, stated that none of the victims could bring their lawyers and no media could come. But this was the first time that the cruise lines were willing to listen directly to the victims' stories. I believe it was because of the pressure from the ICV and, ultimately, from Congress. So I decided to give CLIA the benefit of the doubt.

I went to Miami and met with a group of people from CLIA, and the cruise lines. We had about 10 victims from the ICV that participated in this meeting. We share a strong bond in this group, because we all have stories to share. We all want to protect the next visitor aboard a cruise ship. There were about 50 or so people in the room listening. I wondered whether they realized that this could happen to them or a loved one someday. I understand there were also "care teams" in the audience who listened. I wondered who these people really were? Would they really show compassion and actually help a woman who had just been attacked on the cruise ship or in the water? I thought of my own fears and numbness and disbelief when I returned to the ship, and my feelings of being alone when I locked myself in the cabin, when all I really wanted was just to fly home. I remember the feeling of embarrassment when the doctor on the ship refused to examine or treat me and told me to just "see your physician when you get home." I looked around

the room and hoped that this was not a publicity stunt so that the cruise people could again avoid responsibility.

After the ICV victims spoke, Terry Dale of CLIA spoke about the safety measures CLIA was trying to implement aboard the ships. I wanted to believe him. After the meeting finished, I spoke to a representative of the Royal Caribbean security department. I spoke to him in detail about my experiences, and I gave him all the information including my documents from the Cozumel Courthouse. This was the same information which my attorney sent the cruise line one and one-half years ago, but I wanted to make another effort. He said that he would conduct an investigation. I told him also that the American Consulate in Cozumel was of no help to me. I also told him that this predator was re-hired by the same company again and I was afraid that he will attack another innocent woman. Maybe the next person will not be able to tell her story because she dies under water, or maybe she will be too embarrassed to come forward?

When I left Miami I actually thought that CLIA and RCCL would actually try and help us solve some issues from the past so that it does not happen again in the future. I thought perhaps I could join some type of committee to go down and check on the excursion companies and see if their employees had criminal records, and to make certain that there were supervisors and things were safe. I even fantasized about swimming around the passengers with a spear gun to protect them in the water.

I waited a couple of weeks and called the RCCL security representative back to check on the status of the "investigation." No response. I felt rather foolish. My lawyer wrote a letter to him and inquired into what steps Royal Caribbean was planning to take. No response. As of one month after the meeting, no response at all. So I am thinking "is this a big hoax?"

My attorney told me that unless I was asked to appear before Congress, the cruise line would never even respond to me. On Wednesday, September 12th, I learned that I had been selected to testify. I spoke to my attorney, who said "watch what happens now, the RCCL security representative will call you and want to be your best friend again." Sure enough, the telephone rang and it was him. He asked where I was staying in Washington, and would I like to ride with him to the Congressional hearing? I thought to myself, "you have got to be kidding." I am staying with another woman in a hotel in Virginia because I can't afford Capitol Hill, and a cruise line executive wants to know where I am staying? A free ride to the hearing? No thanks. I have already traveled to and from Mexico and paid my way to a previous Congressional hearing. I think I can afford my own cab.

This year, there has been another incident involving a 19 year American girl who

was assaulted while on a snorkeling excursion promoted by RCCL. Almost as disturbing as the incident was the cruise line's response to the victim. In a letter, dated August 3, 2007, just ten days before the CLIA meeting with victims, the cruise line wrote a letter to the victim's attorney, stating that it is not obligated to report shore excursion assaults to the FBI, that it would not issue any warnings regarding the tour guide as there was "no evidence to incriminate him" and that the cruise line's "Zero Tolerance" policy did not even apply to assaults occurring on excursions. The letter stated:

> Royal Caribbean has not communicated any "warnings" about the tour guide as you suggest. We have no evidence to incriminate him in such a way. That would be a slanderous act and we are seriously concerned that you would suggest we commit such a transgression. Furthermore, Royal Caribbean's Zero Tolerance Policy establishes guidelines for reporting allegations of serious crime committed onboard our ships to appropriate law enforcement authorities. Ms. -----'s alleged assault did not happen on our ship.
>
> A copy of the letter is attached as Exhibit "E."

I was floored by the cruise line's response to a 19 year old victim . While the cruise line was giving me assurances at the CLIA meeting that it would investigate my situation, now four years later, its risk managers were busy trying to shirk responsibility for another assault on a RCCL sponsored excursion just this year. It is painfully clear to me that the cruise line is still doing nothing to prevent assaults from occurring on excursions, nor is it taking any responsibility for such victims once a crime occurs. Needless to say, I have concluded that the supposed concern shown to me by CLIA was nothing more than a ruse to shut me up.

I do NOT want this to happen to anyone else and would like to see justice served. I am very frustrated that I have had to seek justice alone, and even then, nothing has been accomplished so far. There remain many unanswered questions:

How many other victims, like me, have not survived their attacks at the hands of this same individual, as well as other dive or snorkeling "instructors?"

1. Who will be his next victim?

2. Is this individual still employed as a scuba diving instructor? If so, by what company?

3. Are cruise lines still promoting excursions from companies where he or other predators may be employed?

4. Has anyone ever checked the records of missing scuba diving tourists in Cozumel?

I believe cruise lines should:

1. INVESTIGATE the excursions they sell; GO TO the excursion location to make certain that the activity is safe; MAKE CERTAIN that you could send your family to this site.

2. WARN you in advance that you are really "ON YOUR OWN" the second you leave the cruise ship, even on a excursion the cruise line promotes and profits from.

3. MAINTAIN a database of sexual predators, both on their cruise ships and on the excursions they promote.

4. RESPOND to passenger complaints in a timely and meaningful manner.

5. NOTIFY the FBI and the U. S. Consulate IMMEDIATELY.

6. PROVIDE a trained female CRISIS counselor aboard the ship, so that female victims have another female to turn to.

The cruise industry should be responsible for us on and off the ship when we buy their excursions. The ship comes to us with their advertising and promotions and we we tend to trust them.

If the cruise lines will not take responsibility and tell us the truth, Congress needs to get involved.

Again, thank you for listening to what happened to me. Please help us avoid these things happening again, and again.

Thank you.

Angela Orlich

Nordic Empress

January 25th, 2003

EXPLORATIONS!™

Royal Caribbean

Royal Caribbean®

Get out there.™

SHORE EXCURSION INFORMATION AND ORDER FORM

Instructions

- Complete the form below by printing your name, stateroom number and folio number, followed by your signature.
- Fill in a second choice, as some tours sell out!
- Please refer to your Tour tickets for departure times and locations.
- Write the number of tickets you would like under the column titled "# of Tickets," and circle the desired departure time.
- **Drop off order forms at the Shore Excursions Desk, Deck 5, before 6:00 pm on Saturday.**
- Tickets will be delivered to your stateroom by Sunday evening. Children's prices are valid for children 12 and under.

Name **Stateroom#** **Folio#**

Signature **(Bottom right-hand corner of your SeaPass card)**

IMPORTANT TIPS AND INFORMATION

Shore Excursions Desk Hours:
Drop-Off Orders until Saturday 6:00 pm
Shore Excursion Desk open 6:00 pm to 8:30 pm
Deck 5 (Dial 3151) Saturday evening.
You may purchase tickets directly from the Shore Excursions Desk throughout your cruise vacation. Tour exchanges or refunds must be made 24 hours in advance.

Explorations! Video Brochure:
Channel 15

Tours run rain or shine.

LEVEL OF DIFFICULTY INDICATORS

MILD
These excursions might require leisurely walking for minimal distances over primarily flat terrain. There might be some steps.

MODERATE
These excursions might require more physical exertion and might involve uneven/steep terrain and/or water activity in a slight current.

STRENUOUS
These excursions are the most active and have been designed for participants in very good physical condition.

Shore Excursions

Grand Cayman Monday's Tours Arrive 9:30 am. Depart 5:30 pm

Stingray City and Island Tour	From your air-conditioned semi-submersible vessel you will watch divers feed stingrays at Stingray City. See giant sea turtles at the Turtle Farm, visit the strange rock formations of "Hell" and have time on your own to shop or go to the beach!	3½ hrs	12:30 pm	$57 adult ___ $30 child ___
Cayman "Mermaid" Glass Bottom Boat	View underwater sights such as Cheeseburger Reef and the wreck of the Cable on this tour. The viewing area consists of 500 square feet of glass bottom. A complimentary punch is included.	1 hr	1:00 pm	$29 adult ___ $20 child ___
Grand Cayman Snorkeling	By boat you will cruise to two popular snorkeling sites including a shipwreck and a coral reef. Equipment, instruction and orientation are provided. You will be snorkeling in depths of water from 15-20 feet.	2½ hrs	10:45 am	$34 adult ___
Stingray City Swim and Snorkel GCR-1	Interact with the stingrays at the Stingray City Sandbar. After a short dive and boat cruise, you will have approx. an hour to feed and pet the friendly stingrays. Equipment, instruction and orientation are provided. *This is not a traditional snorkel - you will not see any coral or fish.*	3 hrs	10:15 am	$45 adult ___
Cockatoo Catamaran	This is a great way to discover one of the best sand bar reefs in the world and swim with stingrays. Sail for 45 minutes out to the sandbar and then stop at the reef for 45 minutes for snorkeling with these fascinating creatures.	3½ hrs	1:30 pm	$58 adult___
Research Submarine The Ultimate Wall Dive	Board the Research Submarine for a dive of 800 feet along the Cayman Wall. As this two-person submarine glides along, its lights bring out the brilliant colors of sponge, coral and marine life. *Please notify Explorations! Desk if you are over 6'2" or over 260 lbs.*	1½ hrs	1:00 pm 2:30 pm	$349 adult ___ ***Min Age Yrs Old***
Snorkeling & Stingray City Combination	A combination of the two most popular excursions in Grand Cayman. Stop at "Coral Gardens" a beautiful snorkel site in the North Sound, then head over to Stingray City for your chance to swim or snorkel with the incredible stingrays.	3½ hrs	9:45 am	$58 adult___
Stingray Snorkeling GCR-1	Just off Grand Cayman's north shore lies a sand bar, which is inhabited by stingrays. Locals have been feeding these graceful creatures for years and now they are tame enough to eat right out of your hand. You will be able to don your mask and snorkel and swim amongst these wonderful creatures. Qualified guides and snorkeling equipment are provided. Note: Minimum age is 5. Guests 5 to 16 years of age must be accompanied by an adult.	3 hrs	12:15 pm	$45 adult___

TOURS ARE SUBJECT TO CANCELLATION IF THE REQUIRED MINIMUM OF PARTICI

Exhibit "A"

Cozumel, Mexico	Thursday's Tours	Arrive 8:00 am	Dep
Shore Excursion	**Description**		**Duration**
Cozumel Reef Snorkel by Boat	Come and enjoy one of the nature's true wonders. "Palancar" with thousands of years in the making, is the World's second largest coral reef barrier system. Home to the beautiful paraiso and Dzul-Ha reefs, you will be taken aboard fully equiped dive boats for a scenic ride along Cozumel's beautiful coast to this spectacular dive site. Dirft snorkel along the reef system and discover it's exotic reef fishes, it's magnificent coral formations and countless marine wild life. After the dive and while you enjoy your ride back to the ship, complimentary refreshments will be served. Instruction and snorkel gear are provided.		3 hrs
Chankanaab Park Helmet Dive	After a short transfer to Chankanaab National Park, you will be given an orientation and safety briefing. Your helmet will allow you to breathe while you walk the ocean floor at a depth of approximately 20 feet. Your memories of your 75-minute dive will last a lifetimet *Minimum age is 8 years old.* Guests must sign medical waiver. Not recommended if you suffer from asthma or high blood pressure.		2 hrs
Fiesta Party Boat	Board the triple-decker catamaran "Fiesta" for live music on the way to Playa Sol. Go for a swim or relax while enjoying the white sand and turquoise waters. *All guests under 21 years of age must be accompanied by an adult.*		4½ hrs
Cozumel Shore Snorkeling	Start your day at Dzul-Ha, part of the second largest BARRIER REEF in the world, and still have time for SHOPPING in the afternoon! Experience the pristine waters and colorful sea life under the supervision of PADI certified Dive Masters with the largest tour operator in Cozumel, operating since 1969. Easy entry and exit from the beach makes this an adventure for all levels and experience. After your three-hour tour you can either return with the group or make yourself at home in our restaurant, fresh-water pool and lounge chairs on the beach. You are our guests. *Minimum age is 6 years old.* Highly recommended by previous guests.		2¾ hrs
Tropical Safari 4 x 4 Tour	Explore Cozumel 4x4 style! Experience a little Mayan culture and enjoy around 1½ hours at Xcaliberco beach for for sunbathing, swimming and a Mexican style buffet lunch. The best tour in Cozumel!! With plenty of safari action. A short break for shopping and use of restrooms is considered. Not recommended for guests who are pregnant or who have back problems. Guests who wish to drive must bring valid driver's license.		4½
Cozumel Island Tour	A scenic bus ride brings you to the archeological site of San Gervasio. Explore the ancient Mayan site before visiting Playa Sol where you can enjoy a swim. *$5.00 charge for video camera taken into Mayan ruins paid at site. Approximately 1½ hrs. spent at beach.*		3 hrs
Cozumel Semi-submersible	A short walk from the pier brings you to the "Mermaid," a 50-foot semi-submersible craft. Enjoy a fully narrated underwater tour and get a good view of a sunken airplane and Paradise Reef.		1½ hrs
Atlantis Submarine	Beneath the sea in the Atlantis submarine, see why Cozumel is one of the best diving destinations in the world as you explore the underwater world near the protected marine park of Chankanaab. *Minimum age is 4 years old and minimum height is 3 feet tall. Must be able to climb a ladder.*		1¾ hrs
Playa Sol Beach Break	Home of the "Mayan City under the Sea", Playasol is the ideal place for a fun filled day at the beach. Located just 15 minutes away form the cruiseship pier's, Playasol is a must visit in Cozumel. Your ticket includes: unlimited domestic open bar, sunchairs, beach umbrella and the use of kayak, pedalboats, hobiecats, water trampolines, water platforms, floating tubes volleyball courts, ping-pong tables, hammocks and the incredible "Water Iceberg". Guided visit to the mini-Zoo and organized fun beach games for everybody to enjoy. Also available at a nominal fee: Waverunners, Parasailing, Banana boat, snorkel and diving tours and the "Skywalker" bungee trampoline. Meals and transportation are not included.		
Catamaran Sail, Snorkel and Beach Party	Set sail aboard a luxurious, custom-built 65-feet Catamaran featuring a stairway to the sea, shaded lounge area, large sundeck, fresh water showers and spacious bathrooms. Our friendly crew provides professional instructions on on the use of snorkeling equipment. Crew members also accompany you into the crystal clear waters where you can see for 100 feet. Discover stunning coral formations and a colorful array of marine life on a spectacular reef-home to exotic queen angel fish, stoplight parrot fish and blue tangs. After snorkeling, you sail to a private white sand beach, while you are there, relax in a hammock in the shade of a Mexican palapa and cool off with free beers, margaritas, and sodas, play volleyball sunbathe on a beach flot and explore the coral blue waters in a kayak, all at no additional charge.		3½ hrs
Horseback Riding Adventure	Saddle up at Buena Vista Ranch for a forest ride to local caves. Includes a short stop at a cantina for refreshments. Approximately 2 to 2½ hours of actual riding time. *Minimum age is 10 years old. Maximum weight is 240 lbs.*		4 hrs
Dolphin Encounter	After a short taxi ride to Chankanaab National Park, you will have the opportunity to get a dolphin and observe they amazing behaviors while standing in waist-deep waters. There will also be time to independently experience the park's other activities. *Minimum age is 8 years old. Children 8–10 years of age must go on platform with an adult.*		3 hrs
Cozumel Scuba Adventure	"Scuba" is perfect for those who enjoy snorkeling but are not ready for SCUBA diving! After a short drive to a beach you'll have an orientation. With your PADI certified divemaster you will enter the water and become familiar and comfortable with the breathing equipment. Yourself before Dzul-Ha Reef for approximately 30 to 40 minutes. *Minimum age is 8 years old. Must sign medical waiver with tour operator to participate. Not recommended if you suffer from asthma or high blood pressure.*		2 hrs
Cozumel "Catch the Wave" Snorkel Safari	Your adventure begins as soon as you step aboard the 100' luxury vessel "Princesa Maya." Your snorkel equipment and instruction for beginners is provided by the friendly crew. An air-conditioned open bar serving unlimited ice-cold beer, tropical and frozen cocktails, sundecks, a boutique, full restrooms and complimentary towel service are found onboard. Also included is a glass bottom boat, available for tours anytime throughout the day. A delicious lunch buffet is included and after water activities are over, the vessel cruises along the scenic coastline to downtown Cozumel, where you can choose to disembark and enjoy the rest of your day shopping or exploring.		4 hrs
Cozumel "Catch the Wave" BOND Adventure	This excursion includes all the amenities of the "Catch the Wave" Snorkel Safari with one amazing addition. Choose the BOND Adventure and discover the unique way to explore the rich coral reefs and fascinating fish life below the crystal clear Caribbean waters. BOND's (Breathing Observation Nautical Device) are simple and safe for all to use, a BOND enables you to explore the underwater like never before. After your BOND tour feel free to visit the snorkel and water activity deck where you can pick up snorkel equipment or head out for a tour on the glass bottom boat. Lunch buffet and open bar included. *Minimum age 12 years old.*		4 hrs
Golf Ahoy! Cozumel Country Club	This exotic course is located in the heart of Cozumel Island. Carved through dense Mayan jungle, this par 72 course is beautiful and exciting to play. Ticket includes transportation green fees and shared golf cart rental. *A collared shirt must be worn on course. Club rental not included.*		5 hrs
Sea Trek Scuba Dive	Experience some of Cozumel's best diving. Your first dive will take you to the Palancar reef known for its coral formation the second will be the Captain's choice. Guests taking this tour must be certified by PADI or another recognized scuba diving association and also must have been scuba diving within the last two years. Guests must produce their certification and a medical waiver will be completed on site.		4 hrs
Sea Trek Discover Scuba Diving	If you ever wanted to try scuba diving, here's your chance! This tour has been designed for the non-certified diver. After receiving 45 minutes of instruction and orientation from a PADI instructor, you'll don full scuba gear and enter the water directly from the beach. A few minutes are spent in waist-deep water for you to get used to breathing underwater. You'll then head out with the instructor, who will guide you in the exploration of this new and amazing world of fish and coral.		3 hrs
Cozumel Bike Adventure	Transport (ten minutes van ride) will take you to your bike pick up point where you will begin a 30 minute cycle ride to Chankanaab National Park for snorkeling. This is a fully escorted tour including a back up Jeep, safety helmets and		4 hrs

Belize City, Belize	Wednesday's Tours	Arrive 7:30 am	Depart 5:30 pm	
Xunantunich & Marimba Lunch	Depart the mainland dock in your air-conditioned motor coach. (about 1hour 45 minutes drive) up the scenic Western Highway enroute to the Cayo District and the impressive Maya site of Xuanantunich. Before reaching the town of the Spanish City, you are hand cranked across the Mopan River by a riverbrigh ferriers ferry "El Cayuco". (the cayuco is the largest ferrying at Xuanantunich) and from the top of "El Castillo" view the panoramic vistas of the surrounding cay forests in the Cayo District as well as the bordering towns between Belize and Guatemala. Then head on to the San Ignacio Hotel for a tropical Maya Cuisine luncheon while enjoying relaxing melodies of the marimba. Note: Walk on uneven or unpaved terrain.	7½ hrs	7:45 am	$88 adult ____ $70 child ____
Scuba Diving at Turneffe Atoll (with out equipment)	The largest of Belize's three coral atolls, dives will take place either on the west side of this atoll at Rendezvous Point, or at the southern Cave Belize. Protter waters allow you to marvel at the colors and contrasts of the tropical reef and its inhabitants. Lunch will be taken right on one of the two comfortable dive boats. Note: Only Advanced Open at Minimum age is 12 years Rates: Gear rental inclusive or partial will will cost an additional fee of $35 paid in cash once on tour. Guests taking this tour must be certified by PADI or another recognized scuba diving association or any dive that must have been scuba diving within the last two years. Guests must produce their certification and a medical waiver will be completed on the.	7 hrs	7:45 am	$135 adult ____
Tale of Two Cities	This fascinating half day tour will focus on the contrast between the ancient Maya city of Altun Ha and modern day Belize City. The ancient Maya ceremonial site famous by Dr. David Pendergast of the Royal Ontario Museum on his Belize Ha Expedition. Lunch will follow Belize City's "Dutch Village". Your tour will include historical sites such as the Baron Bliss Lighthouse, Swing Bridge, & Town Hall. The Mexican Consul were crowned and the colonial mansion once occupied by British Governors. The tour concludes at the Belize Tourism Village for complimentary refreshments, entertainment and shopping before returning to the dock for transfer to the ship. Note: Walk on uneven or unpaved terrain.	5 hrs	9:15 am	$45 adult ____ $35 child ____
Wildlife Adventure	After a brief tender ride you will board a motor launch for a guided tour of the nearby Old Belize River. On this scenic waterway you will see crocodiles, herons, cormorants, egrets and lots of birds. Lush tropical foliage lines the waterway. You will disembark at the Old Belize River Lodge for a tasty Belizean lunch and refreshments. You will then travel by road to Belize's famous wildlife habitat known as the Belize Zoo.	6 hrs	8:15 am	$81 adult ____ $75 child ____
Shark Ray Alley & Beach Lunch	You will be picked up for a one hour journey northeast to Hol Chan Marine Reserve and the famous Shark Ray Alley. Snorkel and enjoy the crystal clear waters and spectacular colors of Belize's barrier reef. Friendly reef fish including angelfish and Nurse shark live and dance around and in the boat and the adjustable brown nurse sharks are everywhere not to be missed. After your snorkeling adventure in the boat and the waters, you will be transported to the beach to nearby Ambergris Cay for refreshments and a beachside BBQ lunch. Take advantage of a long sunbathing or exploring the sand strewn of Belize's most famous tourist resort. Minimum age is 12 years old.	7½ hrs	8:30 am	$72 adult ____ $71 child ____
River Kayaking Safari	After a short drive to the village of Green Bank on the Belize River your tour guide will brief you on kayak handling, safety procedures and the exploration of the river. Gender currently at the yard and allow opportunities to rest and, observe the wildlife and surroundings. The kayak allows you to paddle up to the Macaw Mountain, aviaries and sunbathing garden. Overhead, squeals of Howler monkeys may be heard. The next village is Barranco Village, Culture and Rural Farm, many a home to many species of birds. At the end of this, is the village of Blue Boom, refreshments and a locally prepared lunch is served. Minimum age is 12 years old.	7 hrs	8:00 am	$88 adult ____
The City & The Sanctuary	A tender transfer into Belize City will be the start of your tour of the Wonderful Wildlife Habitat (the Belize Zoo) created as a sanctuary for the country's indigenous species. This is home for an impressive array of large cats, primates, reptiles and birds, which gives you the opportunity of viewing Belize's prime wildlife in one location. Then it's on to see the "City sights". Belize City today remains the commercial capital of the country and you will view sites such as the the 200-year old Government Headquarters, Museum of Belize, Cathedral and the Supreme Court buildings, flanked by carriages used in the "Battle of St. George's Caye". The tour concludes at the Belize Tourism Village for complimentary refreshments, entertainment and shopping before returning to the dock for transfer to the ship. Note: Walk on uneven or unpaved terrain.	4 hrs	8:15 am	$49 adult ____ $39 child ____
Lamanai and The New River Safari	A 45-minute drive brings you to Tower Hill, where you board a river cruiser and head up the New River. While traversing the mighty New River and lagoons, it is easy to encounter herons, egrets and iguanas. Gently paddle upstream on the New River, where the mangroves hold an abundance of bird life. Upon reaching the village of Indian Church, the remains of Lamanai ancient city and the Maya Temple are visible. Walk through the site, large mounds detailing dwellings and gods seem to materialize out of the quaintness, and the chance of a little and half-hearted call of the howler monkeys. You are returned to the local dock on time to board your tender back to the ship. Note: Walk on uneven or unpaved terrain.	7½ hrs	7:45 am	$87 adult ____ $77 child ____
Jungle Bike and Cave Expedition	After a 30-minute drive from Belize City you will be placed at the foothills of the Maya Mountains. The surrounding hills provide many miles of winding trails, which are combined with sections of unpaved narrow roads, to offer a variety of challenges. Some of the trails provide excitement for cross country, where large stepping and crevices are lacking. The different terrain which the trails traverse will expose a variety of flora and fauna, and add to your experience. Lunch and refreshments will provided. Minimum age is 12 years old.	6 hrs	8:30 am	$88 adult ____
The Mayan Ruins of Altun-Ha	Altun Ha (Maya for Rock Stone Water) thrived as a trading post in the Maya world during the Pre Classic and Classic periods. The well known Maya temple complex was the "Sacrificial Altar" weighing in at nearly 4 tons, the Jade Head was found here (which is promoted on the tour). Note: Walk on uneven or unpaved terrain.	4½ hrs	9:15 am	$45 adult ____ $35 child ____
Cave Tubing and Jungle Walk	Board a coach for a one hour drive out to the Caves Branch River and an amazing jungle walk through the Maya Mountains and numerous ancient caves. An impressive 1 or 2 mile hike through the jungle where your guide will point out various plants, ropes and herbs once used by the ancient Maya for medicinal purposes. An energizing journey that leads into the underground cave system is the start of an "eye-opening" adventure. You grab hands our flashlights and you are ready to float in inflated inner tubes and gentle currents to take you through the cave system. Intricate crystalline formations line the cave and the majestic, tree and bell of stalagmites and stalactites add to the sense opulence of nature. This part of the adventure takes about two hours. Lunch includes: Corn pinole & purified water, 1 Stew, stew, spring beans lunch with rice with or water shoes and a towel. A change of clothes and shoes is recommended and will be welcomed after your hike. Minimum age is 12 years old.	7 hrs	8:00 am	$96 adult ____
Shark Ray Alley and Sightseeing Tour	Board a motorboat for an one hour trip down the barrier reef to a popular marine reserve and the famous Shark Ray Alley. After you've snorkeled in the clear waters and had a spiritual encounter with these sharks and rays, priceless! Afterwards, you will drive to a nearby cove for a barbecue lunch at a beachside cabana. There will be time to explore the "Caves of the Ancient Maya". Note: Walk on uneven or unpaved terrain. Snorkelers need their guests apply sun block and wear a t-shirt which provides a shield from sun burn. The tour is not recommended for non-swimmers. Minimum age 12 years old.	7½ hrs	8:30 am	$81 adult ____ $72 child ____
Goff's Caye Island Getaway	Directly from the ship, board a boat for a 30 minutes ride to Goff's Caye located on the Belize's Great Barrier Reef. No more than 1 acre in size, Goff's Caye boasts a wide variety of shell seashells, a limited number of coconut palms and one of the best beaches in the area. A Barbecue lunch will be served on the beach with toasted buns, soft drinks and rum punch. At complimentary, if so desired, beer may be purchased. At the population of your stay, Island a boat for the reef and depart to the ship. Note: Weather permitting, snorkeling equipment will be available at no charge. This is not a private beach and transportation back to the ship will be on no hourly rates. Note: There is no age limit to participate in the tour. However there is a minimum age requirement of 12 years to participate in the snorkeling portion of the tour.	4½ hrs	9:30 am	$72 adult ____ $54 child ____

Cozumel, Mexico	Thursday's Tours	Arrive 8:00 am	Depart 5:00 pm	
Tulum Mayan Ruins and Shopping Tour *(previously Tulum Mayan Ruins and Beaches)*	Majestically perched above the turquoise Caribbean, lie the ruins of the ancient Mayan City of Tulum. You'll explore these ruins, considered to be the most important on the Yucatan Peninsula, after your ferry ride from the ship. You'll see the impressive El Castillo, 600 A.D. dominating the city as it rests on a 40 foot cliff. Time for shopping available at the Lapis Showroom and at Playa del Carmen. *Includes a limited box lunch from the ship. There is a $5 charge for video cameras payable at ruins. The walk to the entrance of the ruins is approximately ten minutes or you may choose to ride a trolley for an additional fee payable at the site. Ferry crossing to Playa Del Carmen may be rough.*	8 hrs	8:00 am	$88 adult ____ $65 child ____
Tulum / Xel-Ha Combination	After spending approximately 1½ hours at Tulum (described above), you will then get the opportunity to visit Xel-Ha, a collection of caves, coves, inlets and lagoons filled with both saltwater and fresh water. Once there, you will have approximately 2 hours of independent time to swim or snorkel in the cove, navigate the river, surround, stroll along the beach or walk through the jungle paths. At the end of your stay, it is a 45-minute drive to Playa del Carmen where you will board the ferry for the forty-five minute return to Cozumel. *Lid (heavily breakfast before your tour – limited box lunch served after Tulum stop. There is a $5 charge for video cameras payable at ruins. The walk to the entrance of the ruins is approximately ten minutes or you may choose to ride a trolley for an additional fee payable at the site. Snorkel gear not included in ticket price. Ferry crossing to Playa Del Carmen may be rough.*	8 hrs	8:00 am	$99 adult ____ $75 child ____
Cancun Transfer	After a 45-minute ferry ride, enjoy a relaxing drive to Cancun. You'll have 3 hours of independent time for Cancun's beaches, dining and shopping. The return ferry ride to Cozumel is 45 minutes long. *Lunch is not provided. Ferry crossing to Playa Del Carmen may be rough.* This is not a guided tour.	8 hrs (3 hrs. in Cancun)	8:00 am	$44 adult ____ $34 child ____
Xcaret – Eco-Archeological Park	Take a Mayan swim on the surface of an underground river. Browse through a botanical garden and nursery, visit the wild birds aviary or wonder at exhibits in the Museum of Mayan Archeological Sights. The ferry ride to the Mexican mainland is 45 minutes each way. *Lunch is not provided. Ferry crossing to Playa Del Carmen may be rough.*	8 hrs	8:00 am	$88 adult ____ $66 child ____
Passion Island Escape	Enjoy a slice of island paradise! After a short drive, you will choose your mode of transportation (a choice of motorized catamaran), you'll arrive at Passion Island. You'll have approximately three hours to enjoy all the island has to offer: an open bar, buffet lunch, beach volleyball, floating mats and the shade of palapas.	5 hrs	8:00 am	$69 adult ____ $35 child ____

Grand Cayman	Monday's Tours	Arrive 9:30 am.	Depart 5:30 pm	
Grand Cayman Highlights and Turtle Farm	A 10-min photo stop will be made at Seven-Mile Beach along the way to the Turtle Farm with another stop to see "Hell", a volcanic rock formation. Your final stop will be at the Cayman Island Rum Cake Visitors Center for a fruit punch and rum cake samples.	2 hrs	9:15 am 7:00 pm	$30 adult ____ $22 child ____
Seven Mile Beach Break	It's a relaxing break on Seven-Mile Beach. The price includes admission to the "Beach Club Colony House", a drink at the bar and a reserved lounger (chair) at the beach. (transportation and umbrella rental are not included UD 13.00 per person by taxi one way). *Please note: There is no pool at hotel.*		At your leisure	$18 adult ____ $10 child ____
Golf Ahoy! The Links at Safehaven	Step onto manicured greens dramatically sculpted against the tropical foliage of Grand Cayman. Designed by Mike Cain, this 6 acre golf course is a test of summer for any golfer. A collared shirt must be worn. Club rental not included.	5 hrs	9:15 am	$130 adult ____
Land and Sea	First, you will board your semi-submersible where you will have 50 minutes to view the wreck of the Cabo, the wreck of the Balboa, and the underwater beauty of Cheeseburger Reef. Then on to the Rum Cake Center where you will spend 20 minutes sampling Grand Cayman's delicacy - rum cake. Next stop will be at the estate of Pedro St. James where you will view 2 multi-media presentations and then have independent time to explore the house and grounds. Your tour concludes in town.	3½ hrs	11:00 am	$58 adult ____
Kayak Adventure	After a short transfer, you will be fitted with snorkel gear and two-person kayaks. Enjoy snorkeling near the wreck sites. Canopies before you set off on your Kayak trip along scenic Mid Beach. Once you arrive at Kaibo, the colony you can return to the downtown area of town and enjoy the beach facilities at the resort (for those that stay return transport is not included).	3 hrs	11:15 am	$62 adult ____ *Min Age 10yrs Old*
Seaworld Explorer (Semi-Submarine)	The Seaworld Explorer is a boat that allows you to descend 6ft under the surface of the water into an air conditioned glass observatory. Once onboard, you will receive a fully narrated trip over, one of the best snorkeling sites in the Caribbean, and over one of Grand Cayman's coolest reefs. It's like snorkeling but without getting wet!	1 hrs	1:00 pm 3:00 pm	$41 adult ____ $26 child ____
Nautilus Undersea Tour & Reef Snorkel	This gives you the opportunity to view the underwater world in 2 ways. After boarding the Nautilus, the largest, most luxurious semi-submersible ever, you will see 2 ghostly shipwrecks and the famous Cheeseburger reef. Then you will be able to go snorkeling in one of many colorful fish and corals! Snorkel equipment and instruction are included. GREAT FOR ALL AGES.	1 3/4 hrs	12:45 pm	$45 adult ____ $34 Child ____
Island Tour and Turtle Farm	Visit the famous "Seven Mile Beach", and view the entire stretch of white sand beach. Continue on to see a turtle farm with a spring water lagoon. Green Reef Sea Turtles are bred and raised. The last stop on your excursion will be the home of Hell where you can mail a postcard from "Hell".	2 hrs	10:15 am	$30 adult ____
Personalized Stingray City Snorkeling Tour	Enjoy a swim and a snorkel with the gentle stingrays (all equipment will be provided). This is a most personal tour, and you will be given the opportunity to feed the stingrays as well. This is a truly unforgettable experience. Children must be accompanied by a parent or a legal guardian.	2½ hrs	12:30 pm	$48 adult ____
Sea Mobile Submarine Tour	Enjoy the marine life of the Caribbean under pressure(s) in a manner you never thought possible. You will be sitting next to a depth around 40 feet in a Submarine with a fully climatized cabin and stay dry and comfortable. A most unique experience, spaces are limited. Not recommended for pregnant women and guests with heart condition. Weight restrictions apply.	1½ hrs	1:00 pm 3:00 pm	$139 adult ____
Cayman Bicycle Adventure	Departing from the dock, guests are transported to the Spanish Bay Reef Resort. On arrival, participants are issued "Giant Trader" mountain bikes and safety gear, beginning the resort. The first leg of the trip will take you along the cream country lanes and roads as you wind your way through the West Bay district of Grand Cayman. Canopy covered roadside of mahogany and the same forested canopy lanes at night (dark). On the first leg participants will have the opportunity to visit the Cayman Turtle Farm, Hell, Cobb and Cayman Thatch. Refreshments follow before returning to the resort. The last leg of the journey will take participants through the Seven Mile Beach where there will be time to relax before returning to the resort via motor coach. Minimum age 12 years old.	3 hrs	11:15 am	$69 adult ____
Cheeseburger Reef Snorkeling	Join us on this trip to some of the best snorkeling in the Caribbean. Grand Cayman is renowned for its abundant underwater life and snorkeling opportunities. Good choice for novice or professional.	2½ hrs	2:15 pm	$34 adult ____
Atlantis Submarine	Experience the amazing underwater wonders that have made Cayman famous onboard the ultra modern 48-passenger Atlantis Jet Submarine. You will cruise in air-conditioned comfort to a depth of 100 feet. Amazing colorful coral gardens with shifting sand formations, and a rich variety of marine life. Snorkelers (*Minimum age: 6 years old*) may participate. *This is a wheelchair accessible. Minimum age: 6 years old*	1½ hrs	1:30 pm 3:30 pm	$85 adult ____ $44 Child ____
Snorkeling and Stingray City Combo and Beach Experience	This tour combines two of Grand Cayman's most popular excursions along with a beach experience at one of the world's top 10 beaches. "Seven Mile Beach". Stop at the Coral Gardens to go snorkeling in one of the most beautiful sites in North Sound, and at the Stingray City sandbar to swim with the stingrays. Snorkel fins, snorkel and flotation devices are provided. Enjoy a Caribbean lunch served beneath the palms. After lunch, there will be time to swim and relax before returning to the ship.	5 hrs	9:45 am	$89 adult ____
Grand Cayman Scuba Diving	This tour is offered with a complete set of scuba diving equipment or guests are welcome to use their own equipment. Your professional tour operator will select you to one of the best diving locations in the world. Having taking this tour must be certified by PADI or another recognized scuba diving association and also must have been scuba diving within the last two years. Guests must provide their certification and a medical waiver will be completed on site. For more information about this fabulous scuba diving experience please consult the Excursions Desk.	4½ hrs	9:15 am	$110 adult ____ $90 Student $75 adult with own equipment
Luxury Sailing Yacht Safir	Imagine boarding the famous around-the-world sailing yacht. When built, it was the largest and most innovative around the world, door over. Set sail and enjoy the trip of a lifetime impressions left behind the wind. Experience the magic of combining nature's elements of wind and sea. Feel these forces, up to hundreds of years. Once anchored you will enjoy another mix of nature's beauty, snorkeling the underwater wonderland filled with spectacular reefs and marine life. To combine this unique sailing experience you will lunch aboard sail and to indulge white sand beach, relaxation and a swim in the warm Caribbean waters including treating your palate to fresh fruit, tropical dropped fruit drinks, cheeses and imported crackers accompanied by smoked salmon and an assortment of cold cuts.	3½ hrs	11:15 am	$98 adult ____
The Cayman Walking Trek	Developed with walking enthusiasts in mind, this guided tour departs directly from the cruise ship pier in Georgetown. Participants are provided with basked water at the commencement of the walk. You will see one of the best examples of Cayman style architecture as you pass the national museum. You will see the national assembly building where the Cayman's are governed, pharmacical boutiques and shops and many of the banks. We make the Cayman Islands one of the top offshore banking centers in the world. The walk continues along the shore line and leave us with a touch of Seven Mile Beach, at which point you will walk along the boardwalk where sands of what is generally considered to be one of the top beaches in the world. After enjoying a leisurely stroll along the wide sidewalk to the beach, the Cayman Turtle Farm is located on the right of Seven Mile Beach and adjacent to the Kaibo. A swim before lunch, relax directly on the beach. After approximately an hour a half, transportation will be provided back to the cruise ship pier. Please note the minimum age to participate is 12 years. Guests 16 years of age and younger must be accompanied by an adult.	4 hrs	10:45 am	$59 adult ____
Spanish Bay Reef Resort	For those guests wishing to escape the crowds, a day at the Spanish Bay reef resorts is just for you. You will be greet at the pier and board an air-conditioned Aqua Coach for a leisurely 20 minute ride through tropical Grand Cayman and beyond Seven Mile Beach to the pristine nature coast of Spanish Bay Reef Resort. On arrival, you will be welcomed with a rum punch in hand along the secluded ocean front resort facing the underwater marine preserve Kaibo Wall a snorkeling Paradise! Or, relax in the pool, relax in the jacuzzi, swim in the hammock under the pines and soak up the sun. Your tour includes transportation, sport bar buffet lunch and use of resort facilities including snorkeling gear. Please note that it is strongly recommended that guest wishing to snorkel refrain from consuming alcoholic beverages until they have completed the snorkeling portion of the tour.	5 hrs	10:00 am	$84 adult ____
Aquabats & Snorkeling Adventure	Experience on-the-water excitement with these two-person Aquabikes - 12' inflatable motorboats that are yours to command on the fun, safe and exhilarating snorkel adventure. After a short walk from the cruise terminal, your guide will give you basic instruction in the operation of these incredible water craft. Supporting your reef boat, your guide will take you along the picturesque south coast of the island to Sandy Cay, an unbelievable desert island just off the Cayman coast where you can walk on the sand like a modern-day Robinson Crusoe. Then it's on to Smith's Cove, a delightful little bay with an almost secret beach. Swim and snorkel in the calm waters teeming with fish life or just relax on the beach, following the snorkeling north again you'll stop at the "Cut" for a chance to see the sharks in their natural habitat before returning to the pier, and treasured to exclusive Bar for complimentary fruit or rum punch. Life vests, snorkeling equipment, iced water included. Participants should be in good physical condition. Tour recommended for individuals with bad backs and for those who cannot swim. Pregnant women and children under 17 may not participate in this tour. Guests under the age of 18 must be accompanied by an adult, and guest must be 18 and over to drive the boats.	3 hrs	12:45 pm	$79 adult ____

Second Choice: _____ Tour name: _____ Time: _____

[redacted]

royalcaribbean.com

000117 AUTO**3-DIGIT 010
Ms. Angela Orlich
[redacted]
West Springfield, MA 01089-4407

Dear Angela,

On behalf of the staff and crew of *Nordic Empress*, I'd like to thank you for sailing with us in the Caribbean and giving us the opportunity to show you how we do experiences to remember. With over 160 years of call on free customers, we pride ourselves on bringing you adventure around every corner.

We hope you'll enjoy the vacation adventure for a while. After all, it's most every day you get to [illegible] On tropical along some of the world's most spectacular coral reefs. Or just relax in a hammock with a good book.

Of course, you can create just as many unforgettable experiences on your next Royal Caribbean cruise vacation – and that's not all. You can also take advantage of special limited-time savings when you book using the savings certificate attached below. It's simply our way of thanking you for sailing with us.

How can you get even more from your next Royal Caribbean cruise vacation? With the Crown & Anchor Society, and there's never been a better time to join. It's not only free, it gives you exclusive access to a variety of valuable benefits and privileges (see reverse side for details). And because you've just sailed with us, you're eligible to join now at the *Gold Member level*.

So don't miss out. Enroll today by calling us at 800-326-9723 or by logging on to the Crown & Anchor Society section of our Web site, royalcaribbean.com. And while you're at it, why not start planning your next cruise vacation? When you're ready to book, simply call your travel agent or (800) 327-6811, or visit our Web site.

We look forward to welcoming you onboard again soon.

Sincerely,

Jack Williams, President
Royal Caribbean International

P.S. The savings attached below are available only for a limited time, so book soon. And be sure to pass the personal savings certificate on to a friend or family member, with our compliments.

Royal Caribbean International, P.O. Box 026053, Miami, FL 33102-6053, Telephone: U.S. and Canada 800-327-6811

SAVINGS CERTIFICATE
$50 U.S./$75 CAN.
off per stateroom when you book by 06/10/03.
ID #: 13479727
Ms. Angela Orlich
Ship/Sailing Date Routing ID
Option Code: US-DA12-CAD-NAU7

SAVINGS CERTIFICATE FOR [redacted]
$50 U.S./$75 CAN.
off per stateroom when you book by 06/10/03.
Name
Friend of Ms. Angela Orlich
Ship/Sailing Date Routing ID
Option Code: US-DAGOCAD DAGF

Exhibit "B"

Law Offices of
WALKER & O'NEILL, P.A.
MARITIME • LAWYERS
Suite 1602
Dadeland Centre
9155 South Dadeland Boulevard
Miami, Florida 33156

James M. Walker
Lisa O. O'Neill

www.maritimelawyers.com

Telephone (305) 995-5300
Facsimile (305) 995-5310

February 22, 2006

Via Facsimile no. 305 982-2712 and Regular Mail

Adam M. Goldstein
President
Royal Caribbean International
1050 Caribbean Way
Miami, FL 33132-2096

Re: Sexual Assault and Battery of Passenger Ms. Angela Orlich
Nordic Empress - January 2003

Dear Mr. Goldstein:

This firm represents Ms. Angela Orlich who was a passenger on the Royal Caribbean Nordic Empress in January 2003.

Ms. Orlich purchased a shore excursion recommended by the cruise ship which included scuba diving in Cozumel, Mexico. The dive instructor, Alfonso Aranda Gomez, took her to the depth of approximately 30 feet and sexually assaulted and battered her. She reported the incident to the Royal Caribbean ship personnel, including the ship doctor, security officer and others on the cruise ship. She has been greatly traumatized by the incident. Ms. Orlich took steps by herself to report the incident to the U.S. Consulate's office in Mexico, which have not resulted in her assailant being brought to justice. Ms. Orlich remains very concerned that Mr. Gomez will victimize other women.

Please provide us with copies of the following documents:

1. Statement of incident by Ms. Orlich;
2. Medical records/reports of Ms. Orlich;
3. Security report regarding the incident;
4. Letters/e-mails to and from the shore excursion company; and
5. Notification to the FBI.

Please inform us whether Royal Caribbean reported this incident to the FBI. If so, please provide us with a copy of the notification of the crime to the FBI.

Exhibit "C"

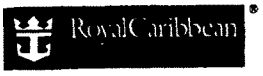
Please give these requests your close and prompt attention. Thank you for your anticipated cooperation.

Should you have any questions, please do not hesitate to contact the undesigned at your convenience.

Very truly yours,

JAMES M. WALKER

cc: Risk Management Department
Royal Caribbean Cruises, Ltd.
(via facsimile 305 539-6561)



Royal Caribbean International
1050 Caribbean Way
Miami, FL 33132

tel: 305.539.6000
www.royalcaribbean.com

March 23, 2007

Via Mail & Fax #305-995-5310

James M. Walker
Walker & O'Neill, P.A.
Plaza 57
7301 SW 57th Court, Suite 430
South Miami, FL 33143

Re: Angela Orlich
M/V "Nordic Empress"
DOI: January 2003

Dear Mr. Walker:

Your letter addressed to Adam Goldstein was referred to my attention. We apologize that your prior correspondence did not receive a reply. We thought that our former Manager of Guest Claims, Katy Yaziciyan, had responded to you and, unfortunately, she was ill and passed away before doing so.

With respect to the items you requested in your letter, Ms. Orlich did not provide a written statement nor did she seek any medical care. We must, respectfully, decline your request for our internal security reports and communications with any shore excursion company. Although late, the allegation was reported to the FBI. They advised they have no jurisdiction over the matter and deferred further action to the local police in Cozumel, Mexico where the alleged event occurred.

As you are aware, Ms. Orlich went ashore on her own in Cozumel, Mexico to tour. Ms. Orlich returned to the ship in the late afternoon and verbally reported to our ship personnel that while ashore she purchased a private tour to go scuba diving. During the tour, she claims that the tour guide started touching her while she was in the water. She got out of the water and sought help from her friends who were touring with her and they brought her back to the ship. It was recommended to Ms. Orlich that she report the matter to the Cozumel Police Department.

All contact information for the tour company was provided to Ms. Orlich. In the event she has not provided it to you, she purchased the tour through Playa Sol Resort. We understand they have recently changed their name to Playa Mia. The manager of the

Exhibit "D"

resort is Mr. Enrique Uribe and his telephone contact is +52-987-8729030. The business address is:

Playa Mia Grand Beach Park
Carretera Costera Sur Kilometro 15.0
Zona Hotelera Sur
Cozumel, Quintana Roo.
Mexico 77600

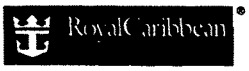
Ms. Orlich identified the tour guide as Alfonso Aranda Gomez.

The ship did communicate Ms. Orlich's report to the tour operator; therefore, they should have information on file regarding the allegation.

Sincerely,

Pamela D. Powell
Manager, Guest Claims
Risk Management Department

PDP/



Royal Caribbean International
1050 Caribbean Way
Miami, FL 33132

tel: 305.539.6000
www.royalcaribbean.com

August 3, 2007

James M. Walker, Esq.
Walker & O'Neill, P.A.
Plaza 57
7301 S.W. 57th Court, Suite
South Miami, Florida 33143

Re: [redacted]
Grandeur of the Seas
DOI: March 8, 2007

Dear Mr. Walker:

We are in receipt of your correspondence dated July 6, 2007, and below hope to provide answers to all of your questions.

Although late and although we have no obligation to do so, we did report this matter to the FBI. We remain ready and available to assist any law enforcement authority with their investigation should it be pursued.

With regards to the other passengers on the excursion, we cannot provide you with the addresses and telephone numbers of our guests, as that is their confidential information. Additionally, we are not aware of any other passengers making complaints that the tour guide sexually harassed them. .

We are also unable to provide you with a contract between ourselves and the tour operator as there is a confidentiality clause within same. However, as we previously informed you, all complaints and or future suits should be directed to them as there is an indemnification clause contained within the contract.

We previously provided you the tour operator's contact information. They have opened a claim with their insurer and suggest you direct any questions concerning the report and it's author to them. Their insurance company is Royal Marine Insurance Group, 8300 NW 53rd Street, Suite 102, Miami, FL 33166, tel.: 305-477-3755, fax: 305-477-3858. The contact for this claim is Joe McPherson and the claim number is JY07J013410.1.

Royal Caribbean has not communicated any "warnings" about the tour guide as you suggest. We have no evidence to incriminate him in such a way. That would be a slanderous act and we are seriously concerned that you would suggest we commit such a transgression. Furthermore, Royal Caribbean's Zero Tolerance Policy establishes guidelines for reporting allegations of serious crime committed onboard our ships to appropriate law enforcement authorities. Ms. [redacted]'s alleged assault did not happen on our ship.

Sincerely,

Michelle Taylor
Adjuster, Guest Claims

Exhibit "E"

REMARKS OF
HAROLD RUCHELMAN

BEFORE THE HOUSE SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

September 19, 2007

Good morning, Mr. Chairman, Ranking Member, and members of the Subcommittee. Thank you for inviting me to testify before you today. My name is Harold Ruchelman and I understand that I am here to help you determine how the cruise line industry should deal with tragic events. My story is an example of how they should handle such situations.

My story is about what Celebrity Cruises did for me in March of 2006. It was Thursday, March 22. We docked in Arica, Chile. One of our friends had made arrangements for a tour – a tour that was not sponsored by Celebrity. It was an enjoyable one and we were on our way back to the ship when the accident occurred. An accident that changed my life forever. Our driver lost control of the van and we toppled down the steep slope of the mountain. The next thing I remember was coming to on the side of the mountain with a broken right leg. My friends' bodies were strewn about the mountain with the remnants of the van near the bottom of the slope. I could not see where my wife was. The guide, the only one who was mobile, told me that most of the people perished including all the women. That meant that I had lost my wife.

Here I was – in the middle of nowhere. How do I get in touch with anyone? What do I do now? I felt cut off from my world and totally helpless. All I could do was wait and see.

It took about an hour and a half before any help arrived. No one spoke English and I didn't speak Spanish. It was so bad that when people asked me how I felt, I thought they were asking for my name.

I was taken by ambulance to a hospital in Arica. My clothes were cut off in the emergency room and I was taken for X-Rays to determine my condition. Coming back from that procedure, I got my first taste of the care that Celebrity Cruises would be giving me. One of the doctors and one of the nurses from the Millennium, the ship we were cruising on, were there at the hospital. When I was in the ICU, the doctor asked me if there was anything I needed on the ship. I suffer from sleep apnea and use a CPAP machine which was in the cabin on the ship. I asked if he could get it, as I doubted that the hospital in Arica had one. He also told me that the doctors there said my X-Rays indicated I may have a problem with my Aorta. I was taken for a CAT scan. When the doctor came back with my CPAP machine, he conferred with the doctors and told me that my CAT scan proved negative.

I was concerned about the cost of everything and how I was going to pay for it. Seeing my anxiety over this issue, the doctor, after taking it upon himself to look into this matter, told me that Celebrity would pick up all costs associated with the accident. I was astounded, as this excursion was not sponsored by them.

I was then moved to a ward which I shared with the guide and the other surviving member of our group. Being in a hospital in a small town in a third world country was unsettling to say the least. Air conditioning was opening a window – which let the flies in. The food left much to be desired – even for hospital food. But the worst was the language barrier. My leg, now in a full cast, kept me bedridden and if I needed anything, how did I let them know. Two American volunteers, from a nearby university, came to help. They remained until Celebrity Cruises brought two people from the states to remain with us (myself and the other survivor) for the duration of our stay in the hospital. They stayed with us day and night – just in case we needed anything. These two wonderful people were my connection to the rest of my world. The attention they provided was both comforting and greatly appreciated. They treated me as if I was family. When I stirred during the night, they jumped to see if I needed anything. I will never forget them.

They were only one facet of the help and concern offered by Celebrity. A member of their "strike force" came to see what he could do for us. He was constantly on the phone, trying to make all sorts of arrangements. Seeing what gyrations he was going through gave me a secure feeling, a feeling that I was not alone in Arica – there were people who were extremely concerned with my situation.

Celebrity flew in a Rabbi from Florida. Being of the Jewish religion, we avoid autopsies if at all possible. However, when one is required by law, certain procedures must be followed. This Rabbi was there to make sure that religious protocols were followed in our wives' autopsies as well as meeting our spiritual needs. They thought of things that I was in no condition to think of. They even flew in a counselor to talk to me.

Many people came in to see us. A Rabbi from Santiago, an individual from Israel, officials from the US embassy, officials from Chile, but the ones that stood out as trying to do the most for us were the people from Celebrity Cruises. They were obviously making a concerted effort to meet our every need and bring the situation to a satisfactory conclusion. They made arrangements for my children to fly down to Chile. You could imagine how welcome that news was since I thought I would be in that hospital for some time. Later that day, I was told we would be flying home Friday afternoon. I asked if my children knew of the change in plans and was told that they had been informed. Another problem was solved – how could I get in touch with

my children and let them know that I was OK. I was elated when the person making all the arrangements handed me his cell phone with my son-in-law at the other end of the line.

My two guardian angels, the two who stayed with me overnight, went out and purchased clothing for me to travel in. Remember, all my clothes had been cut off in the emergency room.

Soon I was whisked off to a waiting ambulance and taken to a local airport and together with the other survivor was put on a chartered plane. I could not believe what was being done for us. Celebrity chartered a plane just for the two of us and the remains of our wives. On board, were my guardian angels (who made sure that all my belongings from the hospital were taken), the doctor, the nurse, the counselor and the Rabbi. They, along with the flight crew, were constantly checking up on us. The doctor, in order to monitor us, sat facing us the entire trip. All of Celebrity's people planned to deplane in Florida and most of them did. The doctor, however, accompanied us all the way to Newark, New Jersey. The plane landed at Newark and taxied to a private hanger where our children came on board. The doctor checked me out one last time, to ensure I was well enough to go home. I was then put in an ambulance that took me to my daughter's house.

I cannot begin to express the feeling I had then, or have now, at the consideration, concern and efforts the Celebrity Cruise organization extended to me. And to think that this all began with an excursion they had not sponsored. Yet they still chose to do something. And they did an astonishing job. They more than extended themselves in helping me get through my ordeal. I do not know what I would have done without them. I will be eternally grateful for their humanity, compassion and thoughtfulness.

I don't know if my case is an aberration, but Celebrity has set a standard that the rest of the industry should emulate.

Thank you again, Mr. Chairman, for the opportunity to be here today.

TESTIMONY OF

WILLIAM M. SULLIVAN, JR., ESQ.
PARTNER
WINSTON & STRAWN LLP
1700 K STREET, NW
WASHINGTON, DC 20006
Tel. 202-282-5000

BEFORE THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

SEPTEMBER 19, 2007

Introduction

Good [morning/afternoon], Chairman Cummings, Ranking Member LaTourette and Subcommittee members and staff. Thank you for your invitation to address you today about the continued prevalence of sexual assaults against Americans on cruise ships and the willful failure of the cruise industry to institute reasonable security measures, properly respond to sexual assault incidents, care for the victims of these horrific crimes, discourage an onboard culture of reckless profligacy, and warn future passengers of the ongoing danger of rape and sexual assault during cruise vacations.

I am a partner at the law firm of Winston & Strawn LLP, where I specialize in white-collar criminal defense and corporate internal investigations. From 1991-2001, I served as an Assistant United States Attorney for the District of Columbia. In these capacities, I have overseen both criminal investigations and internal corporate investigations, and I have represented corporations and individuals before federal enforcement authorities and regulators, and in criminal and civil litigation. My perspective on the issues addressed by this Subcommittee today has been forged from my experiences both as a prosecutor and as counsel to large corporations. Any way I look at it, the vacation cruise industry is a business in deep trouble.

Last March, Laurie Dishman testified before this Subcommittee and told her heart-wrenching story of how she was raped by a Royal Caribbean employee and was then further victimized by a company that managed its own risk instead of caring for her. Laurie Dishman identified herself as "the next Janet Kelly," relating her story to that of another sexual assault victim who had previously testified before Congress. Laurie Dishman warned that just as she was "the next Janet Kelly" so too would there be a "next Laurie Dishman."

Members of Congress, I represent the next Laurie Dishman, a young American woman who was forcibly raped during what was promoted as a safe vacation experience. Rape is a loathsome crime that has been accurately described as "the murder of the soul." My client is understandably still very shaken by what happened to her and does not wish her identity to be disclosed at this time. To respect her wishes, I will refer to her as Jane Doe throughout my testimony.

What happened to Jane is not an isolated incident. Rather, it persists in an industry that has willfully failed to exercise even the most basic corporate controls despite ample evidence of the dangers to which its passengers are exposed, several reports and recommendations as to how to prevent or minimize those dangers, and its own prior promises to this Congress. I can tell you today that unless cruise lines such as Royal Caribbean drastically change their corporate attitude regarding sexual assaults on their ships, either by their own initiative or as a result of Congressional action, there will be many, many more women victimized like Janet Kelly, Laurie Dishman, and my client, Jane Doe.

Jane Doe's Story

Just two weeks before this Subcommittee's March 2007 hearing on cruise ship crime, Jane—a 20-year-old college student—boarded a Royal Caribbean ship with some of her college-age, female friends, to experience the fun and relaxing spring break she saw portrayed in Royal Caribbean's promotional literature. Jane and her friends were led to believe they would be safe onboard the ship, and looked forward to an enjoyable vacation. Midway through the cruise, Jane was brutally raped by her Royal Caribbean cabin steward, who entered a cabin with his Royal Caribbean-issued passkey, after hours, to rape Jane while she slept.

The crewmember who did this was a predator. Earlier that evening, even though he was off duty and had no reason to be near the cabins of Jane and her friends, he imposed himself upon these young women, giving them Royal Caribbean alcohol and encouraging them to consume it with him. During this time, the crewmember watched and lingered as Jane and one of her friends fell sound asleep. Jane's friends escorted him out of the cabin and closed and locked the door behind them before going to their own cabin. Shortly thereafter, the crewmember used his Royal Caribbean passkey to enter the cabin where he knew Jane and her friend lay fast asleep. Without waking Jane or her friend, the crewmember removed Jane's shorts and bikini bottom and forcibly raped her.

Jane awoke as a result of the rape. She struggled to push the rapist off her. She fled the room to seek help. The cabin steward pursued her into the hallway, telling her that nobody would hear her cries for help. She then fled back to the room and slammed the door on him. While Jane and her friend cowered in the cabin, there was a persistent knocking on the door. Because Royal Caribbean's door did not have a peephole, there was no way for Jane and her friend to see who it was. In fact, it was her attacker. Fortunately for Jane, he soon thereafter fled the scene.

Unfortunately, there are no security tapes of the rapist entering the cabin, of Jane attempting to flee her attacker, or of her attacker pursuing her back to the room and persistently knocking on the door. Although corridor security cameras have been a commonplace security feature in hotels around the world for many years, Royal Caribbean has chosen to limit its placement of such equipment to other areas, such as stairwells and lounges. As a Royal Caribbean employee, the rapist plainly knew that his attack would not be observed or recorded by security personnel.

Jane's companions reported the crime immediately by dialing 911 on the ship's phone. The Royal Caribbean employee who answered this call initially did not take the report seriously. In fact, he laughed.

A short time later, Jane was taken to the ship's infirmary, where she expected to receive the urgent medical care and forensic treatment she needed. Instead, she encountered a medical staff whose actions were only to serve Royal Caribbean's risk management interests, at the expense of Jane's medical and emotional needs. The doctor responsible for treating her did not even attempt the most basic procedures consistent with current medical practices that doctors should perform when presented with a rape victim. This doctor did not examine her, did not ask her if there was alcohol or prescription medications in her system, did not perform a rape kit, and did not give her anti-retrovirals and other medications that are so critical when administered properly in preventing HIV and other sexually transmitted diseases.

The only thing that Royal Caribbean's doctor did perform was to fulfill the risk management role assigned to her by Royal Caribbean. Even though Jane was coherent and communicative when she arrived in the infirmary, albeit shaking from the trauma of her rape, the nurse immediately injected Jane with the powerful drug, Lorazepam. Lorazepam is a strong sedative with amnestic properties, tending to cause forgetfulness and to affect memory. Moreover, Lorazepam is known to be dangerous when administered to persons with other medications or alcohol in their systems. Nevertheless, the nurse injected Jane with the drug without even inquiring into her medical history or recent ingestions. Further, Royal Caribbean's nurse did this knowing that Royal Caribbean's doctor would soon compel Jane to make a written statement about the rape, and would be interviewed by local law enforcement.

Indeed, after a short wait for the injection to take effect, the doctor ordered Jane to complete and sign a Royal Caribbean statement form, without informing Jane that the information she provided was not for any medical use, but instead was to be turned over directly to Royal Caribbean's risk management personnel and lawyers. Clearly, such statement form served no legitimate medical purpose, but only served to fulfill Royal Caribbean's risk management purposes and liability defense. Indeed, the doctor provided no medical examination or treatment of Jane whatsoever.

Instead, the doctor abandoned Jane on an infirmary cot for almost six hours, leaving her in a sedated state, in which she was unable to provide meaningful information to local law enforcement. Further, the doctor initially refused the requests of Jane and her companions to call their parents for help and guidance, by telling them that they would have to wait until after the ship sailed from the port.

As a result of Royal Caribbean's doctor's heartless failure to administer anti-retrovirals or rape kit, Jane waited so long before receiving real treatment that she was outside the recommended effective timeframe for receiving these critical medications. Further, the medically and forensically unwarranted passage of time permitted evidence of the rape to deteriorate within and on her body.

The lack of care given in Jane's case extended far beyond the malfeasance of the personnel in the infirmary. Contrary to testimony presented to this Subcommittee in March, Royal Caribbean did not assign the most-senior female officer to serve as Jane's advocate. Rather, Royal Caribbean left Jane and her friends to fend for themselves amid foreign law enforcement personnel and Royal Caribbean employees whose actions were directed exclusively to protecting the company's liability interests.

Royal Caribbean ultimately abandoned Jane at the foreign port of call to the local authorities. The company refused to provide accommodations to permit her traveling companions to remain with her, so Jane and one friend stayed behind while the rest of their group left with the ship. Since Jane had received no actual medical treatment onboard and no rape kit had been performed, the local police took her to a hospital emergency room, which, ironically, was only minutes away from the ship. However, because Royal Caribbean failed to make any provisions for taking Jane to the best possible facility in the city—even though it was virtually the same distance from the port—the police took her to the local public hospital. As a result, Jane was not treated until many hours after she should have been, and then received substandard care. Among other things, she did not receive the anti-retrovirals she needed to minimize the risk of HIV infection until at least six hours later, and even then, she received only half of the standard dosage of these anti-retrovirals which she should have received, and would have received, at any reputable emergency room in the United States.

Even after Jane left the ship, Royal Caribbean continued its risk management tactics. Witnesses have reported that Royal Caribbean failed to properly secure the crime scene such that unauthorized individuals had easy access to it.

Royal Caribbean also failed to consider the needs of Jane's traveling companions, who remained on the ship until the father of one of Jane's friends contacted law enforcement in the United States and informed them that his daughter did not feel safe onboard. Upon receiving this report, the ship's staff captain pressured the young woman to retract her statement, and to say that she was fine. Of course, she was not fine. These young women were all traumatized by what had happened, and they had virtually no information regarding Jane's condition or well-being.

Meanwhile, as Jane was traveling back to the United States from the foreign port, she received persistent calls on her cell phone from an individual in Royal Caribbean's "guest care" department. This person insistently pressured her to accept counseling with a therapist associated with Royal Caribbean—whose employee had just raped her—and continued to harass Jane even after she declined. Through correspondence with Royal Caribbean, it later became clear that Jane's instincts were correct. Just like the doctor onboard the ship, this purported "guest care" person was part of Royal Caribbean's risk management operation. She took notes regarding her calls with Jane and passed on a distorted account of these conversations to Royal Caribbean's lawyers.

Surprisingly—and this is unusual because it is apparently extremely rare even though cruise ships are controlled environments that cannot be easily fled—Jane's rapist was apprehended by local authorities, is currently incarcerated, and will stand trial. Despite this, Royal Caribbean still refuses to provide Jane either the basic information necessary for her continuing medical care, or the evidence it retains that is needed to bring Jane's rapist to justice. For example, even though U.S. privacy laws do not apply to foreign cruise line employees, Jane still has not received her rapist's Royal Caribbean medical records. As a result, she is forced to live daily with the dread that the half-dosage of anti-retrovirals and other medications she received many hours too late will prove insufficient to protect her from HIV and any other sexually transmitted diseases her rapist may have had.

Additionally, Royal Caribbean has refused to share with Jane or the local prosecutors the non-privileged statements it obtained from the rapist during repeated visits to him in the foreign prison.

Royal Caribbean had a duty to Jane Doe, as it had a duty to Laurie Dishman and Janet Kelly before her. It betrayed that duty when it gave a rapist unrestricted access to her and her cabin, when it injected her with a dangerous drug to inhibit her ability to report her attack, and when it failed to provide the medications she needed to prevent HIV infection, and it continues to betray her as it fails to support her efforts to see the rapist brought to justice.

Royal Caribbean's Track Record

Jane's experience is far from unique. Royal Caribbean was able to execute its well-orchestrated risk management plan because it deals with these situations frequently. In my experience, corporations that uncover problems within their organizations have two options: 1) they can admit there is a problem and take immediate short- and long-term steps to address it; or 2) they can do nothing and act to hide the problem.

Royal Caribbean seems to believe that since these crimes occur far away from the eyes of the news media and U.S. law enforcement personnel, it sails with impunity and can get away with failing to take reasonable preventative measures, failing to report sexual assaults, tampering with witnesses, contaminating crime scenes and allowing them to deteriorate, and continuing to misrepresent the risks of sexual assault to which it exposes the U.S. citizens who pay money to vacation onboard its ships.

The problem is that with every warning Royal Caribbean fails to heed, victims like Jane pay the price. And Royal Caribbean has received plenty of warnings. The company has known for years that sexual assaults are a problem on its ships. In the past several years alone, Royal Caribbean ships have been the scene of hundreds of reported sexual assaults, many by Royal Caribbean employees.[1] Indeed, in Jane's case, the specific Royal Caribbean personnel onboard

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[1] Kimi Yoshino, *Cruise industry's dark waters; What happens at sea stays there as crimes on liners go unresolved,* Los Angeles Times, Jan. 20, 2007.

had prior personal experience responding to a reported sexual assault. Mr. Crisologo Dionaldo, who served as head of security on Jane's vessel, also was the head of security on Laurie Dishman's ship when she was brutally raped by a Royal Caribbean employee.

In May 1999, Royal Caribbean hired a consulting company, The Krohne Connection, to prepare a report regarding the problem with sexual assaults on its cruise ships. The report concluded that "improper activity occurs frequently aboard ships, but goes unreported and/or unpunished." In June 1999, another consulting company hired by Royal Caribbean, Swailes, Sheridan, Slade & Associates, presented a study to the company entitled "Reducing Sexual Assaults on Cruise Ships: Risk Assessment and Recommendations." This study concluded that "crew members generally understand that if they commit an offense and are caught they are most likely going to lose their job and be returned home, but not spend time in jail." These consulting firms recommended concrete steps Royal Caribbean could take to reduce the number of sexual assaults on its ships. I am presently unaware as to whether Royal Caribbean has altered its written policies in response to these recommendations, although I intend to find out. I can tell you that, based on Jane's experience, these changes have not been implemented in practice, even though the company received these reports eight years ago.

Recommendations for Improvement

There are many things Royal Caribbean and other cruise lines could and should do to prevent sexual assaults and—when these crimes occur—to properly investigate them and care for their victims. Most of these ideas are not new or particularly innovative. They have been recommended to the cruise lines by their own consultants, by past victims and by members of Congress. They have been used by the hotel industry and other tourism-based industries for years, which have found them to be both successful and cost-effective. Despite the many pleas

for improvements, the practical recommendations, and the proven track record of such actions, the cruise line industry has not implemented these changes. I am here today in the hope that a combination of public and Congressional pressure will finally force Royal Caribbean and other cruise lines to do what they should have done years ago to prevent and properly respond to these horrible crimes.

At a minimum, cruise lines should:

- Institute passkey technologies and/or controls to prevent crew members from using passkeys when off duty, and to effectively monitor crewmembers who are entering passenger cabins in the course of their duties. This is necessary in view of the increased risk posed by cabin stewards who have easy and frequent access to passengers, as noted in Royal Caribbean's June 1999 Swailes study. The technology is already well-established, and control procedures can easily be implemented to restrict the use of passkeys to certain hours or to establish a system whereby crew members physically turn in passkeys when they go off duty.

- Install peepholes and chains for all cabin doors.

- Install and monitor security cameras in the hallways of passenger cabins. This security method is routine throughout the hotel industry. Indeed, Royal Caribbean stated at the March hearing that it is changing to a digital security camera system. However, updated cameras are useless if they are not placed—and monitored—in ship areas where activity precedent to sexual assault commonly occurs. In Jane's case, had there been a monitored camera in her hallway, the rapist would likely have been deterred from committing the attack, and if not, security would have seen her rapist enter her cabin twice during a time period when he was off duty, and would have seen him pursuing her as she attempted to flee.

- Create a guest care team that lives up to its name. Ensure that guest care team members are independent of the corporate risk management department and outside counsel, and do not communicate information regarding a cruise line victim without the victim's written authorization. Provide training for guest care team members as to appropriate ways to assist victims of violent crime.

- Record all shipboard 911 calls. In an environment where there are no U.S. law enforcement authorities to whom passengers may turn when victimized by shipboard crime, the cruise lines must at the very least record their passengers' pleas for help.

- Ensure that all ships carry adequate supplies of rape kits, anti-retrovirals and other medications used to prevent STDs after a sexual assault, and administer a rape kit and anti-retroviral medications onboard if a rape victim cannot be transported to an adequate medical facility immediately after the rape. Notably, in Jane's case, there was a rape kit

onboard, but Royal Caribbean chose not to use it. Although I do not know if the ship had anti-retrovirals and other appropriate medications onboard, given Royal Caribbean's track record of sex assaults onboard, it should have maintained such items.

- Provide all sexual assault victims with the medical records of their rapists, so that victims may be properly treated for HIV and any other sexually transmitted diseases. (The cruise lines regularly assert that they are not covered by U.S. laws such as HIPAA, so crewmembers accused of rape are not entitled to medical records privacy.)

- Warn passengers that cruise ships are not crime-free. Cruise lines conduct safety drills at the beginning of each cruise during which passengers are taught where their life preservers are located and how to find their muster stations in case of emergency. Cruise lines also regularly warn passengers to beware of crime in certain ports of call. However, ship personnel fail to caution passengers about onboard crime. Cruise ships should warn passengers in writing and orally that they must be just as cautious on the ship as they would be in any city environment.

- Perform reasonable background checks on all employees who will be given unrestricted or unsupervised access to passengers, and provide appropriate supervision. In Jane's case, Royal Caribbean assigned a young man to be the cabin steward for a number of college-age women on a spring-break vacation cruise, and gave him unrestricted access to their rooms, apparently without any supervision or monitoring to ensure that he did not prey upon them.

- Immediately notify the FBI if a crime occurs involving a U.S. citizen. Royal Caribbean has previously testified that this is the company's policy, but in Jane's case the FBI was not notified until approximately 12 hours after the crime.

Anyone who suggests the industry can't afford these changes hasn't looked at the profit margins. Royal Caribbean is a $14 billion company that made $634 million in profits last year alone. As a company organized under the laws of Liberia, it does not pay the same U.S. taxes that other companies do. The cost of these improvements is pocket change for such a successful enterprise.

Indeed, in the long run, these changes will save the company money. If Royal Caribbean and other cruise lines fail to upgrade their policies, procedures and security operations, they will see an ever-growing number of victims prepared to file suits for damages based both on the company's strict liability for its employees' crimes, and on the company's own intentional misconduct in failing to prevent these incidents. The cruise industry also will see an increasingly

educated customer base choosing to forgo the risks of a cruise vacation where they will be at the mercy of foreign-flag ships and their employees who believe themselves to be beyond the reach of the law. Making the recommended changes will be inexpensive in comparison, and it will also allow the industry to honestly portray itself to future customers as a relatively safe and enjoyable vacation opportunity.

Conclusion

Because of the nature of the cruise industry, victims come from all parts of the country and all walks of life. Royal Caribbean alone had more than 10 million passengers last year. Unless real changes are implemented, and soon, any one of our loved ones could become the next "Jane Doe," savaged first by the depraved conduct of a crewmember, and then brutalized again by the unconscionable acts of a company determined to protect its public image and pocketbook without regard to the personal cost to its passengers.

I understand that our society is not crime-free and that cruise ships likely cannot be either. The critical question is whether the cruise industry is doing everything reasonable to prevent these horrific crimes of rape and sexual assault, and is responding in a responsible and appropriate manner when such crimes do occur.

Based on my client's experience, my survey of similar industries, and my experiences both as a former federal prosecutor and as a private lawyer conducting internal investigations, I believe the cruise industry is capable of much, much more. The industry owes its passengers safety and respect, not the callous, arrogant attitude that allows onboard sexual assault to be a chronic, unaddressed problem.

It is apparent that despite the cruise line industry's existing common law and statutory obligations, these companies are not willing to implement the security and response measures

necessary to safeguard American citizen passengers from the very real threat of sexual assualt and other violent crimes. Congress has acted before to prevent cruise lines from avoiding liability for the sexual assaults committed by its employees,[2] but unfortunately that has not been enough. I request and encourage this Congress to further protect American citizen passengers through legislation requiring passenger vessel security plans to specifically address the risk of assaults on cruise ships and through federal codification of heightened liability against cruise lines that fail to take adequate measures to protect their passengers. Without such action, cruise lines will continue to view the victimization of American citizens as merely the cost of doing business.

Thank you. I look forward to your questions.

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[2] 46 U.S.C. § 30509(b)(2).

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September 21, 2007

The Honorable Elijah E. Cummings
Chairman, Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
United States House of Representatives
Ford House Office Building
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Re: Supplemental Testimony to September 19, 2007 Hearing

Dear Chairman Cummings:

I would like to take this opportunity to thank you, as well as Ranking Member LaTourette and Subcommittee members and staff, for extending me an invitation to testify before you at the hearing on September 19, 2007. At such hearing, Mr. Gary Bald, Senior Vice President of Global Security of Royal Caribbean, stated that I knowingly misrepresented factual information regarding Royal Caribbean's assignment of a victim advocate to my client, a Royal Caribbean rape victim. Mr. Bald's statement is manifestly untrue, as set forth below.[1]

To correct the record, both for the benefit of my client, as well as the American public who should be the ultimate beneficiary of fair, open and honest Congressional hearings about the very important topic of cruise ship crime, I hereby request that this letter be included in the official record of the Subcommittee's hearing.

As the Subcommittee recalls, I represent a 20 year-old female college student who was brutally raped on-board a Royal Caribbean vessel by a Royal Caribbean cabin steward who gained access to the room where she slept by using his Royal Caribbean-issued passkey. In the

[1] Although Mr. Bald stated at the outset of his testimony that he did not wish to address my statements directly, he proceeded to respond only to my testimony regarding whether my client had been provided with a shipboard advocate. Notably, Mr. Bald did not take issue with any other aspects of my testimony.

course of my representation of my client, I have studied the statements made to this Subcommittee by Royal Caribbean ("Royal Caribbean" or "RCCL"), and have found that the glowing picture of what Royal Caribbean claims it does to protect and care for its guests is wholly inconsistent with the unethical treatment Royal Caribbean so callously dispensed to my client. As a participant in the Subcommittee's hearing with knowledge of both the public facade of Royal Caribbean's sanguine statements, and the ugly reality of how the company actually operates behind closed doors, I felt it was my duty to bring these glaring discrepancies to light.

One such discrepancy between what Royal Caribbean says and what they did in my client's case is contained in the statement made by Royal Caribbean's Senior Vice President of Global Security Gary Bald at this Subcommittee's hearing on cruise ship crime in March 2007, just three weeks after the assault on my client. Mr. Bald asserted that Royal Caribbean provides its female sexual assault victims with the senior-most female officer on the ship to essentially act as the victim's advocate. During the March hearing, Mr. Bald stated, in response to a question from Congresswoman Brown, as follows:

> Your -- to your first point, where you discussed the need to have a woman involved in situations, **our policy is and will continue to be that the senior-most female office[r] on board of our ship is assigned as a liaison to any female claimed victim.** We don't pass judgment on whether or not her claim is valid, we assign that woman and she is responsible for interacting on a day-to-day basis **outside of any investigative component to meet her needs and to make sure that we're not overlooking something that would make her experience easier.**

Crimes Against Americans on Cruise Ships: Hearing Before the Subcomm. on Coast Guard and Maritime Transportation, 110th Cong. (March 27, 2007) (verbal remarks of Mr. Gary Bald, Senior Vice President of Global Security, Royal Caribbean Cruises Ltd.) (emphasis added).

In contrast to such testimony, in my client's case, Royal Caribbean did not assign *anyone* to serve as my client's advocate, let alone the most-senior female officer on the ship. To the contrary, as I outlined in my testimony, Royal Caribbean's personnel engaged in heinous acts and omissions after my client was raped. Absolutely no RCCL-affiliated person on or off the company's ship acted as my client's advocate, as demonstrated by the following facts:

- The Royal Caribbean doctor responsible for treating my client did not even attempt the most basic procedures consistent with current medical practices that doctors should perform when presented with a rape victim.

- The Royal Caribbean doctor did not examine my client, did not perform a rape kit, and did not give her anti-retrovirals and other medications that are so critical

when administered properly in preventing HIV and other sexually transmitted diseases.

- As a result of Royal Caribbean's doctor's heartless failure to administer anti-retrovirals or a rape kit, my client waited so long before receiving real treatment that she was outside the recommended effective timeframe for receiving these critical medications. Further, the medically and forensically unwarranted passage of time permitted evidence of the rape to deteriorate within and upon her body.

- The Royal Caribbean nurse injected my client with the potent sedative Lorazepam without even inquiring into her medical history or recent ingestions, despite the fact that Lorazepam is known to dangerously interact with alcohol.

- The Royal Caribbean doctor ordered my client to complete and sign a Royal Caribbean statement form, without informing my client that the information she provided was not for any medical use, but instead was to be turned over directly to Royal Caribbean's risk management personnel and lawyers.

- The Royal Caribbean doctor abandoned my client on an infirmary cot for almost six hours in a sedated state, during which time she was unable to provide meaningful information to local law enforcement.

- Further, the doctor initially refused the requests of my client and her companions to call their parents for help and guidance, by telling them that they would have to wait until after the ship sailed from the port.

- The Royal Caribbean doctor took no steps to ensure my client would be taken to the best possible hospital facility in the foreign city. To the contrary, the doctor's notes reflect that she referred my client to the local public hospital and not the city's premier private hospital. As a result, the foreign police took my client to the local public hospital, where she received substandard care, including only half of the standard dosage of anti-retrovirals.

Clearly, then, Royal Caribbean provided my client with no advocate. Rather, RCCL left my client, a 20 year-old college student who had just been raped and then injected with a sedative by Royal Caribbean, to fend for herself against company employees, whose actions were directed exclusively to protecting the company's liability interests. Then, RCCL literally abandoned my client in a foreign port of call to the confusing morass of that developing nation's foreign law enforcement personnel and its foreign public hospital.

However, Mr. Bald, during his verbal remarks at the September 19, 2007 hearing stated that I made a knowing misrepresentation when I asserted that, following her rape, my client was not assigned the most senior female officer on the ship to serve as her advocate. In so doing, Mr.

Bald, with any evidence, support or basis, irresponsibly asserted that I knew that the female doctor on the ship was her "advocate". Nothing could be more dramatically at odds with the facts. Mr. Bald's statement at the hearing was the first time that anyone at Royal Caribbean had ever informed me that the female doctor was supposedly acting in any capacity other than as the shipboard physician. As other witnesses have testified to the Subcommittee, RCCL does not willingly provide information to its victims, and for the past six months since my client's rape, my repeated requests to RCCL for more than just basic information pertaining to my client have been ignored. Despite the fact that I have reiterated my requests for information about my client in many letters, telephone conferences with RCCL management and lawyers, and in a meeting with its lawyers, Mr. Bald's assertion at the hearing that the doctor was my client's advocate was the first time that RCCL has made that incredible assertion.

More importantly, at no time did anyone inform my client that such doctor was acting as her liaison, advocate or in any similar capacity. She did not provide my client with any paperwork or meaningful assistance, copies of her own medical records, RCCL's information about her rapist's HIV and/or STD status, or even give her a business card. In fact, not only did the doctor never identify herself as my client's advocate, *she didn't even tell my client her name.*

Fundamentally, it defies common sense that such doctor – who endangered my client's health and welfare in a multiplicity of ways – could be considered to have been my client's advocate, someone who was there, in Mr. Bald's words, "to meet her needs and to make sure that we're not overlooking something that would make her experience easier." Additionally, Mr. Bald stated to this Subcommittee that such advocate "is responsible for interacting [with the victim] ... outside of any investigative component", which was demonstrably not the case here. It was this very doctor who personally handed my client a Royal Caribbean security statement form (after the nurse had injected her with the sedative Lorazepam), and compelled her to complete and sign it. Of course, such statement was immediately turned over to RCCL's risk management department and lawyers.

There is a very cruel irony in Mr. Bald's assertion that my client had a RCCL "advocate" after her rape. It was RCCL who placed her in the single most vulnerable position of her young life by enabling its employee to gain access to the cabin where she slept and to rape her. It was RCCL who pumped her full drugs -- not the drugs she urgently needed to prevent HIV infection, but instead the drugs RCCL needed to silence her. It was RCCL who dumped her in a foreign port. Any assertion that RCCL assigned her an advocate "to meet her needs and to make sure that we're not overlooking something that would make her experience easier" is preposterous. Mr. Bald's contention that the shipboard doctor who rendered my client mentally and physically incapacitated with a dangerous injection and who acted at the direction of RCCL's risk management department was my client's "advocate" is particularly brazen and absurd. However, it reflects the lengths that RCCL will go to mislead this Congress.

That Mr. Bald knew anything about my client's rape came as news to me. In fact, Mr. Bald had previously refused requests to interact with me regarding my client's assault. In April

2007, I made a request to RCCL that I be able to communicate with Mr. Bald directly. However, Ms. Pamela D. Powell of RCCL's Risk Management Department informed me that Mr. Bald had decided that he did not wish to have involvement in specific incidents in which Royal Caribbean passengers had been assaulted aboard the company's vessels. I found this assertion surprising, given that Mr. Bald, in his March 2007 testimony purported to have an in-depth understanding of specific cases, RCCL's security protocols and RCCL's efforts to improve customer safety.

Thank you for the opportunity to provide these supplemental statements. I remain willing to assist the Subcommittee and its staff in its pursuit of the truth regarding this important matter of how best to protect American citizens from on-board cruise ship crime.

Sincerely,

William M. Sullivan, Jr., Esq.

Cc:

The Honorable Steven C. LaTourette
Ranking Member, Subcommittee on Coast Guard and Maritime Transportation
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September 17, 2007

The Honorable Elijah Cummings
Chair, Coast Guard and Maritime Transportation
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507 Ford House Office Building
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Dear Chairman Cummings:

As a travel agent with 18 years experience who has managed thousands of cruise passengers, and as a representative of the National Association of Cruise-Oriented Agencies (NACOA), I offer these comments and ask that this statement be included in the record of the Subcommittee's September 19, 2007 hearing.

Mr. Chairman, I am also a retired U.S. Army officer with command experience, having proudly served my country for 20 years in the fields of military intelligence and security. As an Army officer with my background, I completely understand the need for safety preparedness - whether on the battlefield or in the barracks. I understand safety and security and know what it takes to provide proper protection for my fellow soldiers, or in this case, for cruise line passengers. As an acute observer of safety measures on cruise ships (I have personally cruised as a passenger about 100 times) I am fully satisfied that the cruise lines regularly serving American passengers conduct safe practices on a continual basis and redress safety issues without prompting and with alacrity.

All of us have compassion and feel tremendous sorrow for the unfortunate victims (and their survivors) that experience tragedy during a cruise. And it is my hope that you and your Subcommittee colleagues will accept my deep appreciation for the concern you have demonstrated to these individuals and the traveling public as a whole. But, in my vast experience, the specific cases of concern brought before this Subcommittee are isolated and anything but routine.

This Subcommittee is now in its fourth hearing on the matter of passenger safety and security and while the hearings have been purposeful, they have also engendered a vague sense of concern in the public. It is important that the American people get the full and accurate picture of cruising, and this picture should be that cruise ships overwhelmingly offer safe, enjoyable vacations to the general populace.

In closing, Sir, I reiterate that I have been on more than 100 cruises and as a professional travel agent, managed thousands of cruise passengers. Many of my cruises have been with

my daughters, now teens, and I have full confidence in the safety of cruising. Thank you for allowing me this opportunity to share my views with you and your Subcommittee.

Sincerely yours,
Mary S. Brennan, ECC
NACOA Legislative Representative

American Society of Travel Agents
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Alexandria, VA 22314

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September 19, 2007

The Honorable Elijah Cummings
Chair, Coast Guard and Maritime Transportation
Subcommittee
U.S. House of Representatives
507 Ford House Office Building
Washington, DC 20515- 6231

Dear Chairman Cummings:

On behalf of the American Society of Travel Agents, Inc., (ASTA)[1], I request that this statement be included in the record of the Subcommittee's hearings, September 19, 2007, with respect to cruise safety issues.

Travel agents today account for over 90 percent of the sales of cruises to United States citizens. Based on cruise industry estimates of North American cruise passengers in 2007, travel agents will sell more than 11.35 million cruise vacations this year.

The cruise industry offers itineraries originating at numerous US ports as well as many overseas points of departure. It is usually necessary for the cruise consumer to travel a considerable distance to take a cruise, most often by air, and travel agents typically make arrangements for all aspects of the trip. Today's cruise passengers include individuals of all ages, many families, and many people of diverse ethnic background.

Taking a cruise is similar in some respects to visiting a new city. The largest cruise ships carry more than 3,000 passengers on a single sailing. Most of them will be strangers to each other.

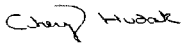
Recently the cruise industry together with the FBI and Coast Guard have undertaken steps to clarify and enhance reporting of incidents that occur on ships carrying US passengers throughout the world in an effort to ensure that all incidents are properly reported and appropriately investigated. The data reported at previous Congressional hearings indicates in objective terms that the risks of traveling on a cruise ship are miniscule. Travel agents continue to

[1] Founded in 1931, ASTA is the largest association of travel professionals. Our 20,000-plus members include travel agents and the companies whose products they sell such as tours, cruises, hotels, car rentals, etc. We are the leading advocate for travel agents, the travel industry and the traveling public.

sell cruises with the highest confidence that the cruise environment is a welcoming and safe one compared to any form of travel. It is, of course, always possible to have a problem when away from home. The cruise passenger must exercise the same diligence and personal responsibility that would be expected when traveling by any method or when in any place where there is close contact with unknown persons. Cruise ships provide extensive facilities to facilitate protection of passenger property and to encourage responsible behavior by cruise passengers both on and off the ship. ASTA's members have no hesitancy in encouraging their best customers to take a cruise. Cruises typically provide one of the highest customer satisfaction experiences in the entire travel spectrum.

At ASTA we are aware that the cruise industry works very closely with a number of government agencies to facilitate safety, and be as responsive to consumer needs as possible. Because cruise itineraries frequently involve visiting a number of countries on a single voyage, there are a myriad of laws that apply. It is our experience that the industry works very hard at ensuring personal safety and security. We are also aware that the cruise lines have been working very closely with interested advocacy groups to enhance guest Care programs. If ASTA can answer any questions the Subcommittee may have on this subject, we would be happy to do so.

Sincerely yours,



Cheryl Corey Hudak, CTC
President

September 17, 2007

The Honorable Elijah Cummings
Chair, Coast Guard and Maritime Transportation
Subcommittee
U.S. House of Representatives
507 Ford House Office Building
Washington, DC 20515- 6231

Dear Chairman Cummings,

I request that this statement, on behalf of Cruise Planners, be included in the record of the Subcommittee's hearing for September 19, 2007 on crimes against Americans on cruise ships.

Cruise Planners is a consortium of approximately 700 agencies located throughout the United States. These agencies are leisure and cruise-oriented, meaning that they specialize in providing quality holidays for Americans on vacation. While their main focus is on cruising, they do sell a good amount of land-based vacations including packaged tours and resort stays internationally. We negotiate on their behalf with major travel suppliers for more advantageous business terms including marketing, technology, training, communication, promotions and commissions.

I believe I have a unique perspective in order to comment on the safety and security of Americans on cruise ships, and I absolutely believe that Americas are safe at sea.

Yes, there have been isolated incidents with crimes against Americans onboard cruise ships, more often caused by other Americans, and the cruise industry has not been perfect in the past as there have been instances between crew members and passengers, but in reality, statistics absolutely reinforce the fact that over 99.9% of American cruise travelers return safely.

I think it is a worthy cause for Congress to make sure that the cruise industry is doing all they can to ensure cruise passenger safety, but I can also say that in all my years, I have only seen an industry that has strived to keep their passengers safe and sound and have reacted quickly to correct any problems with their crew, vessels or policies. Their life blood is the traveling American public, and they're not about to jeopardize it.

Today, I speak on behalf of my 700 independent travel agencies when I ask you to consider that for many years, our member agencies have been enjoying the business they continually receive from satisfied, repeat cruisers. Our future is based on this success, and we have never hesitated to promote cruising as anything but a safe vacation option.

Regards,

Michelle Fee

Michelle Fee, CTC
CEO

September 11, 2007

The Honorable Elijah Cummings
Chair, Coast Guard and Maritime Transportation
Subcommittee
U.S. House of Representatives
507 Ford House Office Building
Washington, DC 20515- 6231

Dear Chairman Cummings,

I request that this statement, on behalf of Cruise Shoppes, be included in the record of the Subcommittee's hearing for September 19, 2007 on crimes against Americans on cruise ships.

Cruise Shoppes is a consortium of approximately 200 travel agencies located throughout the United States. These agencies are leisure and cruise-oriented, meaning that they specialize in providing quality holidays for Americans on vacation. While their main focus is on cruising, they do sell a good amount of land-based vacations including packaged tours and resort stays internationally. We negotiate on their behalf with major travel suppliers for more advantageous business terms including marketing, technology, training, communication, promotions and commissions.

The truly modern cruise industry has been in existence for approximately 45 years, and I have worked in it for over 25. I have worked in the supplier sector with Royal Viking Line, Royal Cruise Line and Norwegian Cruise Line as well as the travel agent community for the past 5 years. I believe I have a unique perspective in order to comment on the safety and security of Americans on cruise ships, and I absolutely believe that Americans are safe at sea.

Yes, there have been isolated incidents with crimes against Americans onboard cruise ships, more often caused by other Americans, and the cruise industry has not been perfect in the past as there have been instances between crew members and passengers, but in reality, statistics absolutely reinforce the fact that over 99.9% of American cruise travelers return safely.

I think it is a worthy cause for Congress to make sure that the cruise industry is doing all they can to ensure cruise passenger safety, but I can also say that in all my years, I have only seen an industry that has strived to keep their passengers safe and sound and have reacted quickly to correct any problems with their crew, vessels or policies. Their life blood is the traveling American public, and they're not about to jeopardize it.

Today, I speak on behalf of my 200 independent travel agencies when I ask you to consider that for many years, our member agencies have been enjoying the business they continually receive from satisfied, repeat cruisers. Our future is based on this success, and we have never hesitated to promote cruising as anything but a safe vacation option.

Regards,

Shawn Tubman
President & CEO

September 19, 2007

The Honorable Elijah Cummings
Chair, Coast Guard and Maritime Transportation
Subcommittee
U.S. House of Representatives
507 Ford House Office Building
Washington, DC 20515-6231

Dear Chairman Cummings:

NBTA represents over 3,000 corporate and government travel managers, meeting professionals, and travel service providers, who collectively manage and direct more than $170 billion of expenditures within the business travel industry. NBTA members frequently organize and conduct corporate events and conferences onboard cruise ships operating from the United States and throughout the world. Events conducted on cruise ships are a growing portion of our member's business and represent excellent venues for networking and educational opportunities in a pleasant and accommodating atmosphere.

We are aware that this is the fourth Congressional hearing in the past 2 years dealing with the subject of personal security on cruise ships. While instances of crime can occur in virtually any aspect of daily life as well as vacation settings, I can tell you that our membership has no concerns with booking cruise ships for corporate events.

The best bellwether is the public and travel community's confidence in cruising. Passengers for North American cruises are increasing annually at about 8% over the prior year's number. This significant rate of growth is testament to passengers' satisfaction with the cruise experience.

We ask that this statement be included in the record of the Subcommittee's hearings, September 19, 2007 regarding cruise safety issues.

I am at your disposal for further information on this subject.

Sincerely yours,

Bill Connors

William Connors
Executive Director & Chief Operating Officer

110 North Royal Street, 4th Floor · Alexandria, VA 22314-2747 · Phone: 703.684.0836 · Fax: 703.684.0263 · www.nbta.org

Royal Caribbean Cruises Ltd.

1050 Caribbean Way
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tel: 305.539.6000
fax: 305.539.4645
www.royalcaribbean.com

October 5, 2007

Honorable Elijah Cummings
Chairman
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for the opportunity for Royal Caribbean Cruises Ltd. (RCL) to present testimony before the Subcommittee on September 19, 2007 regarding "Cruise Ship Security Practices and Procedures." As discussed with your staff, we respectfully request that this letter be included as part of the official hearing record to reflect our responses to two particular matters presented to the Subcommittee.

Statistics provided by the International Cruise Victims Association (ICVA). At the hearing, Kendall Carver, President of the ICVA, claimed that the rate of ship-board sexual assaults is twice the rate of those occurring on shore. The two figures serving as the basis for that statement, however, are shipboard *sexual assaults* and land-based *forcible rapes.* This is significant, of course, because the definition of "sexual assault" includes behaviors such as the intentional touching of certain body parts through clothing. In addition, the FBI has confirmed that it does not even calculate the rate of land-based sexual assaults as cited by the ICVA. Despite this fact, the ICVA has recklessly cited the FBI's statistics for "forcible rapes" that occur on land, mischaracterized them as the (non-existent) land-based sexual assault rate, and misleadingly compared them to the more broadly-defined "sexual assault rate" on ships. According to documents the ICVA has provided to RCL, this is the basis for their false claim that a person is twice as likely to suffer a sexual assault onboard a ship than on land. We appreciate the opportunity to clarify the record on this important point and hope that ICVA will no longer cite these misleading statistics.

Testimony of William M. Sullivan, Jr. Another witness who testified at the hearing was William M. Sullivan, Jr., an attorney representing "Jane Doe," a victim of an alleged sexual assault while onboard a cruise ship. We objected to Mr. Sullivan's appearance before the Subcommittee given Mr. Sullivan's letter to Royal Caribbean advising of his monetary demands to settle the matter and of his intention to file and serve a complaint on September 21, 2007. He further advised that he would not submit the matter to pre-suit mediation, as requested by Royal Caribbean, "given the upcoming Congressional hearing on September 19, 2007 and our expectation of providing compelling testimony at such hearing."

Representative John Mica expressed his concerns at the hearing with having a witness "testifying on behalf of their client with pending litigation" and further commented that having Mr. Sullivan testify "sets a bad precedent and puts us in an awkward position in this Committee."

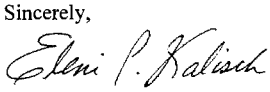
As anticipated, we regret that the Subcommittee has become a forum for arguing a legal dispute and would have preferred to have presented this case in mediation or in a court of law. Having reviewed Mr. Sullivan's testimony, however, we feel it is incumbent upon us to correct the record so that the Subcommittee and the public have an accurate and complete understanding of the events involving Mr. Sullivan's client.

Our response to Mr. Sullivan's testimony relies, in part, upon reviews of the incident that were conducted by two world-renowned experts: Dr. Linda Ledray, the founder and director of the Minneapolis, Minnesota-based Sexual Assault Resource Service (SARS), one of the first Sexual Assault Nurse Examiner (SANE) programs, which she developed in 1977; and Gregg O. McCrary of Behavioral Criminology International who has previously served in the National Center for the Analysis of Violent Crimes, FBI Academy Quantico and was an FBI profiler with the FBI's Behavioral Science Unit. A copy of Dr. Ledray's and Mr. McCrary's reports and curriculum vitae are attached hereto.

Please note that the information contained herein, as well as supporting documents including statements of Jane Doe and her friends and the report to law enforcement authorities, were previously provided to Mr. Sullivan in correspondence dated March 30, April 23, and May 21, 2007.

Thank you again for the opportunity to participate in the Congressional oversight process. We believe that the testimony of the survivors of cruise ship incidents was productive and insightful, and we were pleased that the government witnesses acknowledged the efficacy of the current reporting requirements. We look forward to continuing to work with all parties to provide a safe and secure vacation experience for our guests.

Sincerely,



Eleni P. Kalisch
Vice President
Congressional Affairs

CC: Honorable Steven C. LaTourette
Ranking Member
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
United States House of Representatives
Washington, DC 20515

INCIDENT RESPONSE

Background:

According to the ship's log, at 10:15 p.m. on March 7, 2007, the Bridge Officer on duty received a 911 call from one of Jane Doe's travel companions, reporting the alleged sexual assault. Within two minutes, the ship's senior management, including a female doctor, arrived at Jane Doe's cabin. It was explained to Jane Doe and her travel companions that the officers were there to help her, that law enforcement authorities were being notified, and that the cabin would need to be sealed until the authorities arrived. Jane Doe, accompanied by her friends, was escorted via wheelchair to the infirmary.

By 10:25 p.m., just ten minutes after the 911 call was placed, ship's officers had obtained preliminary information from Jane Doe and the four friends who were traveling with her. As a result, the port agent was instructed to notify the local Bahamian police and the U.S. Embassy. The local Bahamian authorities were notified as the vessel was docked in Nassau at the time the alleged incident occurred and at the time the allegation was reported to the bridge. Royal Caribbean also telephonically contacted the FBI office for the Port Canaveral area as the vessel had originated out of Port Canaveral and subsequently sent follow-up written details of the incident to the FBI at 9:47 a.m. on March 8, 2007. This consisted of an 11-page document which included written statements of Ms. Doe and her travel companions. Copies of the 11-page written notification were also provided to the Bahamian Maritime Authorities, United States Coast Guard, Miami Sector, and the Miami-Dade Police Department Criminal Investigations Division, Sexual Crime Bureau.

At 11:15 p.m., within 45 minutes of being notified, the Bahamian police boarded the vessel and began their investigation. The ship's officers immediately provided the police officers with copies of the handwritten statements which had been obtained from Ms. Doe and others. The initial arriving officers advised that a female police officer would be contacted in order to conduct their interview of Jane Doe. In the interim, the male police officers began taking statements from Ms. Doe's travel companions.

Sullivan: Jane Doe's companions reported the crime immediately by dialing 911 on the ship's phone. The Royal Caribbean employee who answered this call initially did not take the report seriously. "In fact, he laughed."

Facts: The Bridge Officer -- a licensed Captain who had been employed with Royal Caribbean since June 29, 2005 and promoted to First Officer on April 8, 2006 -- adamantly denies that he laughed when the incident was reported. As evidenced by the two-minute response time to the cabin, he took the matter very seriously and acted immediately in accordance with Royal Caribbean's policies and procedures by notifying the ship's medical department as well as the Chief Security Officer and Staff Captain.

Sullivan: The ship's doctor ordered Jane Doe to complete and sign a Royal Caribbean statement, without informing her that the information was not for any medical use.

Facts: The ship's female doctor never ordered Jane Doe to complete a statement. The ship's male Chief Security Officer, as appropriate, asked Ms. Doe and her friends if they would be willing to provide written statements in their own handwriting and they agreed.

MEDICAL CARE

Background:

At approximately 10:35 p.m., after escorting Ms. Doe to the ship's infirmary, the ship's female doctor conducted an initial examination of Ms. Doe. This included checking her vitals and looking for any obvious signs of physical injury requiring triage.

At 1:30 a.m. a female police officer arrived at the vessel and conducted an interview of Ms. Doe. After the police interviewed Jane Doe, they proceeded to the subject cabin which had remained sealed, and conducted their physical investigation and processed the scene.

Sullivan: The ship's nurse immediately injected Jane Doe with a powerful drug, Lorazepam.

Facts: The ship's doctor observed Jane Doe to be shaking uncontrollably and in obvious distress. Utilizing her discretion and professional judgment as to what was in her patient's best medical interest, the doctor offered to give Jane a mild sedative which Jane accepted. Only then did the ship's nurse administer 1 mg of Lorazepam intramuscularly. A 1 mg dosage is only 50% of the recommended dosage and was administered within the doctor's medical discretion to assist Jane Doe.

The report of Dr. Ledray confirms the appropriateness of administering this mild sedative.

Sullivan: Royal Caribbean failed to immediately conduct a rape kit examination aboard the vessel, causing evidence of the rape to deteriorate within and on her body.

Facts: During her medical counseling, the ship board physician advised Ms. Doe that due to the nature of the incident, a pelvic examination would be indicated; however, given that law enforcement officers were responding to the ship shortly, the doctor advised Ms. Doe that she would await their arrival prior to performing this function. When the female police officer arrived in the ship's infirmary, the ship's physician inquired whether she should conduct the pelvic examination and was told by the officer that the examination would be done at the local hospital under the direction of the Bahamian police.

Review of the reports of both Dr. Ledray and Mr. McCrary confirm that the forensic examination of Jane Doe at the local hospital was appropriate, was performed within the recommended time frame, and was not detrimental to the investigation or collection of forensic evidence.

Sullivan: As a result of Royal Caribbean's failure to administer anti-retrovirals, Jane waited so long before receiving real treatment that she was "outside the recommended time frame for receiving these critical medications."

Facts: Anti-retrovirals were administered to Ms. Doe at the Bahamian Hospital. According to Dr. Ledray the recommendation of the National Sexual Assault protocol is that such medication should be started within 72 hours of the unprotected sex if the patient is determined to be at high risk of exposure. In this instance, Jane Doe was administered medication within seven hours, well within the recommended guidelines. In Dr. Ledray's opinion "the time between the reported assault and the treatment at the hospital should have no detrimental impact on her health."

Sullivan: The doctor abandoned Jane on an infirmary cot for almost 6 hours, leaving her in a sedated state.

Facts: The ship's doctor remained physically with or close to Ms. Doe from the time the doctor responded to the incident at 10:17 p.m. to the time Ms. Doe was escorted off the ship at 3:30 a.m. The ship's doctor accompanied Ms. Doe from her cabin to the infirmary at 10:25 p.m. where she examined her, sat in the room with her while she rested, comforted her when she stirred, assisted her in efforts to contact her family, and attended to her overall care. The ship's doctor accompanied Ms. Doe while she met with Bahamian police and when she returned to view the cabin with police. The doctor stepped just outside of the room when the police took a private statement from Ms. Doe.

Sullivan: Royal Caribbean ultimately abandoned Jane Doe at a foreign port of call to the local authorities; failed to make any provisions for taking her to the best possible facility; and, as a result, she was taken to a local hospital where she received substandard care.

Facts: Jane Doe was not "abandoned" in a foreign port. At the time she disembarked the vessel, she was accompanied by her travel companion and the U.S. Embassy representative. The Bahamian police who have the relationships with the local hospitals and who are in the best position to determine which facility should perform the pelvic examination kit decided that Jane Doe would be taken to Princess Margaret Hospital. The representative for the U.S. Embassy, who has experience in looking after the best interests of U.S. citizens in that country, had full knowledge and raised no objection to Jane Doe being taken to Princess Margaret Hospital.

GUEST CARE

Background:

In addition to the ship's female doctor, Royal Caribbean assigned a female Guest Care Team Specialist to provide Jane Doe and her friends with whatever assistance they needed. The Guest Care Specialist was able to contact Ms. Doe at 11:30 a.m. on March 8, 2007 at which time she offered to travel to Nassau to personally escort Jane Doe back to Florida. Ms. Doe indicated that this would not be necessary. The specialist also offered Jane Doe counseling with a trauma specialist at Royal Caribbean's expense. Ms. Doe declined this offer as well. Ms. Doe indicated that she wanted to return to Port Canaveral to get her car and wait for her friends who had remained aboard the vessel.

In accordance with Ms. Doe's wishes, the specialist then made transportation arrangements for Ms. Doe and her friend to fly back to Orlando. Arrangements were made to have the young ladies met when they arrived at the airport and to be escorted back to Port Canaveral to retrieve Ms. Doe's car. After getting her car, Ms. Doe and her friend were also escorted to a hotel where arrangements had been made for them to stay as long as they wished. Jane Doe also accepted the specialist's offer to contact her mother and advise her of the arrangements that had been made since Ms. Doe had been having difficulty getting through to her mother who was on a different cruise ship.

The specialist spoke with Jane Doe several times that evening to ensure that she and her friend had arrived safely, were doing well, had eaten and the hotel arrangements were satisfactory. The specialist further advised Ms. Doe that she had communicated with her mother and advised her of all arrangements on Ms. Doe's behalf. The specialist reminded Ms. Doe that complimentary counseling services were available however this was declined again. Ms. Doe further stated that she decided not to wait for her friends to return and instead would go back to Tallahassee the next day due to a friend's birthday.

The specialist checked in with Ms. Doe the next morning to see how she was doing. Ms. Doe indicated that she was in the process of driving back to Tallahassee and had already spoken with her mother. The Guest Care Specialist ended her communications with Jane Doe after this point since Royal Caribbean was advised that Ms. Doe was instructed to have no further communications with Royal Caribbean upon the advice of her attorney.

Sullivan: The company refused to provide accommodations to permit Jane Doe's traveling companions to remain with her, so Jane and one friend stayed behind while the rest of their group left with the ship.

Facts: When Jane Doe initially reported the incident, the local port agent was instructed to notify both the local Bahamian police and the US Embassy. At 3:05 a.m., a representative from the US Embassy boarded the vessel. The representative from the US Embassy made the decision that only one friend would remain behind and accompany Jane Doe. Royal Caribbean had no involvement in this decision and deferred to the representative of the US Embassy.

Sullivan: The doctor initially refused the requests of Jane and her companions to call their parents for help and guidance, by telling them that they would have to wait until after the ship sailed from the port.

Facts: The ship's doctor personally helped Ms. Doe place calls to her family. Similarly the Staff Captain gave Jane Doe's travel companions full use of his cabin/office and allowed them to use the phones.

Sullivan: The Staff Captain pressured Jane Doe's travel companion to retract her statement that she did not feel safe on the vessel. The young women were traumatized and had no information regarding Jane's condition or well being.

Facts: After Jane Doe disembarked the vessel accompanied by one of her travel companions, the Staff Captain offered the remaining four friends a new cabin and offered to make sure a female cabin attendant was assigned. Both offers were declined. At 8:00 a.m. the next morning, the Staff Captain contacted the young ladies to check in on them and offer any assistance they may need.

When the father of one of the young ladies called the vessel, the Staff Captain spoke to him and assured him that the needs of his daughter and friends were being addressed. If the young ladies were concerned for their safety, the Staff Captain offered to have a guard posted outside their cabin or a guard assigned to be with them for the remainder of the voyage. These offers were declined as well. The Staff Captain met with Jane Doe's travel companions to advise them that the incident had been reported to the FBI and that an attorney representing Royal Caribbean would be arriving the next day to speak with them (which they declined, upon instruction from Jane Doe's attorney not to speak with any representatives of Royal Caribbean). At no time did the Staff Captain ever try to make anyone recant a statement.

SECURITY PROCEDURES

Background:

Royal Caribbean has initiated a fleet-wide, multi-million dollar enhancement of the video technology onboard its ships. These state-of-the-art camera systems are being installed in strategic areas throughout the ships, taking into consideration the privacy rights of guests.

Sullivan: Royal Caribbean has chosen to limit its placement of such equipment to areas such as stairwells and lounges. As a Royal Caribbean employee, the cabin attendant plainly knew that his attack would not be observed or recorded by security personnel.

Facts: The video enhancement plan extends to areas beyond the stairwells and lounges including stateroom corridors. In addition, all crewmembers are aware that there are surveillance cameras throughout the vessel that will capture their activities in various

areas. They are also aware that all stateroom doors have deadbolts which prevent access to all but the most senior officers on board (for emergency purposes) and are configured with a lock-link system which records each time a guest or stateroom attendant's key is used to unlock a door. Therefore, the stateroom attendant would have known that each time he used his key to enter a stateroom, this action would have been traceable to him through this recording system.

Sullivan: Royal Caribbean failed to properly secure the crime scene such that unauthorized individuals entered the cabin.

Facts: Within two minutes of the incident being reported by Jane Doe, senior ship officers, including the female doctor and the security officer arrived at the cabin. It was explained to Jane Doe and her travel companions that the cabin would need to be sealed. Jane Doe and her travel companions were then escorted to the infirmary and the cabin was sealed. The cabin remained sealed and no one entered the cabin until it was opened at the request and direction of the Bahamian police in order to process the scene.

POST-INCIDENT RESPONSE

Background:

Royal Caribbean has fully and completely cooperated with the Bahamian authorities in their investigation of this matter. Royal Caribbean has provided the authorities access to its vessel, crewmembers and any documents, information or records requested. Royal Caribbean has responded to every request made by the Bahamian authorities and has never refused any request. We support the continued incarceration and future prosecution of this, and any other, individual who engages in criminal activity onboard a Royal Caribbean ship.

Sullivan: Royal Caribbean still refuses to provide Jane Doe with the basic information necessary for her continuing medical care, or evidence it retains that is needed to bring the crewmember to justice.

Facts: Royal Caribbean has repeatedly advised Mr. Sullivan that it cannot legally release a crewmember's confidential medical records absent authorization from that individual or a court order. However, in a further demonstration of our cooperative efforts in this matter, prior to the September 19, 2007 hearing, and before Mr. Sullivan submitted his testimony to the Subcommittee, Royal Caribbean wrote to him and volunteered that it had just learned that the Bahamian Judge overseeing the criminal matter in the Bahamas has assigned a defense attorney to represent the accused. Royal Caribbean further advised Mr. Sullivan that in order to assist Ms. Doe and hopefully provide her with some peace of mind, we voluntarily contacted the defense attorney (something Mr. Sullivan could also have done on behalf of his client) and asked that he request the crewmember's authorization to release his medical records to Mr. Sullivan. Royal Caribbean further requested that the defense attorney inquire as to whether the accused crewmember would agree to submit to an HIV examination, at the

expense of Royal Caribbean (again something Mr. Sullivan could have done on behalf of his client).

Following the September 19, 2007 Subcommittee hearing, Royal Caribbean was advised by the crewmember's defense counsel that the crewmember had authorized Royal Caribbean to release his medical records to Jane Doe's attorney. Accordingly, Royal Caribbean has now produced the requested records. Royal Caribbean was further advised that the crewmember also agreed to submit to an HIV examination. While Royal Caribbean expressed its willingness to pay for such an examination, it was learned that since the crewmember is incarcerated, a Court Order will be required from the presiding Bahamian Judge before such an examination can be performed. Mr. Sullivan has been advised of this information.

Sullivan: Royal Caribbean has refused to share with Jane or local prosecutors the non-privileged statements it obtained from the rapist during repeated visits to him in the foreign prison.

Facts: Royal Caribbean's attorney, investigating the claims brought by Ms. Doe, contacted the Bahamian authorities and asked to interview the crewmember (something Mr. Sullivan is also able to do on behalf of his client). This meeting was approved, and took place with the full knowledge, consent and permission of the Bahamian police and the local prosecutor. Royal Caribbean has never obtained a written statement from the crewmember as represented to Congress by Mr. Sullivan.

Linda E. Ledray, RN, SANE-A, PhD, FAAN
Sexual Assault Recovery Service
4180 Buck Lake Road
Watertown, MN 55388
612 889 0889

September 17, 2007

Carol Finklehoffe
McIntosh, Sawran, Peltz & Cartaya, PA
19 West Flagler St.
Suite 520
Miami, FL 33130-4410

Dear Ms Finklehoffe:

You asked me to give you my opinion about the case to a reasonable degree of medical certainty, based on my education, training and over thirty years of experience working with victims of sexual assault and assisting with the development of Sexual Assault Response Teams (SARTS) throughout the US and in many foreign countries as well. My opinion is also based on the documents provided, which include the following:

- A letter from you, September 17, 2007
- Medical facility consultation request, March 7, 2007
- Statement of March 7, 2007
- Statement of March 7, 2007
- Statement of March 7, 2007
- Statement of March 7, 2007
- Royal Caribbean Report of Alleged Crime, March 8, 2007

Specifically you asked me to give my opinions about the following questions:

1. Whether it was appropriate for Royal Caribbean to wait and have the rape kit examination conducted by the Bahamian authorities at the local hospital?

   My answer to that question is that yes, it was appropriate to have the "rape kit" collected at the local Bahamian medical facility.

   - First, this would be a matter of policy. If the ship were at sea, certainly the best option would be to have the sexual assault evidentiary exam, which includes the collection of evidence using the "rape kit", conducted by ship medical personnel.

   - If the ship was in port, as occurred in this incident, it would be just as appropriate to have the exam conducted by local medical personnel. In fact, that would be the choice with the least argument for potential bias, and thus possibly an even better choice.

2. Whether there was any detriment by the alleged delay in performing the rape kit exam?

   My answer to this question is no, there was no detriment to the case as a result of the time required to have the woman transported to the local hospital for the examination.

   - First, the sexual assault evidentiary exam can be completed for 72 hours (and in some communities up to 96 hours or more) after the assault.

   - While yes, it is true that the earlier the exam in conducted, the better the chances of obtaining sperm and seminal fluid, research I have conducted has shown that 92% of the positive sperm and seminal fluid evidence is collected within the first 12 hours after the assault. It is my understanding that the exam in this case was conducted within ten hours.

- It is important to recognize that the only evidence in the "rape kit" is sperm and seminal fluid evidence. In addition the sperm or seminal fluid evidence will only verify that sexual contact occurred. It is also my understanding that this would not be helpful evidence in this case as both parties agree that there was sexual contact

- The only evidence that a medical examination could provide that may be helpful in this case would be evidence that would indicate if there had been consent for the sexual contact. The most likely evidence of this would be physical injuries. First, physical injuries are only reported to be found in one out of three sexual assaults. Physical injuries, such as bruises are actually more likely to be observed at a later point in time. Vaginal tears or abrasions typically heal within 48 hours. This exam was well within those time periods.

3. Whether there was any detriment in the alleged delay in administering the anti retro virals?

   My answer to this is no, the time period to transport the victim to the local medical facility and start these medications was not detrimental.

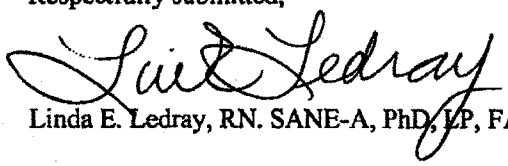
   - First, the recommendation of the National Sexual Assault protocol is to inform all patients about the option of taking anti viral medications, review their risk with them, and only recommend these medications if they are at high risk of exposure.

   - If the patient is determined to be at high risk, these medications should be started within 72 hours of the unprotected sexual contact.

   - Unless there were vaginal tears from the sexual contact, or a pre-existing sexually transmitted disease that would disrupt the vaginal mucosa of the woman, I would not necessarily consider this a high-risk case.

Please let me know if you have any additional questions or if I can be of any additional assistance to you.

Respectfully submitted,



Linda E. Ledray, RN. SANE-A, PhD, LP, FAAN

CURRICULUM VITAE

Linda E. Ledray

Sexual Assault Resource Service
701 Park Avenue – G1
Minneapolis, MN 55415

Educational Background

Institution	Major	Date	Degree
University of Washington Seattle, Washington	Nursing	1969	B.S.
University of Washington Seattle, Washington	Community/Mental Health Nursing	1971	M.A.
University of Minnesota Minneapolis, Minnesota	Psychology	1983	M.A.
University of Minnesota Minneapolis, Minnesota	Clinical Psychology and Personality Research	1984	Ph.D.

Honors

Dean's List 1968 and 1969
University of Washington

Sigma Theata Tau
National Nursing Honorary

Fellow, American Academy of Nursing

MMA 4th Annual "Stop the Violence" Award. 1997

IAFN Virginia Lynch Pioneer Award for 2000.

Work Experience

Director and Founder, Sexual Assault Resource Service
Hennepin County Medical Center
Oversee all ongoing clinical and research activities; supervise clinical staff and students; develop research; obtain funding; implement and oversee all program activity. Provide individual and group therapy.

Developed Sexual Assault Nurse Examiner (SANE)
(September 1977 – present)

Adjunct Faculty, Department of Nursing, University of Minnesota
Lecturer on the process of research and supervise students involved in research. (September 1976 – present)

Army Reserve: Colonel, Chief Nurse, 114 Combat Support Hospital, Fort Snelling, MN (September 1993 – 1995)

Formerly, Chief Nurse 5501st USAH, Fort Snelling, MN (March 1990 – September 1993)

Officer, US Army Reserve (Officer, US Army Reserve (1974 – present)

Active Duty Army: Psychiatric Nurse – Neuropsychiatric Center for Europe. Psychiatric Nursing Consultant to hospital. (May 1971 – June 1974)

Department of Planning & Management Assistance, Hennepin County Medical Center; assist clinical staff in program development, interdepartmental program management, marketing, research, and coordinate county program development and management with city, state, and private corporations. (June 1985 – October 1986)

Director of Nursing Research, Hennepin County Medical Center
Assist nursing staff in development of research; grant writing, and program implementation. (September 1981 – May 1985)

Acquisitions Consultant, Capistrano/Aspen Press
Responsible for identification and tutelage of new authors. Primary emphasis on health care issues. (September 1983 – March 1985)

Clinical Nursing Coordinator of Mental Health; Coordinated all Hennepin County Medical Center Mental Health Programs (inpatient, outpatient, day treatment, crisis intervention, drug clinic). Development and Director of Mental Health Nursing Consultation Program. (January 1976 – May 1979)

Clinical Director, Abbott Hospital Residential Treatment Program for Emotionally Disturbed Children – Developed and directed program. (January 1975 – January 1976)

Developed Group Home of Adolescent American Boys in Germany (not Army related). Therapeutic Board Member and Counselor. (May 192 – June 1974)

Psychiatric Nurse, individual, group, family therapist, and chemical dependency counselor, in various community mental health centers and hospitals. (1969 – 1971)

Advisory Board, National Violence Against Women Prevention. Research Center, University of South Carolina, Department of Justice, 1999-Present.

International Humanitarian Relief Activities

International Health Service Mission to Honduras (1985). Provided direct care to local population.

Consultant to ICRC. Provided direct service to sexual assault victims and training for local professionals and volunteers in refugee camps on Thai/Cambodian border. (1987)

National Organization for Victim Assistance Mission to Bosnia (1993). Provided direct service, PTSD and sexual assault victims & training for local professionals and volunteers.

Consultant to Solidante Fanm Ayisyen (SOFA) & Centre de Recherche et D'Action par le Development (CRAD) to provide direct service, staff Training, and assist with the Development of a sexual assault center in Port Au Prince, Haiti. (1996)

Other

SANE Trainer

Contributing Editor and SANE Section Editor, Journal of Forensic Nursing, (2005- present)

Contributing Editor and SANE Section Editor, Journal of Emergency Nursing, (1996 – 2002)

Peer Review Panel Member, Nursing Outlook, (1994 – Present)

Executive Board Chair and Founding Member, International Association of Forensic Nursing (August 1992 – 1993)

Advisory Board, Children's Trust Fund, MN State Evaluation Project (1992 – 1994)

Editorial Review Board, Health Care for Women, International (1984 – Present)

Member Hennepin County Crime Victim Council (1986 – 1990)

Member of the Sub-Committee on Victims of Political and Social Violence; and Scientific Committee on the Mental Health Service Needs of Victims of the World Federation for Mental Health (1984)

Instructor for Minnesota Bureau of Criminal Apprehension – Police Training Section (October 1983 – June 1988)

Advisory Board – National Violence Against Women Prevention Research Center

(2000-2004)

Board of Directors – Corner House, Minneapolis, MN

Peer Review – Women & Health (2001 – Present)

IAFN SANE-A Certification Board (2000 – 2006)

Editorial Board Member (2007- Present) The Open Forensic Sciences Journal.

Books

Ledray, Linda E. Recovering from Rape. New York: Henry Holt and Company, 1986.

Ledray, Linda E. Single Woman's Vacation Guide. New York: Ballantine, 1988.

Ledray, Linda E. Recovering from Rape. New York: Henry Holt and Company, Second Edition, 1994.

Ledray, Linda E. Sexual Assault Nurse Examiner (SANE) Development & Operation Guide, US Department of Justice, Office For Victims of Crime, 1999.

Ledray, Linda E. & Moscinski, Sharon. (2004) Advocate/Counselor Training Manual, US Department of Justice, Office For Victims of Crime.

Publications

Ledray, Linda E. Means of Obtaining Information About the availability of Mental Health Facilities (Thesis). University of Washington, 1971.

Ledray, Linda E., Kiresuk, Thomas, J., & Lund, S.H. Rape Impact on Victims and Families: Treatment and Research Considerations. In Ida Martinson and

Diane Kjervik (Eds.), Women and Stress: A Nursing Perspective. New York: Appleton-Century-Crofts, 1978.

Ledray, Linda E. & Chaignot, Mary J. Services to Sexual Assault Victims in Hennepin County. Evaluation and Change. Special Issue, 1980.

Ledray, Linda E. Counseling Victims of Rape: Their Needs and a New Treatment Approach. In Hans Joachim Scheider (Ed), The Victim in International Perspective. Berlin-New York: Walter de Gruyter, 1982.

Ledray, Linda E. A Nursing Developed Model for the Treatment of Rape Victims. In Thomas P. Phillip (Ed), From Accommodation to Self-Determination: Nursing's Role in the Development of Health Care Policy. American Academy of Nursing. 68-76, 1982.

Ledray, Linda E. Victims of Incest. American Journal of Nursing, 84(8), 1984.

Gordon, V.C. & Ledray, Linda E. Depression in Women: The Challenge of Treatment of Depression in Women of Middle Years. Western Journal of Nursing Research, 8 (3), 1986.

Gordon, V.C. & Ledray, Linda E. Growth-Support Intervention for the Treatment of depression in Women of Middle Years. Western Journal of Nursing Research, 8(3), 1986.

Ledray, Linda E., Lund, S.H. & Kiresuk, Thomas. Impact of Rape on Victims and Families: Treatment and Research Considerations. In Ida Martinson and Diane Kjervik (Eds.), Women in Health and Illness. Philadelphia, PA: W.B. Saunders Company, 1986, Second Edition.

Ledray, Linda E. Responding to the Needs of Rape Victims. In Ann Wolbert Burgess (Ed.), Rape and Sexual Assault II. New York: Garland Publishing Inc., 1988.

Gordon, V.C. & Ledray, Linda E.
The Japanese Journal of Nursing Research, 19(5), 1988.

Ledray, Linda E. Sexual Assault and Rape: Confronting the Problem. In Susan J. Wold (Ed.) Community Health Nursing: Issues and Topics, Norwalk, Connecticut: Appleton & Lange, 1990.

Ledray, Linda E. Counseling Rape Victims: The Nursing Challenge. Perspectives in Psychiatric Care, 26(2), 1990.

Tucker, Sharon & Ledray, Linda E. Sexual Assault Evidence Collection. Wisconsin Medical Journal, 89(7), July 1990.

Ledray, Linda E. Sexual Assault and Sexually Transmitted Disease: The Issues and Concerns. In Ann Wolbert Burgess (Ed.), Rape and Sexual Assault III: a Research Handbook. New York & London: Garland Publishing, Inc., 1991.

Gordon, V.C. & Ledary, Linda E. Depression in Women – The Challenge of Treatment and Prevention. In Martin Bloom (Ed), Changing Lives. Columbia, South Carolina: University of South Carolina Press, 1992.

Ledray, Linda E. The Sexual Assault Examination: Overview and lessons Learned in one program. Journal of Emergency Nursing, 18, (3), June, 1992.

Ledray, Linda E. The Sexual Assault Nurse Clinician: Minneapolis' 15 Years Experience. Journal of Emergency Nursing, 18 (3), 1992.

Ledray, Linda E. Sexual Assault Nurse Clinician: An Emerging area of Nursing Expertise. In Linda C. Andrist (Ed.), Clinical Issues in Perinatal and Women's Health Nursing, 4(2), J.B. Lippincott Company. Philadelphia 1993.

Ledray, Linda E. Evidence Collection: An Update. Journal of Child Sexual Abuse, 2(1), 1993.

Ledray, Linda E., & Arndt, Sherry. Examining the Sexual Assault Victim: A new model for nursing care. Journal of Psychosocial Nursing, 32, (2), 7-12, 1994.

Ledray, Linda E. Rape or self injury? Journal of Emergency Nursing, 20, (2), 88-90, 1994.

Ledray, Linda E. Sexual Assault: Clinical Issues. Sexual Assault evidentiary exam and treatment protocol. Journal of Emergency Nursing, 21, (4), 1995.

Ledray, Linda E. Sexual Assault: Clinical Issues. Date rape drug alert. Journal of Emergency Nursing, 22,(1), 1996.

Ledray, Linda E. The Sexual Assault Resource Service: A new Model of Care Minnesota Medicine: A Journal of Clinical and Health Affairs. Volume 79, Number 3, March, 1996.

Ledray, Linda E. Sexual Assault: Clinical Issues. Sexual assault nurse examiner (SANE) programs. Journal of Emergency Nursing, Volume 22, Number 5, ~~October, 1996.~~

Ledray, Linda E. Roche Laboratories offers free Rohypnol screening. Letters to The Editor. Journal of Emergency Nursing, Volume 23, Number 1, February 1997.

Ledray, Linda E., & Simmelink, Kathy. Sexual Assault: Clinical Issues. Efficacy of SANE evidence collection: A Minnesota Study. Journal of Emergency Nursing, Volume 23, Number 1, February 1997.

Ledray, Linda E. Clinical Issues. SANE program locations: Pros and cons. Journal of Emergency Nursing, Volume 23, Number 2, pp. 182-186, April 1997.

Ledray, Linda E. & Netzel, Linda. Forensic Nursing: DNA evidence collection. Journal of Emergency Nursing, Volume 23, Number 3, pp. 156-158. April 1997.

Dexheimer Pharris, Margaret & Ledray, Linda E. Sexual Assault: Clinical Issues Consent and confidentiality in the care of the sexually assaulted adolescent. Journal of Emergency Nursing, Volume 23, Number 3. Pp. 279-281. June 1997.

Ledray, Linda E. Sexual Assault: Clinical Issues. SANE program staff: Selection, training and salaries. Journal of Emergency Nursing, Volume 23, Number 5, pp. 491-495. October 1997.

Ledray, Linda E. Sexual Assault: Clinical Issues. SANE development and operation guide. Journal of Emergency Nursing, Volume 24, Number 2, pp. 197-198. April 1998.

Ledray, Linda E. & Barry, JD, Lee. Sexual Assault: Clinical Issues. SANE Expert and factual testimony. Journal of Emergency Nursing, Volume 24, Number 3, pp. 284-287. June, 1998.

Ledray, Linda E. The SANE Nurse in the Emergency Department. Management Update, Volume 5, Issue 3, July 1998.

Ledray, Linda E. Sexual Assault: Clinical Issues. IAFN Sixth Annual Scientific Assembly Highlights. Journal of Emergency Nursing, Volume 25, Number 1, pp. 63-64, February, 1999.

Ledray, Linda E. "Sexual Assault Nurse Examiner (SANE) Development & Operation Guide." US Department of Justice, Office of Victims of Crime. 1999

Ledray, Linda E. Sexual Assault: Clinical Issues: "Date rape drug alert." Journal of Emergency Nursing, Volume 17, Number 1, pp. 1-2. 1999.

Ledray, Linda E. Sexual Assault Examiners and Rape Crisis Advocates: Rising to the Challenge Together. Sexual Assault Report, Volume 3, Number 2, pp. 17-18 & 28-30. 1999

Ledray, Linda E. Sexual Assault: Clinical Issues. Is the role within the scope of nursing practice? On "pelvics," "colposcopy," and "dispensing of medication." February 2000.

Ledray, Linda E. Part III, Types of Violence Against Women. Special Topic: Sexual Assault Nurse Examiner (SANE) Program. *Sourcebook on Violence Against Women.* Editors: Renzetti, Claire, M., Edleson, Jeffrey L., Bergen Raquel Kennedy. Sage Publications, Inc. 2001.

Ledray, Linda, E., Faugno, Diana & Speck, Pat. (February 2001) Sexual Assault: Clinical Issues. SANE: Advocate, Forensic Technician, Nurse? Journal of Emergency Nursing, Volume 27, Number 1, pp. 91-93.

Ledray, Linda E. (June 2001) Sexual Assault: Clinical Issues. The Clinical Care and Documentation For Victims of Drug-facilitated Sexual Assault. Journal of Emergency Nursing, Volume 27, Number 3, pp. 301-305.

Ledray, Linda, E. & Kraft, Jan E. (August 2001) Sexual Assault: Clinical Issues: Evidentiary Examination Without a Police Report: Should It Be Done? Are Delayed Reporters and Nonreporters Unique? Journal of Emergency Nursing, Volume 27, Number 4, pp. 396-400.

Ledray, Linda E. (November 2001) Sexual Assault Nurse Examiner. Drug Facilitated Sexual Assault: A Forensic Handbook. Academic Press of London. Edited by Marc LeBeau & Ashrav Mozayani. Chapter 11, pages 231-252.

Ledray, Linda E. (Fall 2001) Women's Health: Mind, Body and Spirit. An Integrated Approach to Wellness and Illness. Prentiss Hall Health, New Jersey. Editor, Maryann Condon. Chapter 25, pp. 523-535.

Ledray, Linda E. (December 2001) Highlights of the Fist National Sexual Assault Response Team Training Conference. Journal of Emergency Nursing, Volume 27, Number 6, pp. 607-609.

Ledray, Linda E. (January 2002) Do All Emergency Physicians Have an Obligation to Provide Care for Victims of Sexual Assault or Is There a More Effective Alternative? Annals of Emergency Medicine, 39:X, 2002.

Ledray, Linda E. (November 2003) Sexual Assault: Victimization Across the Life Span, A Clinical Guide. Giardino, A., Datner, E., & Asher, J. G.W. Publishing, Inc. St. Louis, MO. Chapter 27: SANE-SART History and Role Development. Pages 471-486.

Ledray, Linda E. (May, 2004) Nursing Nexus: The Sexual Assault Resource Service: From HCMC to an International Model. Volume 11, Number 2.

Ledray, Linda E. (January, 2005) Investigative & Forensic Contributions of the Sexual Assault Nurse Examiner (SANE). *"Rape Investigation Handbook"* Editors: Det. John O. Savino, NYPD Manhattan Special Victim's Squad (MSVS), Brent E. Turvey, MS, Knowledge Solutions LLC.

Ledray, Linda. (2005) Journal of Forensic Nursing. Data on SANE Programs Crucial to Refining the Specialty, Improving Care. Volume 1, Number 4, pp. 187-188

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Ledray, Linda E. (April 2005) Journal of Forensic Nursing: The National Sexual Assault Date Base: Can it Help You?

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Ledray, Linda E. & Schwartz, Carol (2006) Triage Nursing Secrets: Your Triage Questions Answered by Experts You Trust. Sexual Assault. Chapter 60. pp. 511-520. Zimmermann Herr. Mosby Elsevier.

Ledray, Linda E. (2006) Forensic Nursing: Sexual Assault. Chapter 26 pp. 279 – 291. Virginia Lynch. Elsevier Mosby

Ledray, Linda E. (2006) The Background and Development of SARS. Nursing Nexus. HCMC Publication. Volume 13, Number 4, pp. 6-7. December

Ledray, Linda E. (2007) Sexual Assault Nursing Research: It Makes a Difference. Journal of Forensic Nursing, Volume 3, Number 1, pp. 5-14. Spring.

Ledray, Linda (2007) History and Overview. Medical Response to Adult Sexual Assault. GW Medical Publishing. (In press)

Ledray, Linda (2007) The SA Exam. Medical Response to Adult Sexual Assault. GW Medical Publishing. (In press)

Ledray, Linda (2007) Victim Impact & Recovery. Medical Response to Adult Sexual Assault, GW Medical Publishing. (In press)

Ledray Linda (2007) SART Operation. Medical Response to Adult Sexual Assault. GW Medical Publishing. (In press)

Ledray, Linda E. (2008) An Estimate of the Proportion of Drug-Facilitation of Sexual Assault in Four U.S. Localities. Journal of Forensic Science (In press)

International Conference Presentations

Planning Care for Mental Health Patients. Neuropsychiatric Clinical Conference, Landstuhl, West Germany, September 1973.

Overcoming Resistance to Change. Organization Management Course. Professional Development Institute, Toronto, Canada, February 1979.

Treating Victims of Rape. Third International Symposium on Victimology, Munster, West Germany, September 1979.

Impact of Emergency Department Experience on Impact and Treatment of Rape Victims. Emergency Department Nurses Associations's Annual Scientific Assembly, Toronto, Canada, November 1981.

Regaining Control: Impact and Treatment of Survivors of Rape. Second International Interdisciplinary Congress on Women, Groningen, The Netherlands, April, 1984 (paper presented by Nettie Andrews and Barbara Rolland-Martinek).

Sexual Assault. Traumatic Stress and Victimization: Sexual Assault. International Counseling Institute, Minneapolis, MN. August 1991.

Meeting the Needs of the Sexual Assault Survivor. International Congress on Women's Health Issues, Gaborone, Botswana, Africa, July 1994.

Predictors of Post Rape Recovery, Violence Against Women: Chinese and American Experiences. Shatin, New ~~Territories, November 1994.~~

Legal System Response to Rape, Violence Against Women: Chinese and American Experiences, Shatin, New Territories, November 1994.

The Role of the Sexual Assault Clinician in The Emergency Department, Violence Against Women: Chinese and American Experiences, Shatin, New Territories, November 1994.

Ninth Annual CPM International Conference. Amway Grand Plaza Hotel, Grand Rapids, MI. October 14-17, 1978.

Ninth International Conference on Sexual Assault and Harassment on Campus. *The Role of the Health Care Profession in Sexual Assault Treatment and Evidence Collection* and *Developing a Sexual Assault Nurse Examiner (SANE) program on Campus.* Hyatt Orlando Hotel. Kissimmee, Florida. October 7-9, 1999.

106th Annual International Association of Chiefs of Police Office of Victims of Crime Roundtable. *Improving Police Access to Forensic Evidence in Sexual Assault Cases.* Charlotte, NC. October 31 – November 3, 1999.

10th International Nursing Conference. *Ending Violence Against Women, Setting the Agenda for the Next Millennium.* SANE/SART Models and Options. Vancouver, British Columbia. June 1-3, 2000.

Emergency Nursing 2000 and Beyond. *An international conference to celebrate Advances in emergency care.* Advances in the emergency response to sexual Assault survivors: International Sexual Assault Nurse Examiner (SANE) program development strategies. James Watt Centre, Heriot Watt University, Edinburgh, Scotland, UK. August 17-20, 2000.

National Organization Victim Assistance. Professional Development Institute: Program Evaluation. Edmundton, Alberta, Canada. August 20-24, 2001.

International Association of Chiefs of Police. 109th Annual Conference. October October 5-9, 2002. Minneapolis, MN. "SANE-SART Response to Sexual Assault: Advantages for Law Enforcement.

International Association of Forensic Nurses. A Decade of Change. 10th Anniversary, October 9-13, 2002. Hyatt Regency, Minneapolis, MN. "National Sexual Assault Data Base."

13th International Conference on Sexual Assault and Harassment on Campus. "SART Teams on Campus: The Crisis Response." Keynote Speaker. Orlando Florida, October 22-24, 2003

International Association of Forensic Nurses. Forensic Nursing: A Global Response to Crime, Violence and Trauma. Vancouver, British Columbia September 27 – October 1, 2006.

Japanese National Forensic Conference (2007) SANE-SART Model, SANE-SART Impact and Developing a SART Program. Keynote Speaker. October 6-7, 2007

International Association of Forensic Nurses. "Imagine a World Without Violence." GEN – SART Model Evaluation – Presenter. Salt Lake City, Utah, October 17-20, 2007.

Major National Conference Presentations

Impact and Treatment of Rape Victims and Their Families. Midwest Research Conference, Detroit, May, 1979.

Sexual Assault: A Promising New Treatment Model. Evaluation Research Society, Third Annual Meeting, Minneapolis, MN, October 1979.

Treating Victims of Rape. Fourth Midwest Nursing Research Conference, Kansas City, Missouri. April 1980.

A Promising New Treatment Model for Victims of Rape. University of Minnesota, Sigma Theta Tau Research Conference, Minneapolis, Minnesota. April 1980.

Differential Treatment Drop Out: Correlations with Individual and Treatment Characteristics. Veterans' Administration Medical Center Fourth Annual Research Conference, Minneapolis, Minnesota. September 1980.

Impact and Treatment of Victims and Their Significant Others. Eighth Annual Nursing Research Conference, Tucson, Arizona. September 1980.

Incidence and Treatment of Depression in Victims of Rape. Clinical and Research perspectives: Affective Disorders, Iowa City, Iowa. April 1981.

Comparative Analysis of Impact and Treatment of Rape in White, black, and Indian Population. Seventh National Transcultural Nursing Conference, Seattle, Washington. September 1981.

A Nursing Developed Model for the Treatment of Rape Victims. American Academy of Nursing Annual Meeting, Washington, D.C. September 1981.

Rape and Sexual Deviance – A Community Problem. Mental Health Association In Vanderburgh County, Evansville, Indiana, Community Symposium. March 3, 1982.

Therapeutic Intervention for the Sexual Deviance Victim. Mental Health Association in Vanderburgh County, Evansville, Indiana, Professional Conference, Evansville, Indiana, professional Conference, March 4, 1982.

Sexual Assault in the Military. National Coalition Against Sexual Assault Conference, Minenapolis, Minnesota. July 1983.

Alternative Treatment Models of Rape Victims. Columbus College, Columbus, Georgia, Professional Conference, October 1983.

Rape: Myths and Reality. Columbus College, Columbus, Georgia. Community Symposium, October 1983.

Treating Victims of Sexual Assault. Society for Sex Therapy and Research, 11th Annual Meeting: Advances in the Treatment of Special Populations, Minneapolis, Minnesota. June 1985.

Helping the Victim Help Herself. National Coalition Against Sexual Assault Conference, Knoxville, Tennessee. July 1985.

Counseling Sexual Assault Victims – Issues Unique to Sexual Assault Victims And Their Families. National Organization for Victim Assistance, Victim Counseling Pilot Training Series, Portland, Oregon. July 1985.

The Sexual Assault Nurse: Bridging the Gap Between Rape Crisis Centers and The Professional Community. National Coalition Against Sexual Assault Conference, Chicago, Illinois. July 1986.

Stress and Crisis in Victimization. The Judiciary Section of the National Organization for Victim Assistance Conference, Denver, Colorado. September 1986.

Response to Violence and Victimization. Minnesota crime Victim Association, Craguns, Brainerd, Minnesota. May 1988.

The Results of Sexual Assault Evidentiary Exams: What Negative Results Really Mean. Minnesota State Medical Technology Meeting. "Cruising Into the 90's, Minneapolis, Minnesota. May 1990.

The Challenge of Advocacy and The Limits of Professionalism. Crime Victim And Witness Advisory Council Conference, Filling the Void: Advocating for Victims While Maintaining Our Roles, Craguns, Brainerd, Minnesota. May 1990.

AIDS Testing and Victims. Crime Victim and Witness Advisory Council Conference, Filling the Void: Advocating for Victims While Maintaining Our Roles, Craguns, Brainerd, Minnesota. May 1990.

Sexual Assault: The First Response. North Memorial Medical Center, Robbinsdale, Minnesota. March 1990.

Medically Based Victim Intervention Projects: Endeavors Into a New Frontier. Crime Victims conference – From Conflict to Collaboration, Brainerd, Minnesota. May 1991.

Crimes Against Women. Orthopaedic Nursing in the "90s: New Concepts and Challenges, Eleventh Annual Conference, Hennepin County Medical Center, September 1991.

Critical Skill Development: "Journey Through a Crime: You Are the Jury," Fifth Annual Conference on Crime Victims – A View of the Past…Visions For the Future, Craguns, Brainerd, Minnesota. May 1992.

Crisis Intervention: The Sexual Assault Victim. Tri-Service Military Nurse Conference – "Crisis Management", Minneapolis, Minnesota. November 1992.

The Sexual Assault Nurse Clinician: A New Model of Care. Almost Paradise: Managing for Excellence Into the 21st Century, Honolulu, Hawaii, November 1993.

The Emerging Role of the Sexual Assault Nurse Clinician. District VI Conference of the Association of Women's Health, Obstetric, and Neonatal Nurses, Minneapolis, Minnesota. September 1994.

A Casualty of War: Sexual Assault in Bosnia. 10th Anniversary Tri-Service Military Reserve Health Care Conference, Rosemount National Guard Training and Community Center, Rosemount, Minnesota. April 13-14, 1996.

The Adult Sexual Assault Prosecution Seminar. "Medical Evidence: Implications of negative Results." Sheraton Minneapolis Metrodome, Minneapolis, Minnesota. May 9 & 10, 1996.

Fourth Annual Scientific Assembly of Forensic Nurses. "Sexual Assault: The Haitian Problems and Solutions." Crowne Center, Holiday Inn, Kansas City, Missouri. November 1-5, 1996.

Minnesota Nursing Students Association. 43rd Annual Convention. Forensic Nursing: A new role for nurses. November 16, 1996.

A Continuing Education and Certification Program for the Sexual Assault Examiner. "A Historical Perspective and The Latest Findings on Sexual Assault Examiner Programs in the United States. Columbia University School of Nursing Forensic Nursing Specialty, New York. June 5 & 6, 1997.

Fifth Annual Scientific Assembly of Forensic Nurses. "SANE History & Current Status Internationally" (Keynote Speaker), Hyatt Regency Hotel, Irvine, California. September 26, 1997.

SANE/SAFE Symposium. Radisson Penn Harris Hotel. Camp Hill, PA. April 21, 1998.

Georgia's 5th Annual State Victim Assistance Conference. Community Coalition Equals Victims Justice. Georgia Public Safety Training Center. Forsyth, Georgia. May 11-12, 1998.

Strengthening the Circle of Trust: A summit to improve skills/techniques for American Indian service providers who interface with victims of sexual assault. "Sexual Assault Nurse Examiner Model for Indian Communities." Sheraton Metrodome, Minneapolis, MN. June 1-3, 1998.

Combating Violence 1998: Basic Training for Health Care Professionals. "Sexual Violence Against Women", "Medical/Forensic Treatment of Sexual Assault Survivors", and "Starting Your Own Sexual Assault Team". Sinclair Community College, Dayton, Ohio. September 1 & 2, 1998.

IAFN Six Annual Scientific Assembly. "Advanced Sexual Assault Workshop: SANE Development and program Evaluation" and "SANE Web Page." Pittsburgh, PA. October 2-5, 1998.

8th International Conference on Sexual Assault and Harrassment on Campus. "Sexual Assault on Campus: A Victim Focused Response". Orlando, FL. October 15-17, 1998.

Sexual Assault Response Team Conference. "National SANE History and Overview of SANE Programs." Memphis, TN. February 1, 1999.

Grand Rounds SANE/SART Roles in Dealing with the Problem of Drug Facilitated Rape. Immanuel-St. Joseph's Mayo Health System. Minnesota. February 4, 1999.

Twelfth National Youth Crime Prevention Conference. "I survived the Rape, But Now I Wish I Was Dead." Washington , DC. March 5, 1999.

Joining Forces: A Symposium to Foster High-Impact Victim Assistance Partnerships. "Evaluating for Effectiveness." New York, NY. March 11-12, 1999.

Sexual Assault Nurse Examiner (SANE) Training. "Overview of SART/SANE", History and Role of SANE", and "The Latest Issues for SANEs. Montogomery, AL. May 21-23, 1999.

25th National Organization for Victim Assistance (NOVA) Conference. "Program Evaluation." Los Angeles, California. August 29-September 3, 1999.

National Symposium on Non-Stranger Sexual Assault. *Panel Five – Investigation Strategies.* Holiday Inn Conference Center. Estes Park, CO. September 15-17, 1999.

National Center for Women & Policing. Train-the-Trainer Workshop. *The Forensic Medical Exam.* Los Angeles, CA February 20 & 21, 2000.

Coordinating Community Response Collaborative. "Developing & Operating A Sexual Assault Response Team". University of South Carolina, Columbia, South Carolina. June 28-30, 2000.

IAFN 8th Annual Scientific Assembly. "Millennium Magic: A Global Perspective." "Providing Services to Victims of Drug Facilitates Sexual Assault: The SANE Role with National and International Victimization." "Nursing Research Design and Methods" with Pat Speck. "Research Utilization." October 12-16, 2000. Calgary, Alberta, Canada.

ENA Leadership Challenge 2001. Role of Sexual Assault Nurse Examiner. A Program Development: Overcoming Obstacles. March 2-4. Reno, Nevada.

First National Sexual Assault Response Team Training Conference. SART Roles and Boundaries & Evidence Assessment, Interpretation and Case Impact. San Antonio, Texas. May 25-27, 2001.

Florida Network of Victim Witness Services. Evaluation Module of the OVC Professional Development Institute (PDI). Panama City, Florida. June 19-21, 2001.

Victim Advocate Training Seminar. Sexual Assault Evidence: Proof of Rape. "Working as a Member of a SART Team." June 21-23, 2001.

American Corrrectional Health Services Association. "Sexual Assault Resource Service: Working as a Member of a SANE-SART" Ramada Airport Inn Bloomington, MN. October 5, 2001.

FBI Laboratory's 7th CODIS User's Conference. Role of the Sexual Assault Nurse Examiner. October 29-November 2, 2001. Crystal City Hilton, Arlington, Virginia.

Armed Forces District 2001 Annual Meeting. A Women's Health Care Odyssey. Sexual Assault Response Teams. October 28-31, 2001. Norfolk, Virginia.

Second National Sexual Assault Response Team Training Conference. Using Technology for Program Operation and Development: How to Make Your SART Evidence-based. New Orleans, Louisiana. May 21-23, 2003.

Department of Defense "Care for Victims of Sexual Assault Conference." September 20-24, 2004, National Conference Center, Lansdowne, Virgina. "SANE-SART Model: Adaptations for the Military" September, 21, 2004.

Third National Sexual Assault Response Team Training Conference. DNA Evidence Identification, Collection, Preservation and Anylysis: What the Laboratory Can (and Can't) Do for you. San Francisco, California. 2005

U.S. Department of Justice/Office for Victims of Crime. (2006) Offering Hope To Victims in the Spirit of Justice. Tuesday, June 27-29. The Impact of Rape And Needs of the Victim. Rapid City, SD.

Fourth National Sexual Assault Response Team Training Conference. Building Knowledge to Advance Practice: What Research Do We Still Need?, Technical Support: Why Bother? SAKITA & the National Database, Interactive Scenario: Medical-Legal Examination. Tampa, Florida. May 30 – June 1, 2007

7th Annual Institute of Cruise Ship Medicine in Miami. (2007) "The Sexual Assault Exam and the Role of the SANE/SAFE." Miami, Florida. July, 2007.

Research Support

Principal Investigator
Impact and Treatment of Rape Victims and Their Family/Significant Others
NIMH Grant No. R01 MH 29713
September 1, 1977 thru June 30, 1980

Principal Investigator
National Research Service Award No. 5F31 NU 05168-03
February 1978 – February 1981

Project Director
Nursing Care Planning
Implementing and Evaluating Planned Change
Supplement through Program Evaluation Resource Center
Grant Number PMH-04
January 1, 1979 thru June 30, 1981

Principal Investigator
Treating Victims of Sexual Assault
Hennepin County Contract
January 1, 1981 thru December 31, 1981

Principal Investigator
Treating Victims of Sexual Assault
Crime prevention Control Board Grant
Number 032411 3237-9
February 1, 1981 thru June 30, 1981

Principal Investigator
Parenting Resource Project
General Mills Foundation Grant No. SA-113
November 1982 thru December 1984

Principal Investigator
Indian Community Sexual Assault Treatment Program
Bush Foundation; Cargill Foundation; Fingerhut Family Foundation
First National Bank of Minneapolis Foundation;General Mills Foundation
And Minneapolis Foundation
Grant No. SA-114
July 1985 thru December 1988

Principal Investigator
Incidence and Impact of AIDS and AIDS Testing in Victims of
Sexual Assault
State Health Department Contract
June 1988 thru June 1990

Principal Investigator
SANE Development and Operations Manual
Office for Victims for Crime
Department of Justice
Grant No. OVC 96-VF-GX-K012
October 1996 thru July 31, 2001

Principal Investigator
Building Skills for Sexual Assault Responders
Office for Victims of Crime
Department of Justice
Grant No. OVC 97-VF-GX-K021
April 1997 thru August 30, 2001

Co-Principal Investigator with Michael Luxemberg and Constance Schmitz
Evaluation of MN Community Intervention Projects
Addresses Sexual Violence
Minnesota Department of Health
February 1997 through September 1997

Project Director
Sexual Assault Nurse Examiner Development Program – Mankato
Bush Foundation
May 1, 1997 through April 30, 1998

Project Director
Expand Sexual Assault Resource Services
Throughout Minnesota
Otto Bremer Foundation
October 1, 1998 through September 30, 2000

Project Director
Expand Sexual Assault Resource Services
In Rural Minnesota
Bush Foundation
April 1999 through December 31, 2001

Principal Investigator
Grant 6745
National SANE-SART Online Data
National Telecommunications and
Information Administration
Department of Commerce
October 2001 – September 2006

Principal Investigator
Estimate of Prevalence of Drug-Facilitated
Sexual Assault in the United States
October 2001 – October 2002

Principal Investigator
DNA Grant 6782
September 2002 – March 2005

Principal Investigator
ACT Grant 6359
Sexual Assault Counselor Advocate Training Workshops
February 2002 – October 2003

Principal Investigator
SANE Conference Grant 6776
SART Conference 2003
SANE-SART Technical Assistance Project
August 2002 – July 2004

Principal Investigator
WEB Grant 6745
National SANE-SART Online Data
Ocotober 2001 – September 2005

Principal Investigator
SANE Conference Grant 6870
SART Conference 2005
November 2004 – February 2006

Principal Investigator
DNA Grant 6788
First Repsonders DNA Evidence Training and Technical Assistance Project
September 2002 – October, 2007

Principal Investigator
SART 2 Model Grant 6783
Sexual Assault Reponse Team (SART) Operation Evaluaton
September 2002 – December 2006

Principal Investigator
SANE Conference Grant 6938
SART Conference 2007
March 2006 – February 2008

National Television Appearances

CBS This Morning
June 8, 1998

CNN (Calde Network News) – AIDS & Rape
June 15, 1988

Arthur Frommer's Almanac
July 12, 1988

CNN – Sonya Live
November 18, 1988

The Geraldo Riviera Show – Gang Rape
November 3, 1989
April 4, 1989

The Geraldo Riviera Show – Date Rape
July 14, 1989

GREGG O. MCCRARY
SUPERVISORY SPECIAL AGENT
F.B.I. (RETIRED)

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E-MAIL GOM1@MSN.COM

6121 PLANK ROAD, NUMBER 514
FREDERICKSBURG, VIRGINIA 22407

September 11, 2007

Ms. Carol L. Finklehoffe
McIntosh, Sawran, Peltz & Cartaya, P.A.
Biscayne Building
Suite 520
Miami, Florida 33130-4410

Re:
Your File No.: 0842-016

Dear Ms. Finklehoffe,

The following opinions are based upon a review of the material you provided me, as well as my education, training, experience and specialized knowledge in the field of sex crimes and sex crime investigations.

Royal Caribbean's (RCCL's) zero tolerance policies regarding inappropriate interactions with guests including sexual harassment and sexual assault, as well as their response to such allegations are appropriate.

RCCL's sexual harassment policy is set forth in Chapter 6, revision 18 dated December 22, 2006 of their manual. Details can be found in that chapter and will not be highlighted here as this particular matter deals with an allegation of sexual assault, not sexual harassment.

Chapter 9 – Security Investigations, Revision 5, dated November 17, 2006 addresses issues relevant to the allegations in this case. These include, but are not limited to, the

identification, documentation and preservation of evidence, the timeliness and documentation of all interviews, among other issues. Responsibilities of the Staff Captain, security personnel, risk management officials, hotel director and nurse are clearly delineated. The documents speak for themselves; therefore details are not being set forth here.

It is my opinion that the response to the incident in question by RCCL personnel was appropriate and reasonable.

It is my understanding that the vessel Sovereign of the Seas was docked in the port of Nassau at the time Bridge Officer received the initial report of the incident from at 10:17 PM. Within minutes senior officers, including a female physician, responded to the scene and was escorted to the ship's infirmary via a wheelchair. By 10:25 PM and her traveling companions had provided additional information and Bahamian authorities and the U.S. Consulate were advised. This was appropriate as not only did Bahamian authorities have jurisdiction to investigate this allegation, but perhaps more importantly, they were in the best position to provide a timely response. In fact, the Bahamian authorities boarded the vessel within 45 minutes of the report of the incident and assumed control of the investigation. It is my understanding that RCCL complied with all wishes of these authorities and granted them full access to the vessel; any individual they wished to contact; and all information and documentation they may have requested. It is also my understanding that RCCl notified the FBI and that the FBI duty agent, contacted the Bahamian authorities directly. In addition, RCCL provided the FBI with written notification including an 11-page document containing statements of and her companions that same day. RCCL also provided written notification to the Bahamian Maritime Authorities, United States Coast Guard and the sexual crime bureau of the Miami-Dade Police Department.

Bahamian authorities arranged for a female officer to interview and, once that was completed, Bahamian investigators entered cabin 7508 which RCCL personnel had sealed shortly after departed the cabin for the infirmary. It is my understanding

that the Bahamian authorities then processed that scene in a manner they believed to be appropriate. At approximately 3:05 AM a representative of the U.S. Embassy boarded the vessel and at 3:30 AM , her friend, , the U.S. Embassy representative and the Bahamian police disembarked the vessel. It is my understanding that the Bahamian authorities escorted to the Princess Margaret Hospital for further examination.

During this time RCCL assigned , a Guest Care Team Specialist, to provide and her companions with any assistance they might need. It is my understanding that offered to personally escort back to Florida, but that advised that she did not believe that was necessary. However, did make transportation arrangements for and her friend, , to fly to Orlando where a RCCL agent met them and escorted them back to Port Canaveral to retrieve car. and were then escorted to a hotel where arrangements had been made for them to stay as long as they wished. It is also my understanding that at request, contacted mother and advised her of these arrangements and then stayed in touch with to ensure that she was doing well. In addition, offered complimentary counseling services to who declined. It is my understanding that contacted the following day for the final time, as had been instructed to cease all communications with RCCL upon advice of her attorney.

It is my opinion that it was entirely appropriate for Bahamian authorities to use a Bahamian hospital to conduct a forensic examination of using a sexual assault evidence collection kit, commonly referred to as a rape kit.

The purpose of using a rape kit is to collect and preserve any trace or biological evidence that can help establish the identity of the alleged offender. In this case, identity was never an issue. identified her alleged assailant. In situations where identity is not issue, rape kits are of little value. In addition, it is well established that the proper time frame for examining a victim for forensic and biological evidence of a sexual assault

with a rape kit is up to 72 hours after the assault. Not only was there no harm done when the medical professionals at the hospital conducted this exam within a few hours after the alleged assault, but it may have facilitated the investigation, as Bahamian authorities are likely to have established a protocol with that hospital for performing those examinations and maintaining the evidentiary chain of custody.

It is my understanding that believes that critical evidence may have been destroyed when a toilet was flushed in her cabin. I have seen no independent evidence that a toilet was flushed.

It is my understanding that is claiming that RCCL held her aboard the vessel without her informed consent. The Bahamian authorities were in charge of this investigation, not RCCL. They boarded the vessel at 11:15 PM and disembarked with at 3:30 AM. RCCL had no control over the length of time that the Bahamian authorities needed to conduct their investigation on board the vessel or how long the authorities believed they needed to have remain on board.

It is my opinion that it was entirely appropriate and in keeping with RCCL's policies and procedures to take written statements from and her companions shortly after the incident was reported. Taking statements early in the investigation is important as not only do memories not improve over time, there is the issue of witness contamination over time. The best and most honest recollections are generally those captured as soon as possible after a given event.

It is noteworthy that had recently completed RCCL's training regarding inappropriate contact with guests. Clearly he knew that engaging in a consensual relationship with a guest was wrong and it is reasonable to assume that he understood that forcible rape was a criminal offense punishable by prison. Neither of these prohibitions deterred him from entering cabin with his own cabin key. It is reasonable to assume that understood that this entry would be recorded in the lock-link system and that could identify him

I do not believe that it was reasonably foreseeable to RCCL that had an elevated potential to commit a sexual assault as his employment history with RCCL includes seven contracts dating back to 2003 without incident.

In summary it is my opinion that this incident was not reasonably foreseeable to RCCL and that the only rational action that could have prevented this incident was if had used the deadbolt on her cabin door to prevent entry. I believe RCCL's response to the incident was appropriate, right and relevant and consistent with their well-reasoned policies and procedures.

Sincerely,

Gregg O. McCrary

Gregg O. McCrary
Behavioral Criminology International

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SUPERVISORY SPECIAL AGENT
F.B.I. (RETIRED)

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GREGG O. McCRARY
SUPERVISORY SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION (RETIRED)
NATIONAL CENTER FOR THE ANALYSIS OF VIOLENT CRIME
FBI ACADEMY QUANTICO, VIRGINIA, USA

EDUCATION
Bachelor of Fine Arts Degree, Ithaca College, Ithaca New York, 1967
Graduate studies, Criminal Justice, Long Island University 1975-1976
Additional Graduate studies at University of Virginia 1989-1990
Master of Arts in Psychology, Marymount University Arlington, VA 1992

EMPLYOMENT
Federal Bureau of Investigation, Special Agent (1969-1994)
Threat Assessment Group (1995-1997)
Behavioral Criminology International (1997-Present)

Independent Contractor for:

- Park Dietz and Associates, Newport Beach, CA
- Threat Assessment Group, Newport Beach, CA
- U.S. Investigative Services, Hyattsville, MD.
- Control Risks Group, London England

Faculty Positions:

- Adjunct Faculty – University of Virginia, Charlottesville, Virginia (1988-1995)
  FBI Academy, Quantico, Virginia

- Adjunct Professor of Forensic Psychology and Criminal Justice
  Marymount University, Arlington, Virginia
  Forensic Psychology (Graduate Level)

- Adjunct Professor of Forensic Psychology and Criminal Justice
  Center for Psychological Studies (Graduate and Undergraduate)
  Nova Southeastern University, Ft. Lauderdale, Florida

SPECIALIZED TRAINING
FBI In-Service Training:

Selective Operations Seminar (1978)
Drug Enforcement Administration Training (1979)
Labor Racketeering (1980)
Special Weapons and Tactics (1980)
Expert Firearms and Defensive Tactics Instructors School (1981)
Crisis Management (1981)
White Collar Crime/Fraud (1982)
Profile/NCAVC Coordinator (1985)
Narcotics Raid Planning (1986)
Advanced Profile/NCAVC Coordinator (1987)
Criminal Sexuality Instructor (1987)
Arson Investigation (1988)
Advanced Criminal Sexuality Instructor (1991)
Advanced Violent Crime Investigators Seminar (1992)

OTHER TRAINING

- Basic and Advanced Forensic Pathology
- Armed Forces Institute of Pathology (1988)
- Reid School of Interview and Interrogation (1988)
- Black Belt Instructor Shorinjii Kempo (1984)
- Scientific Content Analysis by Avinom Sapir Rockville, MD (1991)
- International Conference on Violent Crime, September 13-17, 1999, Barrie, Ontario Canada
- Psychopathy and Crime: Dr. Robert D. Hare, FBI Academy, Quantico, Virginia (1999)
- International Homicide Investigators Seminar September 18-22, 2000, FBI Academy
- ICIAF training, Key West Florida May 20-24,2001
- ICIAF training, Barre, Ontario, September 25-28, 2001
- CPTED Certification: National Crime Prevention Institute: University of Louisville October 8-12, 2001
- Institute of Law Psychiatry and Public Policy, University of Virginia: Assessing Criminal Behavior: The Importance of How the Crime was Committed September 26, 2003
- Reading People: Risk of Violence Predictions. October 12-14, 2005

MAJOR PRESENTATIONS

Charles O. Bick College
Toronto, Ontario Canada 1986

State University College at Brockport, NY (1987)

Five State Peace Officers Association
Woodward, Oklahoma October 12-14, 1988

Bureau of Criminal Apprehension
St. Paul, Minnesota February 6-8, 1989

Harvard Associates of Police Science
University of Maryland Medical School
Chief Medical Examiner's Office
Baltimore, MD 1989

First Annual Governors' Conference on Violent Crime
Myrtle Beach, South Carolina
May 18, 1989

International Criminal Investigation and Training Program (ICITAP)
Criminal Investigative Analysis
Belize, Central America
Principal Instructor August 18-26, 1989

University of Virginia
Institute of Psychiatry and the Law
Featured Speaker 1989

Metropolitan Toronto Police
Criminal Sexuality Seminar
Principal Instructor 1990

Colorado Association of Sex Crime Investigators
Glenwood Springs, Colorado
Principal Instructor May 15-18, 1990

Ontario Police College
Alymer, Ontario
Criminal Sexuality Seminar
Principal Instructor
May 21-24, 1990

Southeastern Association of Criminal Investigators
Criminal Sexuality Seminar
Principal Instructor
Tampa, Florida September 15-20, 1990

Featured Speaker at Homicide Symposium,
Crime Scene Analysts Conference and King
County Police Sex Crime Investigators Training
Seattle, Washington
Olympia, Washington
Yakima, Washington May 6-10, 1991

Defense Research Institute
Premise Liability re Violent Crimes
Boston, Massachusetts
May 25-26, 1995

Pacific Coast Labor Law Conference
Seattle, Washington
Workplace Violence Prevention
June 7-9, 1995

Grand Rounds
University of Virginia Medical School
Charlottesville, Virginia
November 8, 1995

Center for the Study of the Mind and Human Interaction
University of Virginia
Charlottesville, Virginia - January 17, 1996

Defense Research Institute
Premises Liability for Violent Crimes
San Diego, California
March 27-29, 1996

Association of Trial Lawyers of America
Premises Liability for Violent Crimes
Mega Seminar
Las Vegas, Nevada
February 1997

Defense Research Institute
Premises Liability for Violent Crimes
New Orleans, Louisiana
April 10-11, 1997

FBI National Academy
International Retraining Symposium
Burlington, Ontario Canada
July 14 - 15, 1997

Northeastern Association of Forensic Scientists
White Plains, New York
October 17, 1997

Employers Reinsurance Corporation
Violent Crime Seminar
San Francisco, CA
Oct. 27, 1997

Atlanta Apartment Association
Premises Liability - Violent Crime Seminar
Atlanta, Georgia, May 20, 1998

"The Violent Mind"
Nova Southeastern University
(APA accredited)
Ft. Lauderdale, Florida
June 20 - 21, 1998

Association of Trial Lawyers of America
Inadequate Security Litigation Group
National Convention
Washington, D.C. - July 13, 1998

Institute of Continuing Legal Education in Georgia
Premises Liability-Violent Crime Seminar
Atlanta, Georgia – November 5, 1998

Annual Claims Exposition & Conference
Premises Liability – Violent Crime Presentation
St. Louis, Missouri – November 13, 1998

Eastern Analytical Symposium
Criminal Profiling
Somerset, New Jersey – November 18, 1998

American Academy of Forensic Sciences
Panel Member
Suicide and Equivocal Death Investigations
Orlando, Florida – February 15, 1999

Nova Southeastern University
The Violent Mind (APA Accredited)
Orlando, Florida - February 27-28, 1999
Miami, Florida – May 15-16, 1999

Burns International Security Seminar
Las Vegas, Nevada
September 13-15, 1999

Henry C. Lee Institute of Forensic Science
Cold Case Homicide Workshop
University of New Haven
January 11-13, 2000

Northern California Fraud Investigator's Conference
Monterey, California
April 11, 2000

Institute of Continuing Legal Education
Atlanta, Georgia
Premise Liability and Violent Crime – November 3, 2000

University of Virginia
Critical Incident Analysis Group
Religious Violence/Waco
November 14, 2000

California State Hospital at Atascadero
Presentation to Staff re Violent Sex Offenders
May 9-11, 2001

Marymount University
"The Violent Mind"
October 23, 2001

Institute for Continuing Legal Education
Atlanta, Georgia
Premise Liability and Violent Crime
November 2, 2001

DeSales University
Bethlehem, PA.
"The Violent Mind"
November 14, 2001

Violence Risk Assessment through Crime Analysis
DC Superior Court Pre-Trial Services
Washington, D.C.
December 6, 2001

Henry C. Lee Institute of Forensic Science
Cold Case Homicide Workshop
University of New Haven
December 10-12, 2001

Homicide: Behaviors, Motives and Psychology:
A Gathering of Leading Experts
Monte Carlo Hotel
Las Vegas, Nevada
March 11-13, 2002

University of Paris
Institut de Criminlologie
Departement de Recherche
Premiere Conference Internationale
Sur L'Analyse Criminelle et le Profilage Criminel
391 Rue, de Vaugirard/75006 Paris, France
June 3-5, 2002

Conference of County Court Judges
Ft. Myers, Florida
Risk of Violence Prediction
July 12, 2002

Colorado Sex Crime Investigators Association
Aspen, Colorado
August 28-30, 2002

American University
Washington, D.C.
International Criminal Justice Seminar
September 6, 2002

Defense Research Institute
Sexual Torts: Rape and False Allegation of Rape
Hotel Del Coronado
San Diego, California
October 24-25, 2002

Canadian Association of Psychiatry and the Law (CAPL)
Annual Conference
Banff, Alberta Canada
October 31, 2002

Profiling and Crime Analysis:
Homicides, Sex Crimes and Other Crimes of Violence
A Program for Law Enforcement, Justice and Mental Health Professionals
Nova University, Ft. Lauderdale, Florida
November 8-9, 2002

Henry C. Lee Institute of Forensic Science
Cold Case Homicide Seminar
University of New Haven
January 6-9, 2003

American College of Forensic Examiners
National Conference; Scottsdale, Arizona
October 9-11, 2003 – Violent Female Offenders

Marymount University
Profiling and Beyond
December 6, 2003
Arlington, Virginia

Ithaca College
Ithaca, New York
Department of Psychology
FBI Profiling and the Criminal Mind
March 1, 2004

Nova University
Homicide Presentation for Law Enforcement
Miami, Florida
March 26, 2004

Nova University
Homicide Presentation for Law Enforcement
Las Vegas, Nevada
April 2, 2004

Markle Symposium
Henry Lee Institute of Forensic Science
Foxwood Resorts
Ledyard, Connecticut
April 5-6, 2004

Advanced Markle Symposium
Cold Case Homicide Workshop
Henry Lee Institute of Forensic Science
University of New Haven
April 7-9,2004

Atascadero State Hospital
Presentation to staff re violent offenders
Atascadero, California
May 3, 2004

Public Defenders Service
Washington D.C.
Interview/Interrogation Techniques
Dynamics of False Confessions
May 17, 2004

Delaware State Police
10th Annual Homicide Conference
Dover, Delaware December 5-9, 2005

Nova South Eastern University
Ft. Lauderdale Florida
Crime Analysis and Criminal Profiling
January 21-22, 2006

Henry C. Lee Institute of Forensic Science
Cold Case Homicide Seminar
University of New Haven
April 24-27, 2006

International Association of Women Police
Saskatoon, Saskatchewan, Canada
September 19-21, 2006

Office of the Attorney General
State of California Department of Justice
Violent Crime Conference
Anaheim, California
December 12, 2006

Henry C. Lee Institute of Forensic Science
Cold Case Homicide Seminar
University of New Haven
January 22-26, 2007

American Psychological Association National Convention
Invited Speaker – Criminal Profiling: Using Psychology to Catch Criminals
San Francisco, California August 18, 2007

OPERATIONAL SUPPORT OF MAJOR INVESTIGATIONS

Agent McCrary has been a consultant to law enforcement agencies both nationally and internationally in over 1000 cases involving sexual homicide, serial murder, rape, arson, child abduction, child molestation, threat assessments and other violent crimes.

October 24, 1987 On-site consultation, Toronto, Canada re the homicide of Margaret McWilliams

November 9-11, 1988 On-site consultation, Little rock, Arkansas re the abduction of infant Christopher Michael Jones from a hospital.

November 21-23, 1989 On-site consultation, Toronto, Canada, re "The Scarborough Rapist"

January 12, 1989 On-site consultation with the Massachusetts State Police, New Bedford, Mass. re serial murder of prostitutes.

February 7, 1989 On-site consultation, prosecutive strategy re John William Doughty (kidnapping and attempted murder) St. Paul, Minnesota

April 26, 1989 On-site New Bedford, Massachusetts re serial killing of prostitutes.

April 27, 1989 On-site consultation re sexually sadistic rapist; Waterford, Connecticut

November 3-8, 1989 On-site consultation with Royal Bahamian Police re a serial murder investigation

November 12-18, 1989 ICITAP presentation and case consultation in San Jose, Costa Rica.

December 13-15, and 27-29, 1989 On-site consultation re serial killings of prostitutes, Rochester, New York.

December 26, 1989 On-site Consultation re mass murder of Harris Family, Ithaca, NY

September 4-6, 1990 Newark, New Jersey Multi-agency meeting re Eric Napoletano serial murder investigation.

January 9-11, 1991 Suffolk County New York Police, Kathy Woods Homicide

April 22-23, 1991 Multi-jurisdictional task force re Peter Stark, suspected serial killer, Province of Ontario, Canada

August 27-29, 1991 Phoenix, Arizona re the murders of nine individuals in a Buddhist Temple.

September 24-26, 1991 Greenville South Carolina State Organization of Victim's Assistance Multi-State Conference and case consultation with SLED re serial rapist

October 16-22, 1991 Vancouver, BC On-site consultation re a series of sexual homicides.

November 5-8, 1991 Charleston, SC consultation re a series of rapes (The North Charleston Rapist).

March 18, 1992 - April 3, 1992 On-site consultation re murder of FBI Agent Stanley Ronquist - Kansas City

May - June of 1992
At Morristown, New Jersey re kidnapping of Sidney J. Reso, President of Exxon International

August 1992 Dr. Ernst Geiger and Magistrate Thomas Mueller, Vienna Austria re serial murder investigation (Signature Crime Analysis).

October 1992 Leslie Mahaffey, Kristen French homicides - Project Green Ribbon - St. Catherines, Ontario Canada.

November 1992, at Brussels Belgium and Amsterdam for FBINA presentation and case consultation re serial child molester.

March-April 1993 - At Waco, Texas re Branch Davidian standoff

May 1993 - At Vienna, Austria with Dr. Geiger and Thomas Mueller re three additional homicide cases

November 1993 - At Lisbon, Portugal re a serial murder investigation

December 1993 - At Avila, Madrid and Barcelona, Spain re unsolved homicide and serial rape investigations

December 1993 - At Babenhausen, Germany re abduction and sexual homicide of a two-year-old female.

March 1994 - In Florida and Alabama re Frank Potts serial murder investigation

March of 1994 - In Mexico City assisting Mexican authorities re assassination of Presidential Candidate Luis Donaldo Colosio

June 1994 - At Graz Austria - provided expert testimony re Jack Unterweger, Serial Murderer.

June 1994 - At Budapest, Hungary re unsolved homicides and rapes with Hungarian National Police and Budapest Homicide

June 1994 - At Paris, France re unsolved homicides

September 1995 - At Morristown, New Jersey re Nicholas Muscio homicide investigation

January of 1996 - At Somerville, Massachusetts re Edward O'Brien homicide investigation

April of 1997 - Testified the transfer hearing of Edward O'Brien in a homicide case for the Middlesex County Prosecutor

May of 1998 - At Ventameglia and San Remo Italy re on-going serial murder Investigation

July 29, 1998 – At University of Virginia, Institute of Psychiatry, Law and Public Policy, re serial murder investigation in Perth, Australia (Macro Task Force)

November, 1998 – At New Scotland Yard, London England re a series of rapes and a serial homicide investigation.

September 1999 – At Barre, Ontario Canada with an Australian Multi-Agency Task force investigating a series of sexually sadistic homicides committed by a group of offenders.

March 31 – April 3, 2000 – Testified in the Sam Sheppard civil trial in Cleveland, Ohio.

March 2003 – Testified in Alaska v. Wade, Anchorage Alaska. (Sexual Homicide)

May 4, 2004 – Testified in San Diego, CA in State v. Richard Raymond Tuite (Child Homicide)

State of Alaska v. Betsy Hester – Domestic Homicide
Kenai, Alaska January 16-19, 2006

United States Marine Corps v. Joyce – Equivocal Death; False Confession
San Diego, CA May 22-24, 2006

In Fukushima Prefecture, Koriyama City, Japan re unsolved homicide of Asemi Yamagishi
June 13-22. 2006

PUBLICATIONS:

Contributing author to *The Crime Classification Manual* Macmillan Inc. 1992

A Typology of Interpersonal Stalking. Co-authored with Dr. Ann Burgess and others; published in the Journal of Interpersonal Violence - December 1996. Sage Publications.

The Unknown Darkness: Profiling the Predators Among Us. ISBN 0060509570: Co-authored with Dr. Katherine Ramsland: Published by William Morrow in September 2003.

PROFESSIONAL AFFLIATIONS:

Member of Editorial Review Board for *Aggression and Violence* a Professional Journal
Member of Editorial Review Board for *Journal of Family Violence* a Professional Journal
Member of the American Society for Industrial Security (ASIS)
- Member of ASIS Crime and Loss Prevention Council
- Member of ASIS School Violence Task Force

Member of the International Criminal Investigative Analysis Fellowship (ICIAF)
Member of the Society for Former Special Agents of the FBI
Member of the International CPTED Association (ICA)
Charter Member of the International Homicide Investigators Association (IHIA)
Member of International Association of Campus Law Enforcement Administrators

PUBLIC RECOGNITION OF AGENT McCRARY'S EXPERTISE:

- Noted British Criminologist and author Colin Wilson dedicated his 1990 book, "The Serial Killers" to Agent McCrary.

- "Mind of a Serial Killer" which was an Emmy nominated production by NOVA for the Public Broadcasting system (PBS) in 1992.

- Agent McCrary's work in an international serial murder investigation was highlighted in the documentary "A Stranger Murder" produced by the British Broadcasting
- Corporation (BBC) in conjunction with the Arts and Entertainment Network (A&E) in 1995.
- Agent McCrary's expertise was featured in a documentary produced for Japanese National Television by FUJI Television Productions in 1995 entitled, "The Nonfiction Approach to Serial Killers"
- Agent McCrary's expertise was featured in two documentaries in 1998. One was titled "Born to Kill" and was produced for Discovery Magazine and aired nationally on the Discovery Channel. The second was a French documentary produced by *Sciences et Avenir* and aired internationally from Paris. Agent McCrary's expertise was featured in three documentaries in 1999. One for *Time Zone International*, a German Television Production a second for "The FBI Files" produced by the Discovery Channel which also produced a third documentary entitled "The Profilers."
- Agent McCrary's expertise in crime analysis was featured in an MSNBC documentary *"The Jon-Benet Murder Mystery"* which aired nationally on January 23, 2000.
- Agent McCrary's expertise in stalking behaviors was featured in a Documentary produced for Japanese Television the FUJI Television Productions in May of 2000.
- 48 Hours Investigates: "Cry Rape" Expert analysis in an alleged rape and assault. September, 2003
- TV ASAHI Tokyo, Japan – Murder of Asemi Yamagishi July 2006

Mr. McCrary has worked with numerous victims groups throughout the United States and has served as a member of the national advisory board for Parents of Murdered Children. Agent McCrary has provided expert commentary for such media organizations as NBC, ABC, CBS, Cable News Network (CNN), The Today Show, Good Morning America, Nightline, 60 Minutes, Dateline, 48 Hours, Larry King Live, The Discovery Channel, BBC, RTL Television in Germany, Japanese National Television and other national and international programs. He has also provided expert opinions to print media including Time, Newsweek, U.S. News and World Report, The New York Times, The Washington Post, The San Francisco Chronicle, The Toronto Star, and "Psychologie" Magazine in the Netherlands among others.

FBI ASSIGNMENTS

FBI Academy, Quantico, Va. 1988-1994
Behavioral Science Unit
National Center for the Analysis of Violent Crime/Critical Incident Response Group

Types of Crimes:
Threatening Communications and Extortions
Product Tampering

Homicide (Serial, Mass, Sexual, Domestic, etc.)
Rape, child molestation and other sex crimes
Stalking
Arson
White Collar Crime
Foreign Counterintelligence
Kidnapping and Abduction

Bank Robbery
Organized Crime
Drug Trafficking

Services:

Criminal Investigative Analysis (Including Profiling)
Threat Assessments
Violence Risk Assessments
Interview and Interrogation Techniques
Expert Testimony
Training and Research
Investigative Strategy and Indirect Personality Assessments

Buffalo Field Division, 1977-1988

White Collar Crime
Foreign Counterintelligence
Threats and Extortions
Kidnapping and Abduction
Bank Robbery
Sex Crimes
Homicide
Hijacking
Undercover Assignments
Organized Crime
Drug Trafficking
Expert Firearms and Defensive Tactics Instructor
Special Weapons and Tactics Team Leader

New York City Field Division, 1971-1977

Foreign Counterintelligence
Organized Crime
Bank Robbery Homicide
Hijacking
Threats and Extortions
Kidnapping and Abduction
Undercover Assignments
Loan Sharking and Gambling

New York City Police
Advanced Homicide Detective Training
Featured Speaker May 1991
New York, NY

FBI National Academy Retraining Seminar
Violent Crime
Rochester, New York June 23-26, 1991

Marymount University
Psy Chi National Honor Society for Psychology
Guest Lecturer "Inside the Violent Mind".
Arlington, VA - October 1, 1991

FBI National Academy European Chapter
Violent Crime Investigation
Brussels, Belgium November 1992

First International Symposium on Criminal Investigative Analysis
Principal Instructor and Coordinator
Vienna, Austria - October 1993

Policia Judiciare
National Police Academy of Portugal
Investigating Violent Crime
Principal Instructor
Lisbon, Portugal - November 1993

Cuerpo Nacional De Policia
National Police Academy of Spain
Investigating Violent Crime
Principal Instructor
Avila, Spain - December, 1993

Hungarian National Police
Investigating Violent Crime
Principal Instructor
Budapest, Hungary - June 1994

French National Police
Investigating Violent Crime
Principal Instructor
Paris, France - June 1994

California District Attorney's Association
10th Annual Homicide Symposium
San Diego, California: January 1995

Detroit Field Division, 1970-71

Bank Robbery
Kidnapping and Abduction
Homicide
Threats and Extortion
Organized Crime
Hijacking , Loan-Sharking and Gambling

September 17, 2007

The Honorable Elijah Cummings
Chair, Coast Guard and Maritime Transportation
Subcommittee
U.S. House of Representatives
507 Ford House Office Building
Washington, DC 20515- 6231

Dear Chairman Cummings:

On behalf of the Travel Industry Association and the Travel Business Roundtable, we request that this statement be included in the record of the Subcommittee's hearing, September 19, 2007, with respect to cruise safety issues.

Cruising is a very dynamic and growing sector of the travel and tourism industry. It has become a major contributor to economic growth in the United States contributing $35.7 billion dollars and creating over 354,000 American jobs in 2006.

The cruise industry offers itineraries originating at numerous U.S. ports as well as many overseas points of departure. It is usually necessary for the cruise consumer to travel a considerable distance to take a cruise, most often by air, and they frequently stay at local hotels and frequent local tourist attractions prior to or after their cruises. Most consumables are sourced in the U.S. market and U.S. travel agents typically make arrangements for all aspects of the trip. Today's cruise passengers include individuals of all ages, many families, and many people of diverse ethnic background.

Taking a cruise is similar in some respects to visiting a new city. The largest cruise ships carry more than 3,000 passengers on a single sailing. Most of these passengers will be strangers to each other.

Recently the cruise industry together with the FBI and Coast Guard have undertaken steps to clarify and enhance reporting of incidents that occur on ships carrying U.S. passengers throughout the world in an effort to ensure that all incidents are properly reported and appropriately investigated. The data reported at previous Congressional hearings indicates in objective terms that the risks of traveling on a cruise ship are miniscule. Travel agents continue to sell cruises with the highest confidence that the cruise environment is a welcoming and safe one.

It is, of course, always possible to have a problem when away from home. The cruise passenger must exercise the same diligence and personal responsibility that would be expected when traveling by any method or when in any place where there is close contact with unknown persons. Cruise ships provide extensive facilities to ensure protection of passenger property and to encourage responsible behavior by cruise passengers both on and off the ship.

At TIA and TBR, we are aware that the cruise industry works very closely with a number of government agencies to facilitate safety and is as responsive to consumer needs as possible. Because cruise itineraries frequently involve visiting a number of countries on a single voyage, there are a myriad of laws that apply. It is our experience that the industry works diligently to ensure personal safety and security. We are also aware of a number of recent efforts to enhance the response to cruise passengers if an unfortunate incident were to happen.

If we can answer any questions the Subcommittee may have on this subject, we would be happy to do so.

Sincerely,

Roger J. Dow
President and CEO
Travel Industry Association

Charles L. Merin
President
Travel Business Roundtable

1650 King Street, Suite 450
Alexandria, VA 22314
Telephone: (703) 535-5505
Fax: (703) 548-6815
www.vacation.com

September 17, 2007

The Honorable Elijah Cummings
Chair, Coast Guard and Maritime Transportation
Subcommittee
U.S. House of Representatives
507 Ford House Office Building
Washington, DC 20515- 6231

Dear Chairman Cummings,

On behalf of Vacation.com, I request that this statement be included in the record of the Subcommittee's hearing on cruise safety.

Vacation.com serves a network of approximately 5,100 travel agencies focused on leisure travel distribution, accounting for approximately 30 percent of all travel agencies in North America. With more than $18 billion in annual sales, Vacation.com is North America's largest vacation selling network.

Cruise vacations are a major part of our business and we fully expect the business to continue its impressive growth rate. According to Cruise Lines International Association (CLIA): more than 51 million Americans intend to cruise over the next three years; to date, approximately 17 percent of the U.S. population target market has ever cruised; and the average cruise passenger is 49 years old with an average annual income of $84,000.

Earlier this year, Vacation.com predicted some travel trends that certainly play into this baby boomer age group and cruise vacations. With baby boomers becoming more anxious to be pampered and entertained in a controlled environment, and cruise lines portraying cruises as destinations not just ships, there will be a tremendous increase in cruise vacations.

Also, family vacations will continue to grow at a faster rate than all other forms of leisure travel as parents and grandparents look at travel as a way to reunite families in a high-stress world dominated by demanding work responsibilities.

Based on these predictions, Vacation.com expects cruising to increase in popularity. Approximately half of first-time cruisers become repeat cruisers and cruising is consistently rated among the highest satisfaction levels of any vacation option.

(over)

A ship is similar to a 24-hour secured building and provides a safe environment for millions of people every year. Our network of travel agencies believes in the cruise industry and all that it is doing to provide a safe and enjoyable vacation.

Sincerely,

Steve Tracas
President & CEO

Marked changes exist

A BILL

To amend and enhance certain maritime programs of the Department of Transportation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I – MARITIME ADMINISTRATION

SECTION 101. SHORT TITLE.

This Act may be cited as the "Maritime Administration Enhancement Act of 2007".

SEC. 102. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) Subchapter III of chapter 575 of title 46, United States Code, is amended by adding at the end the following:

"§ 57533. Vessel chartering authority

"The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels and any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.".

(b) The analysis of chapter 575 is amended by adding at the end the following:

"57533. Vessel chartering authority.".

SEC. 103. MARITIME ADMINISTRATION VESSEL CHARTERING AUTHORITY.

Section 50303 of title 46, United States Code, is amended by inserting "vessels," after "piers,".

SEC. 104. CHARTERING TO STATE AND LOCAL GOVERNMENTAL INSTRUMENTALITIES.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. § 1744), is amended--

(1) by deleting the "or" after "Defense;" in paragraph (b)(3);

Marked changes exist

(2) by replacing the "." after "Defense" with "; or" at the end of paragraph (b)(4); and

(3) by inserting a new paragraph (5) at the end of subsection (b), to read as follows:

"(5) On a reimbursable basis, for charter to the government of any State, locality, or Territory of the United States, provided that the consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force.".

SEC. 105. BRIDGE ADMINISTRATION.

Notwithstanding section 888(b) of the Homeland Security Act of 2002 (6 U.S.C. 468(b)) or any other provision of law, the authorities of the Secretary of Homeland Security to approve the construction, alteration, or operation of a bridge, drawbridge, or causeway across or over the navigable waters of the United States and to require the alteration, repair, or removal of such bridge, drawbridge, or causeway, pursuant to the Bridge Act of 1906 (34 Stat. 84; 33 U.S.C 491 et seq.), the General Bridge Act of 1946 (60 Stat. 847; 33 U.S.C. 525 note), the Truman-Hobbs Act (54 Stat. 497; 33 U.S.C. § 511 et seq.), and the International Bridge Act of 1972 (86 Stat.731; 33 U.S.C. 535 et seq.), as well as the functions related thereto, are hereby transferred to the Secretary of Transportation: provided, that any unexpended balance of prior appropriations provided for the alteration of bridges shall be transferred to appropriation accounts for carrying out such activities by the Secretary of Transportation: provided further, that the balances so transferred shall be merged with funds in the applicable established accounts and thereafter shall be accounted for, and administered as, one fund: provided further, that prior to the approval of the construction, alteration, operation, repair, or removal of any bridge, drawbridge, or causeway over the navigable waters of the United States, the Secretary of Homeland Security shall certify that such action will not unreasonably obstruct navigation or threaten the security of the United States.

SEC. 106. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.

(a) Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended by inserting "(either by sale or purchase of disposal services)" after "shall dispose".

(b) Section 6(c)(1)(A) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)(A)) is amended to read as follows:

"(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to--

Marked changes exist

"(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such;

"(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain; and

"(iii) set as a target an annual rate of ship disposal that is equal to or greater than the average number of vessels annually designated as nonretention;".

(c) Section 6(c) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)) is amended by adding the following at the end:

"(3) Progress report.--Not later than 1 year after the date of enactment of this paragraph, and every 6 months thereafter, the Secretary of Transportation, in coordination with the Secretary of the Navy, shall report to the Committee on Transportation and Infrastructure, the Committee on Resources, and the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Armed Forces of the Senate, on the progress made in the Comprehensive Management Plan established in section 3505 of Public Law 109-163.

"(4) Use of authorization.--The Secretary is authorized to use funds appropriated for vessel disposal to study the issue of hull fouling and aquatic nuisance species with respect to the disposal of vessels from the National Defense Reserve Fleet. Such study shall be completed within three years after the date of enactment of this paragraph, at which time the Secretary shall submit a report **[on the study]** to the Committee on Transportation and Infrastructure, the Committee on Resources, and the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Armed Forces of the Senate.".

SEC. 107. ARTIFICIAL REEFING.

(a) Subsections (a) and (b) of section 3 of Public Law 92-402 (16 U.S.C. 1220) are amended to read as follows:

"(a) Conservation of marine life.--Any authorized Governmental entity may apply to the Secretary of Transportation (hereafter referred to in this chapter as 'Secretary') to obtain any Obsolete Ship that, but for the operation of this chapter, would be designated by the Secretary for scrapping because the authorized Governmental entity intends to sink such ship for use as an artificial reef for the conservation of marine life.

"(b) Manner and form of applications; minimum requirements.--An authorized Governmental entity shall make an application for an Obsolete Ship under this chapter in

Marked changes exist

such manner and form as the Secretary shall prescribe, except that such application shall include the following:

"(1) The location at which the authorized Governmental entity proposes to sink the ship.

"(2) If the sinking is to occur within United States territorial waters, a certificate from the Administrator of the Environmental Protection Agency that the proposed use of the particular Obsolete Ship requested by the authorized Governmental entity will be compatible with water quality standards and other appropriate environmental protection requirements applicable to United States territorial waters.

"(3) A statement and estimate with respect to the conservation goals that are sought to be achieved by use of the Obsolete Ship.".

(b) Section 4 of Public Law 92-402 (16 U.S.C. 1220a) is amended to read as follows:

"Sec. 4. Transfer of title; terms and conditions

"(a) In General.--If, after consideration of such comments and views as are received under section 1220(c) of this title, the Secretary finds that the use of an Obsolete Ship proposed by an authorized Governmental entity will not violate any Federal law, significantly contribute to degradation of the marine environment within the territorial waters of the United States, create undue interference with commercial fishing or navigation within the territorial waters of the United States, and is not frivolous, the Secretary may transfer without consideration to the authorized Governmental entity all right, title, and interest of the United States in and to any Obsolete Ship which is available for transfer under this chapter if--

"(1) the authorized governmental entity gives to the Secretary such assurances as the Secretary deems necessary that the obsolete ship will be used and maintained only for the purposes stated in the application and, when sunk, will be charted and marked as a hazard to navigation;

"(2) the authorized Governmental entity agrees to secure and bear all responsibility for complying with any licenses or permits which may be required under the provisions of any applicable Federal law, State law, International law, or interstate and local law for using, constructing, monitoring, and managing the Obsolete Ship as an artificial reef;

"(3) the authorized Governmental entity agrees to such other terms and conditions as the Secretary may require in order to protect the marine environment and other interests of the United States; and

Marked changes exist

"(4) the transfer would be at no cost to the Government (except for any financial assistance provided under section 1220c-1 of this title) with the authorized Government entity taking delivery of such Obsolete Ship either at fleet side of the National Defense Reserve Fleet or at the reefing site, as determined by the Secretary, in an 'as is--where is' condition.

"(b) Additional Terms and Conditions.--In addition to the terms and conditions set forth in subsection (a), the Secretary may require such terms and conditions in connection with the transfer of an Obsolete Ship authorized by this title, as the Secretary considers appropriate.".

(c) Section 5 of Public Law 92-402 (16 U.S.C. 1220b) is amended to read as follows:

"Sec. 5. Obsolete ships available; number; equitable administration

"An authorized Governmental entity may apply for more than one Obsolete Ship under this chapter; provided, that the Secretary shall take into account the number of Obsolete Ships that may be or become available for transfer under this chapter so he or she can administer this chapter in an equitable manner.".

(d) Section 7 of Public Law 92-402 (16 U.S.C. 1220c-1) is amended by striking "State" each place it occurs, and inserting "authorized Governmental entity".

(e)(1) Section 6 of Public Law 92-402 (16 U.S.C. 1220c) is amended to read as follows:

"Sec. 6. No Preference or administrative review; finality of decision

"(a) No Preference or Administrative Review.--An authorized Governmental entity may apply for more than one Obsolete Ship under this chapter; provided, that the Secretary shall take into account the number of Obsolete Ships that may be or become available for transfer under this chapter so he or she can administer this chapter in an equitable manner.

"(b) Finality of Decision.--A decision by the Secretary denying any application for an Obsolete Ship under this chapter is final.".

(2) In the analysis of chapter 25B of title 16, United States Code, the item relating to section 1220c is amended to read as follows:

"1220c. No Preference or administrative review; finality of decision.".

(f)(1) Section 8 of Public Law 92-402 (16 U.S.C. 1220d) is amended to read as follows:

Marked changes exist

"Sec. 8. Definitions

"For purposes of Public Law 92-402:

"(1) 'Authorized Governmental entity' includes the government of any State, Commonwealth territories or possessions of the United States, and the governments of foreign states within the meaning of 28 U.S.C. § 1603.

"(2) 'Environmental Best Management Practices for Preparing Vessels for Use as Artificial Reefs' means the guidance prepared by the Secretary of Transportation, through the Maritime Administrator, and the Administrator of the Environmental Protection Agency jointly promulgated pursuant to Pub.L. 107-314, Div. C, Title XXXV, § 3504(b), Dec. 2, 2002, 116 Stat. 2754, as amended Pub.L. 108-136, Div. C, Title XXXV, § 3516, Nov. 24, 2003, 117 Stat. 1795.

"(3) 'Obsolete Ship' means any vessel owned by the Department of Transportation that has been determined to be of insufficient value for commercial or national defense purposes to warrant its maintenance and preservation in the national defense reserve fleet and has been designated as an artificial reef candidate.".

(2) In the analysis of chapter 25B of title 16, United States Code, the item relating to section 1220d is amended to read as follows:

"1220d. Definitions.".

SEC. 108. VESSEL TRANSFER AUTHORITY.

Section 50304 of title 46, United States Code, is amended by adding the following at the end:

"(d) Vessel Charters to Other Departments.--On a reimbursable or non-reimbursable basis, as determined by the Secretary of Transportation, may charter or otherwise make available a vessel under the jurisdiction of the Secretary of Transportation to any other department, upon the request by the Secretary of the department that receives the vessel, provided that the consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force.".

SEC. 109. SEA TRIALS FOR READY RESERVE FORCE.

Section 11(c)(1)(B) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. § 1744(c)(1)(B)) is amended to read as follows:

"(B) activate and conduct sea trials on each vessel at least once every thirty months;".

Marked changes exist

SEC. 110. ELIMINATION OF TARIFFS ON CERTAIN NATIONAL DEFENSE ACTIVITIES.

(a) Duty-Free Treatment for Emergency War Materials Imported for Use by the Maritime Administration--

(1) The superior text to subheading 9808.00.30 of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by inserting 'or the Maritime Administration' after 'departments'.

(2) Subheading 9808.00.30 of chapter 98 of the Harmonized Tariff Schedule of the United States is re-designated as subheading 9808.00.35.

(3) The amendments made by this subsection shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the fifteenth day after the date of enactment of this Act.

(b) Repairs Made to Vessels Operated as Part of the National Defense Reserve Fleet.--Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding the following at the end:

"(i) National Defense Reserve Fleet Exception.--The duty imposed under subsection (a) shall not apply to any vessel operated as part of the National Defense Reserve Fleet when the vessel is under the operational control of the Department of Defense if equivalent equipment, parts, repair parts, or materials made in the United States, or repairs made in the United States were determined by the Secretary of Transportation not to be reasonably available.".

SEC. 111. DONATIONS OF NONRETENTION VESSELS TO FOREIGN GOVERNMENTS.

Section 57103 of title 46, United States Code is amended by adding the following at the end:

"(g) Foreign Government Donations.--The Secretary may convey the right, title, and interest of the United States in any vessel of the National Defense Reserve Fleet that has been identified by the Secretary as an obsolete vessel of insufficient value to warrant its further preservation, if--

"(A) the recipient is a foreign government or an instrumentality thereof; and

"(B) the recipient agrees to such terms and conditions for the transfer as the Secretary may determine.".

Marked changes exist

SEC. 112. AVAILABILITY OF FUNDS FROM APPLICATION FEES FOR DEEPWATER PORT LICENSES.

Fees collected pursuant to the processing of applications for licenses for ownership, construction, and operation of deepwater ports, as authorized by section 5 of the Deepwater Port Act of 1974 (33 U.S.C. § 1504), shall be credited to the Maritime Administration for deposit into its operations and training account. Fees credited pursuant to this section shall be used to defray administrative expenses and for enhancements and improvements to the program's operations, and shall be available until expended.

SEC. 113. AVAILABILITY OF FUNDS FROM ADMINISTRATIVE WAIVERS OF COASTWISE TRADE RESTRICTIONS.

Fees collected pursuant to the processing of Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels, as authorized by title V of the Coast Guard Authorization Act of 1998 (46 U.S.C. §12106 note)--

(1) shall be credited as offsetting collections to the Maritime Administration for deposit into its operations and training account;

(2) shall be available for expenditure to defray administrative expenses and for enhancements and improvements to the program's operations; and

(3) shall remain available until expended.

SEC. 114. AMENDMENT TO VESSEL OPERATIONS REVOLVING FUND.

Section 50301(g) of title 46, United States Code, is amended by inserting ", or for loss of or damage to," after "from charter operations of".

SEC. 115. TREATMENT OF CAPITAL GAINS AND LOSSES WITHIN CAPITAL CONSTRUCTION FUND.

(a) Section 53508(c) of title 46, United States Code, is amended to read as follows:

"(c) Capital Gain Account--The capital gain account shall consist of--

"(1) amounts representing long-term capital gains (as defined in section 1222 of the Internal Revenue Code of 1986 (26 U.S.C. 1222)) on assets referred to in section 53505(a)(3) or (4) of this title; minus

"(2) amounts representing long-term capital losses (as defined in section 1222 of the Internal Revenue Code of 1986 (26 U.S.C. 1222)) on assets held in the fund.".

Marked changes exist

(b) Section 53508(d)(2) of title 46, United States Code, is amended to read as follows:

"(2)(A) amounts representing short-term capital gains (as defined in section 1222 of the Internal Revenue Code of 1986 (26 U.S.C. 1222)) on assets referred to in section 53505(a)(3) or (4) of this title; minus

"(B) amounts representing short-term capital losses (as defined in section 1222 of the Internal Revenue Code of 1986 (26 U.S.C. 1222)) on assets held in the fund;".

(c) Section 53511(c)(2) of title 46, United States Code, is amended to read as follows:

"(2) a nonqualified withdrawal from the capital gain account shall be included in income for the taxable year in which the withdrawal is made as an item of long-term capital gain (as defined in section 1222 of the Internal Revenue Code of 1986 (26 U.S.C. 1222)); and".

SEC. 116. USE OF CAPITAL CONSTRUCTION FUND FOR VESSELS ENGAGED IN COASTWISE TRADES.

(a) Paragraphs (4) and (7) of section 53501 of title 46, United States Code, are repealed.

(b) Section 53501(5)(A)(iii) of title 46, United States Code, is amended to read as follows:

"(iii) agreed, between the Secretary and the person maintaining the capital construction fund established under section 53503 of this title, will be operated in the fisheries of the United States, or in the foreign or domestic trades; and".

(c) Section 53503(b) of title 46, United States Code, is amended to read as follows:

"(b) ALLOWABLE PURPOSE.--The purpose of the agreement shall be to provide replacement vessels, additional vessels, or reconstructed vessels built in the United States and documented under the laws of the United States, for operation in the foreign or domestic trade.".

SEC. 117. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) Section 56 of the Internal Revenue Code of 1986 (26 U.S.C. 56) is amended by striking subsection (c)(2), and by redesignating subsection (c)(3) as subsection (c)(2).

Marked changes exist

(b) Section 7518(d)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 7518(d)(3)) is amended to read as follows:

"(3) Capital Gain Account.--The capital gain account shall consist of the amount representing long-term capital gains (as defined in section 1222) on assets referred to in subsection (a)(1)(C) or (a)(1)(D), reduced by amounts representing long-term capital losses (as defined in section 1222) on assets held in the fund.".

(c) Section 7518(d)(4)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 7518(d)(4)(B)) is amended to read as follows:

"(B) amounts representing short-term capital gains (as defined in section1222) on assets referred to in subsection (a)(1)(C) or (a)(1)(D), reduced by amounts representing short-term capital losses (as defined in section 1222) on assets held in the fund,".

(d) Section 7518(g)(3)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 7518(g)(3)(B)) is amended by striking "gain" and all that follows and inserting "long-term capital gain (as defined in section 1222), and".

SEC. 118. RESERVE TRAINING COMPLIANCE AND ARMED FORCES PERFORMANCE REPORTING REQUIREMENT FOR UNITED STATES MERCHANT MARINE ACADEMY GRADUATES.

(a) Section 51306 of title 46, United States Code, is amended by adding the following at the end:

"(e) Additional Service Requirements.--In the case of an individual who executes a service obligation agreement under subsection (a) after the date of enactment of the Maritime Administration Enhancement Act of 2007 and becomes a graduate of the Academy, the graduate is subject to the following requirements and considerations:

"(1) The graduate shall serve as a commissioned officer in the United States Navy Reserve (including the Merchant Marine Reserve, United States Navy Reserve), or any other reserve component of an Armed Force of the United States (including the National Guard Reserve) for a total of 8 years following graduation. The graduate is required to serve at least 5 years of such service in a Selected Reserve status. If the graduate leaves the Selected Reserve after (5) years of service, the graduate will remain in an Individual Ready Reserve component until a total of (8) years of reserve service has been completed

"(2) If the graduate is employed in a Maritime Administration-approved sailing position afloat, the Secretary of the Department in which the Reserve service is being served is authorized to and shall make reasonable efforts to adjust such graduate's reserve duties by reason of such graduate's work afloat. The Secretary of the Department in which the Reserve service is being served is also

Marked changes exist

authorized to allow any graduate working afloat to enter some other reserve unit in the Armed Forces of the United States for the remainder of the service obligation term or to waive or otherwise modify the provisions of this subparagraph.

"(3) The graduate entering into active duty in an Armed Force of the United States is not required to comply with the requirements of this subparagraph so long as he or she continues to be active duty members of the Armed Forces of the United States.

"(4) The requirements of this subparagraph may be waived or modified by the Secretary of Defense with the consent of the graduate.

"(5) nothing contained herein shall be construed to require the Armed Forces of the United States to appoint or tender the graduate as a commissioned officer. Such determination shall rest exclusively with the Secretary of the Department in which the commission is being requested.".

SEC. 119. EXCLUSION OF CERTAIN AMOUNTS OF EARNED INCOME OF MERCHANT MARINERS ENGAGED IN COMMERCE BETWEEN THE UNITED STATES AND A FOREIGN COUNTRY.

(a) Subsection (d) of section 911 of the Internal Revenue Code of 1986 (26 U.S.C 911) (relating to the definition of qualified individual) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following:

"(9) SPECIAL RULE FOR MERCHANT MARINERS ENGAGED IN FOREIGN COMMERCE--

"(A) IN GENERAL.--The term 'qualified individual' includes an individual who—

"(i) is a citizen or resident of the United States, and

"(ii) is licensed or certified by the United States Coast Guard as a merchant mariner.

"(B) FOREIGN EARNED INCOME.--For purposes of this paragraph, in lieu of subsection (b)(1)(A), the term 'foreign earned income' means the earned income attributable to services performed by an individual described in subparagraph (A) from qualified merchant marine employment.

"(C) QUALIFIED MERCHANT MARINE EMPLOYMENT.--The term 'qualified merchant marine employment' means employment as a regular member of the crew of a vessel owned, operated, or chartered by an individual or entity described in a paragraph of section 12102(a) of title 46, United States Code, while

such vessel is engaged in United States-foreign commerce or in international commerce.

"(D) UNITED STATES. For purposes of subparagraph (C),the term 'United States' shall include a territory or possession of the United States.".

(b) The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 120. PROHIBITION AGAINST CARRYING GOVERNMENT IMPELLED CARGOES FOR VESSELS WITH SUBSTANDARD SECURITY MEASURES.

Section 2302 of title 46, United States Code is amended as follows:

(a) in subsection (e)(1)(A), by deleting the word "safety" between "international" and "convention"; and

(b) in subsection (e)(1)(B), by deleting the word "safety" between "international" and "convention".

SEC. 121. PROHIBITION AGAINST CARRYING GOVERNMENT IMPELLED CARGOES FOR VESSELS THAT FAIL TO COMPLY WITH UNITED STATES TAX LAWS.

(a) Section 2302(e)(1) of title 46, United States Code is amended--

(1) by deleting the "or" at the end of subparagraph (A);

(2) by replacing "." with "; or" at the end of subparagraph (B); and

(3) by inserting the following at the end:

"(C) the vessel owner or operator has failed to comply with the filing required by section 6012(a) of the Internal Revenue Code of 1986 (26 U.S.C. 6012(a)) and any regulations promulgated there under by the Secretary of the Treasury.".

SEC. 122. CLARIFYING AMENDMENTS TO TITLE IX, MERCHANT MARINE ACT, 1936, AS CODIFIED.

(a) Subsection 55305(b) of title 46, United States Code, is amended by:

(1) inserting ", organization, or persons" after "foreign country";

(2) inserting "or obtaining" after "in connection with the furnishing"; and

Marked changes exist

(3) inserting ", or provides financing in any way with federal funds for the account of any persons unless otherwise exempted," after "or commodities".

(b) Subsection 55314(a) of title 46, United States Code, is amended by deleting "calendar" in each place it appears and inserting "fiscal".

SEC. 123. DEFINITIONAL AMENDMENT TO TITLE IX, MERCHANT MARINE ACT, 1936, AS CODIFIED.

Section 55305(b) of title 46, United States Code, is amended by striking "dry cargo liners" and inserting "general cargo vessels".

SEC. 124. TRANSPORTATION IN AMERICAN VESSELS

Subsection 55305(d) of title 46, United States Code, is amended to read as follows:

"(d) PROGRAMS OF OTHER AGENCIES—

"(1) The Secretary of Transportation, after consulting with the department or agency or organization or person involved, shall have the responsibility for determining if a program is subject to the requirements of this section.

"(2) The Secretary of Transportation shall--

"(i) conduct an annual review of the administration of a program designated pursuant to subparagraph (1) as subject to the requirements of this section; and

"(ii) submit an annual report to Congress containing the results of the review described in clause (i), not later than 60 days following the end of the cargo preference year.

"(3) Every department or agency or organization or person having responsibility under this section shall administer its programs with respect to this subsection under regulations and guidance issued by the Secretary of Transportation. The Secretary of Transportation is authorized to direct agencies to make-up for cargo shipped on foreign carriers in violation of this section and may take other measures as appropriate.".

SEC. 125. AMENDMENT OF VESSEL ELIGIBILITY FOR CARRIAGE OF PREFERENCE CARGO.

Section 55305(a) of title 46, United States Code, is amended by adding the following sentence at the end:

Marked changes exist

"However, the term 'privately-owned commercial vessel of the United States' does include a foreign-built, or foreign-rebuilt, vessel if the owner of the vessel enters into an agreement with the Secretary to document the vessel under United States registry and to perform all non-emergency maintenance and repairs in a United States shipyard for a minimum period of three years following registry as a United States-flag vessel.".

SEC. 126. COMPENSATORY TIME FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES OF THE DEPARTMENT OF TRANSPORTATION.

Notwithstanding the provisions of the Fair Labor Standards Act of 1938, the Secretary of Transportation may, on request of a Maritime Administration employee paid from nonappropriated funds, grant such employee compensatory time off from duty instead of overtime pay for overtime work.

SEC. 127. FEDERAL EMPLOYMENT RETIREMENT CREDIT FOR MARITIME ADMINISTRATION NONAPPROPRIATED FUND INISTRUMENTALITY SERVICE.

(a) Section 8332(b) of title 5, United States Code, is amended by inserting "or service performed for a nonappropriated fund instrumentality of the Maritime Administration" after "section 2105(c)" in paragraph (17).

(b) Section 8411 of such title is amended by inserting "or service performed for a nonappropriated fund instrumentality of the Maritime Administration" after "section 2105(c)" in paragraph (b)(6).

(c) The amendments made by this section shall apply only to separations from service as an employee of the United States on or after the date of the enactment of this Act.

SEC. 128. SHARING MARINE WAR RISKS IN INTERNATIONAL OPERATIONS.

(a) Chapter 539 of title 46, United States Code, is amended by adding after section 53902 the following:

"§ 53902a. Sharing marine war risks in international operations

"(a) Risk-Sharing Obligations.--With the approval of the President, the Secretary of Defense or the Secretary of State may incur obligations that arise from losses incurred as a result of participation in an international risk-sharing agreement covering vessel operations in support of the North Atlantic Treaty Organization or other similar international organization or alliance, without regard to the nationality of registration or ownership of the vessel.

Marked changes exist

"(b) Risk-Sharing Revolving Fund.—

"(1) At the time of such obligation and for each obligation there will be established a revolving fund in the Treasury, to be known as the vessel operations risk-sharing revolving fund, to be administered by the Secretary of Transportation, and to be available without fiscal year limitation. The fund is distinct from the vessel insurance revolving fund established by section 53909 of this title.

"(2) The fund shall be used to pay the amounts due to other nations or organizations and to receive contributions from other nations or organizations under an agreement referred to in subsection (a). Contributions received by the United States under an agreement referred to in subsection (a) and credited to the vessel operations risk-sharing revolving fund may be used to pay subsequent amounts due other nations or organizations under such agreement. When payment is due under an agreement referenced in subsection (a), and the fund either has no monies or the monies in the fund are insufficient to make the payment, the Secretary of the Department that has incurred the obligation pursuant to subsection (a) shall provide the necessary amount to the vessel operations risk-sharing revolving fund or directly to the other nations or organizations.

"(3) On request of the Secretary of Transportation, the Secretary of the Treasury may invest all or any part of the amount in the vessel operations risk-sharing revolving fund in interest-bearing securities of the United States government. The interest on, and the proceeds from, the sale or redemption of the securities shall be credited to the vessel operations risk sharing revolving fund. Payments of return premiums, losses, settlements, judgments and all liabilities incurred by the United States under this title shall be made from such fund through the Fiscal Service of the Department of the Treasury.

"(4) At the completion of vessel operations entered pursuant to (a) above, the Secretary of the Department that has incurred the obligation shall terminate the risk-sharing revolving fund when the Secretary reasonably believes the no additional claims or contributions will be received. Amounts in the risk-sharing revolving fund will be transferred to the miscellaneous receipts account in the Treasury. Any contributions received after termination will also be transferred to that account.

"(c) Indemnification Not Affected.—This section does not affect a requirement to make a prompt payment to the Secretary of Transportation for credit to the vessel insurance revolving fund under an indemnity agreement under section 53905 of this title and section 2645 of title 10.".

(b) Section 9514 of title 10, United States Code, is amended--

(1) by redesignating subsection (h) as subsection (i); and

Marked changes exist

(2) by inserting after subsection (g) the following:

"(h) Risk-Sharing Obligations Authority And Permanent Appropriation.--

"(1) Upon approval by the President, the Secretary of Defense, after consultation with the Secretary of State, is authorized to enter into an international sharing of risk agreements pursuant to section 53902 of title 46 with regard to vessels supporting military operations of the North Atlantic Treaty Organization or similar international organization or alliance in which the United States is a party. The Secretary of Defense may incur obligations that arise from losses incurred as a result of an international risk-sharing agreement covering vessel operations in support of the North Atlantic Treaty Organization or other similar international organization or alliance, without regard to the nationality of registration or ownership of the vessel.

"(2) To fund obligations of such international sharing of risk agreements, there is authorized to be appropriated to the Secretary of Defense such sums as may be necessary to pay or incur such obligations. Any final judgment rendered in any suit authorized under federal law and any final payment or settlement in furtherance of such international sharing of risk agreements shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the Department of Defense into the vessel operations risk-sharing revolving fund from funds specifically appropriated by Congress for such international risk-sharing agreement; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement.".

(c) The analysis of chapter 539 is amended by adding the following after the item relating to section 53902:

"53902a. Sharing marine war risks in international operations.".

TITLE II—UPDATE TO THE CODIFICATION OF TITLE 46, UNITED STATES CODE

SEC. 201. STATUTORY CONSTRUCTION.

The amendments made by this title make no substantive change in existing law and may not be construed as making a substantive change in existing law.

SEC. 202. PERSONAL INJURY TO OR DEATH OF SEAMEN.

(a) Amendment.--Section 30104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

Marked changes exist

"(a) Cause of Action.--A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may bring an action relying on the laws of the United States regulating recovery for personal injury to, or death of, a railway employee. Such an action may be maintained in admiralty or, at the plaintiff's election, as an action at law, with the right of trial by jury.

"(b) Venue.--When the plaintiff elects to maintain an action at law, venue shall be in the judicial district in which the employer resides or the employer's principal office is located.".

(b) Effective Date.--The amendment made by subsection (a) shall be effective as if included in the enactment of Public Law 109-304.

SEC. 203. AMENDMENTS TO CHAPTER 537 BASED ON PUBLIC LAW 109-163.

(a) Amendments.--Title 46, United States Code, is amended as follows:

(1) Section 53701 is amended by--

(A) redesignating paragraphs (2)-(13) as paragraphs (3)-(14), respectively;

(B) inserting after paragraph (1) the following:

"(2) Administrator.--The term 'Administrator' means the Administrator of the Maritime Administration."; and

(C) amending paragraph (13) (as redesignated) to read as follows:

"(13) Secretary.--The term 'Secretary' means the Secretary of Commerce with respect to fishing vessels and fishery facilities.".

(2) Section 53706(c) is amended to read as follows:

"(c) Priorities for Certain Vessels.--

"(1) Vessels.--In guaranteeing or making a commitment to guarantee an obligation under this chapter, the Administrator shall give priority to--

"(A) a vessel that is otherwise eligible for a guarantee and is constructed with assistance under subtitle D of the Maritime Security Act of 2003 (46 U.S.C. 53101 note); and

"(B) after applying subparagraph (A), a vessel that is otherwise eligible for a guarantee and that the Secretary of Defense determines--

Marked changes exist

"(i) is suitable for service as a naval auxiliary in time of war or national emergency; and

"(ii) meets a shortfall in sealift capacity or capability.

"(2) Time for determination.--The Secretary of Defense shall determine whether a vessel satisfies paragraph (1)(B) not later than 30 days after receipt of a request from the Administrator for such a determination.".

(3) Section 53707 is amended in--

(A) subsections (a) and (d), by inserting "or Administrator" after "Secretary" each place it appears;

(B) subsection (b), by striking "Secretary of Transportation" and inserting "Administrator";

(C) subsection (c), by striking "of Commerce"; and

(D) subsection (d)(2), by--

(i) inserting "if the Secretary or Administrator considers necessary," before "the waiver"; and

(ii) striking "the increased" and inserting "any significant increase in".

(4) Section 53708 is amended in--

(A) subsection (a), by striking "Secretary" and "Secretary of Transportation" each place they appear in the heading and in text and inserting "Administrator";

(B) subsections (b) and (c), by striking "of Commerce" each place it appears in a heading and in text;

(C) subsection (d), by--

(i) inserting "or Administrator" after "Secretary" the first place it appears; and

(ii) striking "financial structures, or other risk factors identified by the Secretary. Any independent analysis conducted under this subsection shall be performed by a party chosen by the Secretary." and inserting "or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator."; and

Marked changes exist

(D) subsection (e), by--

(i) inserting "or Administrator" after "Secretary" the first place it appears; and

(ii) striking "financial structures, or other risk factors identified by the Secretary" and inserting "or financial structures".

(5) Section 53710(b)(1) is amended by striking "Secretary's" and inserting "Administrator's".

(6) Section 53712(b) is amended by striking the last sentence and inserting "If the Secretary or Administrator has waived a requirement under section 53707(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor's financial condition enables the obligor to meet the waived requirement.".

(7) Subsections (c) and (d) of section 53717 are amended by striking "of Commerce" each place it appears in a heading and in text.

(8) Section 53732(e)(2) is amended by inserting "of Defense" after "Secretary" the second place it appears.

(9) The following provisions are amended by striking "Secretary" and "Secretary of Transportation" and inserting "Administrator":

(A) Section 53710(b)(2)(A)(i).

(B) Section 53717(b) each place it appears in a heading and in text.

(C) Section 53718.

(D) Section 53731 each place it appears, except where "Secretary" is followed by "of Energy".

(E) Section 53732 (as amended by paragraph (8)) each place it appears, except where "Secretary" is followed by "of the Treasury", "of State", or "of Defense".

(F) Section 53733 each place it appears.

(10) The following provisions are amended by inserting "or Administrator" after "Secretary" each place it appears in headings and text, except where "Secretary" is followed by "of Transportation" or "of the Treasury":

Marked changes exist

(A) The items relating to sections 53722 and 53723 in the analysis of chapter 537.

(B) Sections 53701(1), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and (2)(A), and (d), 53710(a) and (c), 53711, 53712 (except in the last sentence of subsection (b) as amended by paragraph (6)), 53713 to 53716, 53721 to 53725, and 53734.

(11) Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting "or Administrator's" after "Secretary's".

(b) Repeal of Superseded Amendments.--Section 3507 (except subsection (c)(4)) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) is repealed.

SEC. 204. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW 109-163.

(a) Amendments.--Title 46, United States Code, is amended as follows:

(1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy Reserve".

(2) Section 51504(f) is amended to read as follows:

"(f) Fuel Costs.--

"(1) In general.--Subject to the availability of appropriations, the Secretary shall pay to each State maritime academy the costs of fuel used by a vessel provided under this section while used for training.

"(2) Maximum amounts.--The amount of the payment to a State maritime academy under paragraph (1) may not exceed--

"(A) $100,000 for fiscal year 2006;

"(B) $200,000 for fiscal year 2007; and

"(C) $300,000 for fiscal year 2008 and each fiscal year thereafter.".

(3) Section 51505(b)(2)(B) is amended by striking "$200,000" and inserting "$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter".

(4) Section 51701(a) is amended by inserting before the period at the end "and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary".

Marked changes exist

(5)(A) Section 51907 is amended to read as follows:

"§ 51907. Provision of decorations, medals, and replacements

"The Secretary of Transportation may provide--

"(1) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and

"(2) replacements for decorations and medals issued under a prior law.".

(B) In the analysis of chapter 519, the item relating to section 51907 is amended to read as follows:

"51907. Provision of decorations, medals, and replacements.".

(6)(A) The following new chapter is inserted after chapter 539:

"CHAPTER 541--MISCELLANEOUS

"Sec.
"54101. Assistance for small shipyards and maritime communities.".

(B) Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 App. U.S.C. 1249) is transferred to and redesignated as section 54101 of title 46, United States Code, to appear at the end of chapter 541 of title 46, as enacted by subparagraph (A).

(C) The heading of section 54101 is amended to read as follows:

"§ 54101. Assistance for small shipyards and maritime communities".

(D) The table of chapters at the beginning of subtitle V is amended by inserting after the item relating to chapter 539 the following new item:

"541. Miscellaneous ..... 54101".

(b) Repeal of Superseded Amendments.--Sections 515(g)(2), 3502, 3509, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) are repealed.

SEC. 205. AMENDMENTS BASED ON PUBLIC LAW 109-171.

(a) Amendments.--Section 60301 of title 46, United States Code, is amended in--

Marked changes exist

(1) subsection (a), by striking "2 cents per ton (but not more than a total of 10 cents per ton per year)" and inserting "4.5 cents per ton, not to exceed a total of 22.5 cents per ton per year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed a total of 10 cents per ton per year, for each fiscal year thereafter,"; and

(2) subsection (b), by striking "6 cents per ton (but not more than a total of 30 cents per ton per year)" and inserting "13.5 cents per ton, not to exceed a total of 67.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter,".

(b) Repeal of Superseded Amendments.--Section 4001 of the Deficit Reduction Act of 2005 (Public Law 109-171) is repealed.

SEC. 206. AMENDMENTS BASED ON PUBLIC LAW 109-241.

(a) Amendments.--Title 46, United States Code, is amended as follows:

(1) Section 12111 is amended by adding at the end the following:

"(d) Activities Involving Mobile Offshore Drilling Units.--

"(1) In general.--Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in--

"(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

"(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

"(2) Coastwise trade not authorized.--Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.".

(2) Section 12139(a) is amended by striking "and charterers" and inserting "charterers, and mortgagees".

(3) Section 51307 is amended by--

(A) striking "and" at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting "; and"; and

Marked changes exist

(C) adding at the end the following:

"(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.".

(4) Section 55105(b)(3) is amended by striking "Secretary of the department in which the Coast Guard is operating" and inserting "Secretary of Homeland Security".

(5) Section 70306(a) is amended by striking "Not later than February 28 of each year, the Secretary shall submit a report" and inserting "The Secretary shall submit an annual report".

(6) Section 70502(d)(2) is amended to read as follows:

"(2) Response to claim of registry.--The response of a foreign nation to a claim of registry under paragraph (1)(A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary's designee.".

(b) Repeal of Superseded Amendments.--Sections 303, 307, 308, 310, 901(q), and 902(o) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241) are repealed.

SEC. 207. AMENDMENTS BASED ON PUBLIC LAW 109-364.

(a) Updating of Cross References.--Section 1017(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364, 10 U.S.C. 2631 note) is amended by striking "section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)" and inserting "sections 12112, 50501, and 55102 of title 46, United States Code".

(b) Section 51306(e).--

(1) In general.--Section 51306 of title 46, United States Code, is amended by adding at the end the following:

"(e) Alternate Service.--

"(1) Service as commissioned officer.--An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of subsection (a)(3)-(5).

Marked changes exist

"(2) Modification or waiver.--The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.".

(2) Application.--Section 51306(e) of title 46, United States Code, as added by this subsection, applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) Section 51306(f).--

(1) In general.--Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

"(f) Service Obligation Performance Reporting Requirement.--

"(1) In general.--Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service--

"(A) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

"(B) may, in their discretion, notify the Secretary of any failure of the graduate to perform the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

"(2) Information to be provided.--A report or notice under subparagraph (A) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

"(3) Considered as in default.--Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.".

(2) Application.--Section 51306(f) of title 46, United States Code, as added by this subsection, does not apply with respect to an agreement entered into under section 51306(a) of title 46 before October 17, 2006.

(d) Section 51509(c).--Section 51509(c) of title 46, United States Code, is amended by--

(1) striking "Midshipman and" in the subsection heading and "midshipman and" in the text; and

(2) inserting "or the Coast Guard Reserve" after "Reserve)".

(e) Section 51908.--Section 51908 of title 46, United States Code, is amended by striking "under this chapter" and inserting "by this chapter or the Secretary of Transportation".

(f) Section 53105(e)(2).--Section 53105(e)(2) of title 46, United States Code, is amended by striking "section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)," and inserting "section 50501 of this title".

(g) Repeal of Superseded Amendments.--Sections 3505, 3506, 3508, and 3510(a) and (b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) are repealed.

SEC. 208. MISCELLANEOUS AMENDMENTS.

(a) Deletion of Obsolete Reference to Canton Island.--Section 55101(b) of title 46, United States Code, is amended by--

(1) inserting "or" after the semicolon at the end of paragraph (2);

(2) striking paragraph (3); and

(3) redesignating paragraph (4) as paragraph (3).

(b) Improvement of Heading.--Title 46, United States Code, is amended as follows:

(1) The heading of section 55110 is amended by inserting "valueless material or" before "dredged material".

(2) The item for section 55110 in the analysis of chapter 551 is amended by inserting "valueless material or" before "dredged material".

(c) Correction of Unintended Word Change.--Title 46, United States Code, is amended as follows:

(1) Section 80102 is amended--

(A) in the heading, by striking "salvage" and inserting "wreckers"; and

(B) in subsection (a), by striking "salvaging" and inserting "wrecking".

Marked changes exist

(2) The item for section 80102 in the analysis of chapter 801 is amended by striking "salvage" and inserting "wreckers".

SEC. 209. APPLICATION OF SUNSET PROVISION TO CODIFIED PROVISION.

For purposes of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108-27, 26 U.S.C. 1 note), the amendment made by section 301(a)(2)(E) of that Act shall be deemed to have been made to section 53511(f)(2) of title 46, United States Code.

SEC. 210. TECHNICAL CORRECTIONS.

(a) Amendments to Title 46.--Title 46, United States Code, is amended as follows:

(1) The analysis of chapter 21 is amended by striking the item for section 2108.

(2) Section 12113(g) is amended by inserting "and" after "Conservation".

(3) Section 12131 is amended by striking "commmand" and inserting "command".

(b) Amendments to Public Law 109-304.--

(1) Amendments.--Public Law 109-304 is amended as follows:

(A) Section 15(10) is amended by striking "46 App. U.S.C." and inserting "46 U.S.C. App.".

(B) Section 15(30) is amended by striking "Shipping Act, 1936" and inserting "Shipping Act, 1916".

(C) The schedule of Statutes at Large repealed in section 19, as it relates to the Act of June 29, 1936, is amended by--

(i) striking the second section "1111" (relating to 46 App. U.S.C. 1279f) and inserting section "1113"; and

(ii) striking the second section "1112" (relating to 46 App. U.S.C. 1279g) and inserting section "1114".

(2) Effective date.--The amendments made by paragraph (1) shall be effective as if included in the enactment of Public Law 109-304.

(c) Repeal of Duplicative or Unexecutable Amendments.--

Marked changes exist

(1) Repeal.--Sections 9(a), 15(21) and (33)(A)-(D)(i), and 16(c)(2) of Public Law 109-304 are repealed.

(2) Intended Effect.--The provisions repealed by paragraph (1) shall be treated as if never enacted.

Marked changes exist

Section-By-Section Analysis

Title I – Maritime Administration

Section 101. Short Title.

Section 101 states the short title, the "Maritime Administration Enhancement Act of 2008." (the "Act").

Section 102. Commercial Vessel Chartering Authority.

Section 102 clarifies the Maritime Administration's ability to charter commercial vessels to other Federal agencies. Although 46 U.S.C. 56301 authorizes the chartering, requisitioning and purchasing of vessels, this authority may only be used when "the President shall proclaim that the security of the national defense makes it advisable or during any national emergency declared by proclamation...." This provision would allow the Secretary to acquire or otherwise obtain the use of private vessel assets and other related property whenever the Secretary deems such charter to be appropriate, even in the absence of a Presidential proclamation of national emergency. There is no requisitioning authority in this proposed provision, and any acquisition of assets from private interests would be voluntary. Additionally, the authority provided by this section would no longer be limited to the special circumstances triggering the operation of Section 56301.

Section 103. Maritime Administration Vessel Chartering Authority.

Section 103 authorizes the Maritime Administration to operate or lease its own vessels directly, and to obtain reimbursement for their use. Such authority currently exists for assets other than vessels in 46 U.S.C. 50303, previously Section 202 of the Merchant Marine Act, 1936. Section 50303 allows the Secretary to operate or lease any lands, docks, wharves, piers, or real property under the Secretary's control, and to use money received from such operation or lease for the purposes of the Merchant Marine Act, 1936. Section 103 adds "vessels" to the list of property that may be leased or operated by the Secretary under Section 50303.

Section 104. Chartering Maritime Administration Vessels to State and Local Governmental Instrumentalities.

Section 104 amends the Maritime Administration's authority to provide its vessels to States, local governments, or U.S. Territories. The Maritime Administration would no longer need to wait for an official declaration of emergency by the President before chartering vessels to State and Local entities requesting the use of its National Defense Reserve Fleet (NDRF) vessels. In the past, the agency has been constrained in its ability to assist State and local entities experiencing emergencies such as hurricanes and other natural disasters because there had been no official Presidential declaration of emergency. Section 104 would allow for a more immediate response by the Maritime Administration

to requests for assistance in instances where time is of the essence. Funds resulting from such charters would be deposited into the Vessel Operations Revolving Fund (VORF), and later used for the maintenance of a more efficient NDRF or the replacement of such vessels.

Section 105. Bridge Administration

The Bridge Administration program was transferred to the Department of Homeland Security when the United States Coast Guard was transferred from the Department of Transportation to the Department of Homeland Security. Section 201 would transfer the Bridge Administration program back to the Department of Transportation, to be administered by the Maritime Administration. Any unused funds related to the Bridge Administration program will also be transferred from the Department of Homeland Security to the Department of Transportation. The Department of Homeland Security retains the lead regarding security related issues that impact the United States so this provision requires a certification from the Department of Homeland Security prior to the approval of any construction, alteration, operation, repair, or removal of any bridge, drawbridge, or causeway over the navigable waters of the United States.

Section 106. Disposal of Obsolete Government Vessels.

Section 106 clarifies that ship disposal transactions include both sales and contracts for services, and also updates references to recently codified sections, and establishes a priority system for disposal. Section 106(c) requires the Secretary to provide a report to Congress on the progress of disposal not later than one year after enactment, and every six months thereafter. It also authorizes the maritime Administration to undertake a study to determine appropriate measures in reducing hull fouling and aquatic nuisance species with respect to obsolete vessels, using funds appropriated for vessel disposal. The study shall be provided to Congress.

Section 107. Artificial Reefing.

This provision would clarify the disposal process for obsolete vessels to be used as artificial reefs. Specifically, Section 107(a) would amend Sections 1220 and 1220b of title 16, United States Code, to clarify that an authorized Governmental entity seeking to sink an obsolete vessel to create an artificial reef is required to file an application setting forth certain information regarding the disposal of the vessel with the Secretary.

Section 107(b) would set forth the conditions under which the Secretary may transfer its interest in an obsolete vessel to an authorized Governmental entity without receiving any consideration for the vessel. It would also allow the Secretary to impose additional terms and conditions for such a transfer, if the Secretary deems it appropriate.

Section 107(c) would permit an authorized Governmental entity to apply for more than one obsolete vessel at a time. It would also require the Secretary to dispose of vessels to be used as artificial reefs in an equitable manner.

Marked changes exist

Section 107(d) would replace the word "State" with "authorized Governmental entity" wherever it appears in section 1220c-1 of title 16, United States Code.

Section 107(e) would clarify that the disposal of obsolete vessels by reefing or exporting will not receive preference over other disposal methods. The Secretary's decision regarding the means of disposal shall be final and not subject to review by other officials or any court.

Section 107(f) provides definitions for amendments made, and terms used in section 107 of this bill.

Section 108. Vessel Transfer Authority.

Section 3504 of the National Defense Authorization Act of 2007, Public Law 109-364, authorized the Secretary "to transfer or otherwise make available without reimbursement to any other department a vessel under the jurisdiction of DOT, upon request by the Secretary of the department that receives the vessel." However, there continues to be a conflict between Section 3504 (46 U.S.C. 57101), and Section 11(b) of the Merchant Ships Sales Act of 1946 (50 App. U.S.C. 1744(b)), which results in a bar of most uses of NDRF vessels by Federal agencies outside of the Department of Defense (DOD). Section 108 resolves one aspect of this conflict by making vessels available to other Federal agencies a permitted use for NDRF vessels.

Section 109. Sea Trials for Ready Reserve Force Vessels.

Section 109 extends from twenty-four months to thirty months the period of time during which Ready Reserve Force (RRF) vessels must be activated and undergo sea trials. This change would result in greater efficiencies in the management of the RRF, and align the Maritime Administration's requirement for sea trials with U.S. Coast Guard (USCG) and American Bureau of Shipping (ABS) requirements. In accordance with USCG and ABS regulations, vessels must be dry-docked twice in five years (or approximately every thirty months). Full USCG Certificate of Inspection and ABS Special Survey cycles are every five years. To fully conduct required tests and validate work that is accomplished during dry-dock availabilities, it is prudent to conduct a sea trial. Aligning the aforementioned requirement with USCG and ABS regulatory requirements will alleviate the need to conduct out of sequence sea trials and eliminate unwarranted expenses to the RRF program.

Section 110. Elimination of Tariffs on Certain National Defense Activities.

Section 110(a) would amend the Harmonized Tariff Schedule of the United States to provide for duty free treatment of emergency war materials imported for use by the Maritime Administration. This proposal would streamline and make more efficient the Maritime Administration's performance of vital national security functions in its support of DOD.

Marked changes exist

The Maritime Administration provides assured, responsive shipping to support the deployment of military forces worldwide using its RRF, a component of the NDRF. Maritime Administration's fleet is a key element of the Navy's Strategic Sealift Program. The Maritime Administration maintains 44 RRF vessels in a high state of readiness to provide for the Nation's sealift requirements in times of war or national emergencies. The availability of these vessels is essential to the deployment of DOD forces and equipment. The RRF fleet has been heavily relied upon in the past, including recent activations in support of the war in Afghanistan and activities in Iraq. When deployed, the vessels, maintained by the Maritime Administration, are turned over to the Navy's Military Sealift Command (MSC) for operational control. They do not engage in commercial activities.

Currently, 22 of the vessels that make up the fleet are foreign constructed vessels. Another 22 vessels that are not foreign built are equipped with foreign made items. To maintain the vessels in a constant state of readiness, the Maritime Administration must regularly import foreign-made spare parts, repair parts, equipment and supplies. The Maritime Administration berths vessels along all U.S. coasts; therefore, imports can occur in any Customs region or district.

The imports necessary to maintain this large fleet of vessels have caused the Maritime Administration to incur customs duties over $1.13 million in the last twelve years. Since the Maritime Administration vessels are maintained for the operational control of MSC, and are required for rapid deployment during national emergencies, the supplies and equipment needed to maintain the vessels should be accorded the same type of duty-free exemption for emergency war materials that is extended to DOD. Other vessels owned by the United States are not required to pay this duty because it applies only to USCG documented vessels. As required by law, the Maritime Administration's NDRF and RRF vessels are inspected by the USCG and thus must be documented by the USCG. Additionally, vessels documented under the laws of the United States are subject to the duty on foreign repairs. Section 110(b) would amend 19 U.S.C. 1466 by adding a new subsection to exempt activated NDRF vessels from paying duties on repairs made in foreign countries.

Due to the varying nature of their missions, NDRF/RRF vessels are frequently deployed overseas for extended periods, making periodic foreign repairs unavoidable. Because NDRF/RRF vessels are documented vessels, they are required to pay an ad valorem tax of 50 percent of the cost of any repairs received abroad. Payment of the tax is an unnecessary and substantial drain on the Maritime Administration, DOD and Customs resources. These ships do not engage in commercial activities.

FISCAL YEAR	TOTAL, Foreign Repairs to RRF Vessels
2000	$944,008.00

Marked changes exist

2001	$159,842.00
2002	$26,810.00
2003	$223,270.00
2004	$443,934.00
2005	$426,398.00
Total, all years	$2,224,262.00

Although the ad valorem tax is intended to serve as an incentive for vessel operators to repair their vessels in United States shipyards, the provision is not practical when applied to government owned vessels engaged in national security functions. Furthermore, under 10 U.S.C. 7310, vessels under the jurisdiction of the Secretary of the Navy are prohibited from making foreign repairs other than voyage repairs. Because activated NDRF/RRF vessels fall under the operational control of the Navy, section 7310 of title 10, United States Code, provides sufficient protection to U.S. shipyards without impinging upon the operational efficiencies and national security objectives of the Maritime Administration's vessels.

Section 110(b) would exempt the Maritime Administration from the ad valorem tax and eliminate the costs of processing the associated paperwork, thereby streamlining and making more efficient the agency's performance of vital national security functions in its support of DOD.

Section 111. Donations of Nonretention Vessels to Foreign Governments.

Section 111 provides the Maritime Administration with general authority to donate obsolete Government vessels to foreign Governments, upon the request of a foreign Government. Such an approach is consistent with the Maritime Administration's existing authority to donate vessels to States, Commonwealths, and nonprofit organizations. Additionally, authorizing the Maritime Administration to donate obsolete vessels to foreign Governments will relieve Congress of the need to permit such transfers on an ad hoc basis. This provision applies only to the donation of nonretention vessels and has the added benefit of saving the Maritime Administration the cost of disposing these vessels.

Section 112. Availability of Funds from Application Fees for Deepwater Port Licenses.

Section 112 authorized the Maritime Administration to retain fees assessed pursuant to applications for licenses for ownership, construction, and operation of

deepwater ports. The agency does not currently have the authority to retain fees paid by applicants for deepwater port licenses, despite incurring significant administrative expenses related to processing of deepwater port licensing applications. Nor does the Maritime Administration receive a specific appropriation for administration of the Deepwater Ports Licensing Program. Permitting the retention of application fees would allow the agency to defray administrative expenses and perform periodic enhancements and improvements to the program's operations.

Section 113. Availability of Funds from Administrative Waivers of Coastwise Trade Restrictions.

Section 113 authorizes the Maritime Administration to retain application fees collected for the processing of administrative waivers of the coastwise trade laws for certain eligible vessels. The agency is authorized to waive the U.S.-build requirements for certain, small vessels seeking to participate in the coastwise trade. Under this administrative waiver program, applicants are required to pay a $300 application fee as part of the waiver process. However, the Maritime Administration currently is not permitted to retain those funds, which must be deposited into the General Fund of the Treasury, despite the administrative costs incurred in processing the applications. Permitting retention of waiver funds would allow the agency to defray administrative expenses and perform periodic enhancements and improvements to the program's operations, including technology upgrades to increase processing efficiency and security. It is estimated that the program generates approximately $45,000 per year.

Section 114. Amendment to Vessel Operations Revolving Fund.

Section 114 would authorize the Maritime Administration to deposit insurance proceeds and recoveries resulting from accident litigation and arbitration awards from third parties into the VORF. At present, when another vessel collides with an NDRF vessel, the agency must find funding to repair its damaged vessel. Additionally, all recoveries from litigation must be deposited into the Treasury as miscellaneous receipts, after repayment to the Department of Justice for the costs of litigation. This provision would allow the Maritime Administration to use proceeds to "make whole" damaged property and to improve the profile of its fleet, when appropriate.

Section 115. Treatment of Capital Gains and Losses Within a Capital Construction Fund

The Capital Construction Fund (CCF) Program was established under the Merchant Marine Act of 1970. It assists operators in accumulating capital to build, acquire and reconstruct vessels through the deferral of Federal income taxes on certain deposits, as defined in Section 46 U.S.C. 53501 et seq.

The CCF Program enables operators to build vessels for the foreign trade, Great Lakes, noncontiguous domestic trade, and the fisheries of the United States. It aids in the construction, reconstruction, or acquisition of a wide variety of vessels, including

container-ships, tankers, bulk carriers, tugs, barges, supply vessels, ferries and passenger vessels. Currently, there are approximately 100 CCF holders. CCFs authorized under the Merchant Marine Act of 1970 allow the deferral of current taxes on ordinary income and on capital gains if they are deposited into the fund. Ordinary income and capital gains are maintained in separate accounts. Short-term capital gains are treated as ordinary income. The distinction between short-term and long-term capital gains as contained in Section 607 of the Merchant Marine Act, 1936, recently enacted as 46 U.S.C. Sections 53501 – 53517, and the corresponding Section 7518 of the Internal Revenue Code no longer conform with Section 1222 of the Internal Revenue Code, which defines short-term and long-term capital gains for tax purposes.

The amendments contained in this section would conform the description of short-term and long-term capital gains in the CCF statutes to that in section 1222 of the Internal Revenue Code. This provision is conforming in nature and does not impact the budget.

Section 116. Use of Capital Construction Fund for Construction of Vessels Engaged in Coastwise Trades.

Section 116 would authorize the use of deposits into a CCF for the construction or reconstruction of vessels to be used in the domestic trade without limitation. At present, CCF qualified vessels, if operating in the domestic trade, may operate only in the non-contiguous domestic trade and the Great Lakes. This amendment would make it possible to use capital already deposited in a CCF to construct vessels for coastwise trade between contiguous points. These vessels, such as ferries and cargo ships, will help alleviate passenger and freight congestion on major U.S. highways and commuter routes. The Administration views congestion to be an issue of national importance. It is envisioned that increased reliance on coastwise transportation of cargo, otherwise known as "short sea shipping," will shift cargo from overburdened highways and rail lines to coastal routes. Both rail and highway have reached capacity and the cost to expand that capacity is enormous. Logistic companies need an alternative to the current rail and highway system that is capable of complimenting the existing modes and adding needed capacity. This amendment would encourage the construction and operation of U.S.-built, U.S.-owned and U.S. citizen crewed vessels to help address this national issue.

Providing a tax incentive under the CCF program with regard to vessels operating in the U.S. coastwise trade does not break new ground and will not require an offset as it only expands the uses of funds deposited in CCF. Under Maritime Administration regulations, CCF qualified vessels are not totally barred from coastwise trade, but can freely operate in the coastwise trade after a prohibition period that may be as short as five years for some vessels. During the prohibition period operations in coastwise trade by CCF qualified vessels are permitted under certain conditions. The proposed amendment would simply eliminate the prohibition period. It should be noted also, that a parallel program contained in chapter 533 of title 46, United States Code, provides a tax deferral on deposits into a Construction Reserve Fund (CRF) to foster the construction, reconstruction or acquisition of vessels. The CRF program has no prohibition on use of

vessels in the coastwise trade, but the financial incentives to the fund holder under the CRF for vessel acquisition, construction or reconstruction are not on par with those of the CCF.

Section 117. Amendments to the Internal Revenue Code of 1986.

The Tax Reform Act of 1986 requires taxpayers to include amounts deposited in a CCF in their calculation of alternative minimum tax, thereby reducing the amount of income on which tax can be deferred. This provision reduced the effectiveness of the CCF program without providing an offsetting benefit. Section 117 would eliminate this alternative minimum tax requirement with respect to the CCF, thus restoring the intended benefits of the CCF for vessel construction. The cost to the Treasury is estimated at XXXXXX for taxable year 2007 and the estimated benefit to the CCF program is estimated at XXXXXXX. (MARAD to provide budget data.)

Section 118. Reserve Training Compliance and Armed Forces Performance Reporting Requirement for United States Merchant Marine Academy Graduates.

Section 118 amends section 51306 of title 46, 1303(e) of the Merchant Marine Act, 1936, with respect to commitment agreements entered into by United States Merchant Marine Academy (USMMA, Academy) upon graduation. Future USMMA graduates would be required to serve eight (8) years of reserve service in either the Selective Reserve or the Individual Ready Reserve. In addition, this provision requires future graduates, who leave active duty prior to the completion of their five (5) year commitment, to remain in the Individual Ready Reserve until their total service commitment equals eight (8) years. However, the provision authorizes the Secretary of the Department in which a graduate's reserve duty is being served to make reasonable efforts to adjust the reserve duties of graduates employed in a Maritime Administration approved sailing position afloat. Moreover, graduates entering active duty in an Armed Force of the United States would not be required to comply with the requirements of Section 119, and the section would only apply to individuals who execute their service obligation contracts after enactment of the provision.

Section 119. Tax Relief on Foreign Earned Income.

Most major maritime nations, including traditional maritime nations with developed economies similar to our own (European Union nations) and flag-of-convenience nations, either do not tax or sharply reduce taxes on the income of their mariners in international shipping. Seafarers on U.K.-flag vessels, for example, are granted a complete tax rebate for income earned on vessels in international trade, if they do not reside or work at home for more than six months.

Section 119 would provide a similar tax relief for merchant mariners employed on vessels engaged in international shipping. Such a tax reduction supports the Administration's strong track record of support for national defense and tax reduction, would reinforce the tax incentives enacted in 2004 to reduce the significant competitive

disparity in tax burdens by granting merchant mariners tax status similar to that available for nearly all other Americans who work overseas. It would help U.S.-flag operators compete by reducing tax and manning costs and would increase mariner recruitment and retention by making American mariner wages more competitive with on-shore employment opportunities. The cost to the Treasury is estimated at XXXXX for fiscal year 2007 with a corresponding benefit to the U.S. Merchant Marine. (MARAD to provide budget data.)

Section 120. Prohibition Against Carrying Government Impelled Cargoes for Vessels with Substandard Security Measures.

Current law prevents vessels that have been detained by the USCG for violations of international safety agreements from being allowed to carry U.S. Government impelled cargoes for up to one year after the detention. With the continuing growth of international security standards since 9/11, this section needs to be updated to provide the Secretary with the authority to also exclude vessels from the carriage of U.S. Government impelled cargoes that have been detained and determined to be substandard for violations of security standards contained within international agreements to which the United States is a party. As the U.S. Department of Homeland Security suggested, changing the language to say "international conventions" to which the United States is a party will accomplish this purpose.

Section 121. Prohibition Against Carrying Government Impelled Cargoes for Vessels that Fail to Comply with United States Tax Laws.

Vessel operators who comply with U.S. laws are placed at a competitive disadvantage by those who do not comply. Most often the disadvantaged vessels are the U.S.-flagged vessels important to supporting our military logistics. United States tax law requires that vessel operators trading to and from the United States obtain a Federal tax ID. They must file and pay taxes unless they have one of the many tax exemptions which are obtained by filing. There are more than 7,000 carrier companies and 19,000 vessels operating in the trade to and from the United States. However, there are only about 2,000 vessel operators filing U.S. tax returns. The Internal Revenue Service and the Maritime Administration believe this legislation serves several purposes: (1) the U.S. Government will no longer be paying tax evaders to carry U.S. government cargo; (2) it will help level the competitive playing field for those vessel operators who abide by U.S. tax law; (3) it will assist in deterring the use of foreign vessels to fund criminal and terrorist activities with U.S. government funds; and, (4) it will help prevent a continuing drain on the U.S. Treasury.

The information requested does not place an onerous burden on any agency or logistician. It merely requires a statement certifying compliance be placed in the booking note or contract, as is now done with the substandard vessel certification for example, and to have the agency/logistician record the federal tax ID number. All agencies currently record the value of the transportation they finance and can easily provide a printout at year end. This information is not available from any other source. The transportation

Marked changes exist

value is not on the Shipper Export Declaration (SED) or any other form collected by Census or Customs or other agency, nor are all persons even required to file SEDs.

Section 122. Clarifying Amendments to Title IX, Merchant Marine Act, 1936.

The changes in this section would clarify the wording of section 901(b)(1) of the Merchant Marine Act, 1936, and resolve confusion and disputes between shippers. For example, the Federal Highway Administration has stated that it does not have authority to apply cargo preference to imports which it funds via non-federal organizations or persons. Conversely, the Federal Transit Administration states that it does have such authority. When both agencies are providing funding for the same or similar projects, it causes confusion for recipients of the federal funds. Clarifying that cargo preference law applies to any person or organization receiving federal funding, unless they are otherwise exempted, will eliminate such confusion.

Section 122(b) makes a technical correction by conforming the cargo preference year to the fiscal year, as set forth in section 901b of the Merchant Marine Act, 1936. This is accomplished by simply replacing the word "calendar" with the word "fiscal".

Section 123. Amendment to Title IX, Merchant Marine Act, 1936.

Use of the term "dry cargo liners" in section 901(b)(1) of the Merchant Marine Act, 1936, has created much confusion and led to recent litigation. It is generally accepted that there are three basic types of vessel construction – those constructed to carry dry homogeneous bulk cargoes ("dry bulk carriers"), those constructed to carry liquid homogeneous bulk cargoes ("tankers"), and those constructed to carry general heterogeneous mark and count cargoes ("general cargo vessels"). Section 124 would replace the term "dry cargo liners" with the term "general cargo vessels" in section 901(b)(1) of the Merchant Marine Act, 1936.

This change has no effect on militarily useful container or roll-on/roll-off vessels because these vessels are "general cargo vessels". The proposed words do not change the current preference priority system required by existing law nor does it favor one type vessel over another. In the world of international shipping, a "general cargo vessel" describes every freight vessel not designed and constructed as a carrier of dry bulk cargoes (bulker) or liquid bulk cargoes (tanker). There is no classification society worldwide that uses the term "dry cargo liner" to classify a vessel.

Section 124. Transportation in American Vessels.

Section 124 seeks to clarify subsection 55305(d) of title 46, United States Code with regard to the scope of authority possessed by the Secretary. Since the Secretary is charged by Congress to oversee and administer cargo preference laws, the Secretary, after consultation with the involved parties, has the authority to determine if a program is subject to such law. Section 124 does not affect programs that are exempt from cargo preference law.

Marked changes exist

The proposed change to subsection 55305(d)(2) is to clarify the existing language. The proposed change in subsection 55305(d)(3) provides the Secretary with enforcement authority for his administrative oversight. It only applies to agencies, organization, or persons subject to section 55305. The legislative history shows that Congress passed in 1970 what was originally subsection 901(b)(2) of the Merchant Marine Act, 1936, because some agencies, organizations or persons habitually failed to comply with the Cargo Preference Act of 1954. Section 124 will enable the original intent of the Congress to be carried out.

Section 125. Amendment of Vessel Eligibility for Carriage of Preference Cargo.

At present, a substantial portion of cargo sponsored by civilian agencies of the U.S. Government is reserved for carriage by a "privately-owned commercial vessel of the United States." This term excludes a vessel that, "after September 21, 1961, was built or rebuilt outside the United States or documented under the laws of a foreign country, until the vessel has been documented under the laws of the United States for at least 3 years." The current limitation on foreign-built and foreign-rebuilt vessels carrying civilian preference cargoes was intended to benefit U.S. shipyards. However, the civilian preference cargo trade is not sufficient inducement for building new vessels in U.S. shipyards. There is no like limitation on vessels carrying military preference cargoes—foreign-built and foreign-rebuilt vessels are free to carry military preference cargoes. On the other hand, there have been occasions when civilian preference cargoes were transported by foreign-flag vessels due to a lack of qualified U.S.-flag vessels. It is generally not economically feasible for a vessel owner to document a foreign-built or foreign-rebuilt vessel under the U.S.-flag and then be required to wait another three years in order for the vessel to be eligible to carry civilian preference cargoes. This amendment would allow foreign-built and foreign-rebuilt vessels to carry civilian preference cargoes, while benefiting U.S. shipyards with increased maintenance and repair work.

Section 126. Compensatory Time for Nonappropriated Fund Instrumentality Employees of the Department of Transportation.

Section 126 would authorize the Maritime Administration to give Nonappropriated Fund Instrumentality (NAFI) employees, mostly located at the USMMA, compensatory time instead of overtime pay, when appropriate. This provision mirrors recently-enacted authority provided to DOD NAFI employees, and would provide the Maritime Administration with added flexibility in the management of its resources.

Section 127. Federal Employment Retirement Credit for Maritime Administration Nonappropriated Fund Instrumentality Service.

This section would allow service performed for a nonappropriated fund instrumentality of the Maritime Administration to receive service credit for retirement purposes under either the Civil Service Retirement System or the Federal Employees'

Marked changes exist

Retirement System, as elected by the individual employee and in accordance with applicable regulations so as to treat such the Maritime Administration employees the same as their counter-parts in the Department of Defense and in the Coast Guard.

Section 128. Sharing Marine War Risks in International Operations

This section would enable the Department of Transportation to support shared logistics operations with the North Atlantic Treaty Organization or similar international organization or alliance. The statutory ability to pay the United States' portion of a shared loss pursuant to an agreement with these organizations would allow the sharing of risk of loss between multiple countries. Such a provision would allow greater use of foreign vessels and distribute the risk of loss of a ship during a contingency to these carriers. Currently, there is a disproportionate reliance on U. S.-flag carriers, and thus an increased risk of loss to the U.S. Government.

The changes also would allow the receipt of contributions from other countries within the North Atlantic Treaty Organization (NATO) or other similar international organizations to offset losses sustained by United States flag carriers participating in shared logistics operations that are insured under this program. These contributions would be deposited in the fund and would relieve the Department of Defense or another United States Department or Agency, of the obligation to reimburse the fund to the extent of any contributions received.

The proposed addition would provide the Secretary of Transportation with the authority to obtain sufficient funds to cover liabilities incurred in providing war risk insurance, including losses in support of NATO or other shared logistics operations. This authority could also be used to cover any deficiencies that might arise under the Secretary's authority to provide war risk insurance to commercial carriers. This provision authorizes two basic forms of war risk insurance: commercial vessels in commercial trade and vessels that are under charter or in the employ of the Department of Defense.

The Secretary of Transportation is fully indemnified by the Department of Defense for vessels that are under charter or in the employ of the Department of Defense. When the Maritime Administration provides war risk insurance for commercial vessels, the Department of Transportation is at risk for any losses. The spending authority provides the Secretary with a mechanism to fund any deficiencies that may arise and would prevent violation of the Anti-Deficiency Act.

Title II -- Update to the Codification of Title 46, United States Code

Section 201. No Substantive Change.

Section 201 seeks to clarify that the amendments made by title XI of this bill make no substantive change to existing law. Various provisions of maritime law were codified as part of title 46, United States Code, by Public Law 109-304, enacted October 6, 2006. Section 18(a) of that law provided that it was codifying existing law as in effect

on April 30, 2005, and that any amendments to such law enacted after that date should be given effect even though not reflected in the text of the newly codified provisions. This title updates the newly codified provisions to reflect those amendments. It also amends certain of those provisions based on public comments to the codification bill that were submitted too late to be reflected in that bill, and makes technical corrections to Public Law 109-304.

Section 202. Personal Injury to or Death of Seamen.

Section 202 improves the language of section 30104 of title 46, which codified section 20(a) of the Act of March 4, 1915, as amended by section 33 of the Act of June 5, 1920 (former 46 App. U.S.C. 688(a)). The amendment is intended to ensure that the codification of that provision does not result in any inadvertent substantive change. Section 30104 is intended to have the same meaning as former section 20(a), as interpreted by the courts. The amendment is made retroactive to the date of the codification by Public Law 109-304 to further ensure that no inadvertent substantive change was made, even temporarily, by that codification.

Section 203. Amendments to Chapter 537 Based on Public Law 109-163.

Section 203 updates chapter 537 of title 46, relating to ship mortgage loans and guarantees, to reflect the amendments made by section 3507 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163).

Section 204. Additional Amendments Based on Public Law 109-163.

Section 204 updates various provisions codified in title 46 to reflect the amendments made by sections 515(g)(2), 3502, 3509, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163). It also adds a new section 54101 to title 46 based on section 3506 of that Act.

Section 205. Amendments Based on Public Law 109-171.

Section 205 updates section 60301 of title 46 to reflect the amendments made by section 4001 of the Deficit Reduction Act of 2005 (Public Law 109-171).

Section 206. Amendments Based on Public Law 109-241.

Section 206 updates various provisions codified in title 46 to reflect the amendments made by sections 303, 307, 308, 310, 901(q), and 902(o) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241).

Section 207. Amendments Based on Public Law 109-364.

Marked changes exist

Section 207 updates cross references in section 1017(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364, 10 U.S.C. 2631 note) to reflect the codification in title 46 of the provisions referenced.

This section also updates various provisions codified in title 46 to reflect the amendments made by sections 3505, 3506, 3508, and 3510(a) and (b) of that Act.

Section 208. Miscellaneous Amendments.

Section 208 deletes the reference to Canton Island in section 55101(b) of title 46 because Canton Island is no longer a territory or possession of the United States. It also amends section 55110 to improve the heading and, in section 80102, substitutes the words "salvage" and "salvaging" for "wreckers" and "wrecking".

Section 209. Application of Sunset Provision to Codified Provision.

Section 301(a)(2)(E) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108-27) amended the second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936 (former 46 App. U.S.C. 1177(h)(6)(A)), by striking "20 percent" and inserting "15 percent". However, section 303 of that amending law provided that the amendment shall not apply to taxable years beginning after December 31, 2008, and that the Internal Revenue Code of 1986 shall be applied to such years as if the amendment had never been enacted. The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936, was codified in section 53511(f)(2) of title 46. The purpose of this section is to ensure that the tax rate in section 53511(f)(2) is the same as it would have been under former section 607(h)(6)(A). This section does not amend section 53511(f)(2) directly in case of any further amendment to section 303 of Public Law 108-27.

Section 210. Technical Corrections.

This section makes technical corrections to Public Law 109-304 and to provisions enacted or amended by that law.

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