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CRIMES AGAINST AMERICANS ON CRUISE SHIPS

(110–21)

HEARING

BEFORE THE

SUBCOMMITTEE ON
COAST GUARD AND MARITIME TRANSPORTATION

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

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March 23, 2007

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 Crimes Against Americans on Cruise Ships

PURPOSE OF THE HEARING

The purpose of this hearing is to examine the incidents of crime that occur on cruise ships and the extent to which Federal agencies have the information, legal authorities, and resources necessary to investigate and prosecute crimes that may occur on these ships.

BACKGROUND

Cruise Ship Crime Statistics

There are approximately 200 overnight ocean-going cruise ships worldwide. The average cruise ship carries 2,000 passengers and a crew of 950. Approximately 12.6 million passengers are projected to take a cruise worldwide in 2007. More than 10.6 million Americans will take a cruise from a U.S. port in 2007.

There is little reliable data on the number of crimes that occur on cruise ships. Under Federal regulations, cruise lines are not legally required to report crimes to U.S. Government officials unless they occur within the 12-mile territorial waters of the United States. However, at the present time, many cruise lines have been voluntarily reporting alleged crimes to the Federal Bureau of Investigation ("FBI") regardless of where they occur and, as described in more detail below, the FBI and the U.S. Coast Guard have developed a voluntary reporting scheme that will define the types of incidents to be reported to the FBI and the timeframe within which they are to be reported.

The FBI does not currently maintain data on the total number of alleged crimes reported by cruise lines. The FBI records only those cases for which it opens active case files – only 50 to 60 case files are opened each year for crimes on cruise ships.

At a hearing in March 2006 convened by the Committee on Government Reform, cruise industry executives testified that 178 passengers on North American cruises reported being sexually assaulted between 2003 and 2005. During that same period, 24 people were reported missing and four others reported being robbed.

Royal Caribbean Cruise Lines accounted for 66 of the 178 reports of sexual assaults. However, in a civil law suit, Royal Caribbean reported to the court that at least 273 people told Royal Caribbean Cruise Lines that they had been victims of sexual assault, battery, harassment, or inappropriate contact between 2001 and 2004. The cruise lines believe that the difference in these numbers is based on a difference of interpretation regarding which types of crimes were being reported.

U.S. Jurisdiction

Except for three cruise ships that operate in the coastwise trade in Hawaii, all large cruise ships that operate into and out of U.S. ports are registered under the laws of a foreign country and predominately hire non-U.S. citizens to work as crewmembers. For example, many cruise ships are registered in either the Bahamas or Panama.

Because of their foreign registration, these cruise ships are not subject to the same laws that land-based corporations or U.S.-flag vessels must comply with. However, Section 7 of Title 18, United States Code, gives the United States Government extraterritorial jurisdiction over these vessels in limited circumstances when these vessels are operating under the "Special Maritime and Territorial Jurisdiction" ("SMTJ") of the United States.

Under this law, crimes may be subject to U.S. jurisdiction if –

(1) the crime occurs on the high seas;
(2) the vessel on which the crime occurs belongs in whole or in part to a U.S. citizen or resident;
(3) the victim or perpetrator of the crime is a national of the U.S.; or
(4) the vessel has a scheduled departure from, or arrival in, the United States.

Therefore, foreign-flag cruise ships departing or arriving at U.S. ports are generally subject to U.S. jurisdiction for crimes that occur on the high seas. However, it is more difficult for the United States to make a claim, for example, if the vessel is operating in the Mediterranean Sea and never calls on a U.S. port.

Crimes under Special Maritime and Territorial Jurisdiction of the United States

Under current law, many incidents that are classified on land as misdemeanor crimes – and most felony crimes – are not classified as U.S. crimes on cruise ships when they are outside the 12-mile territorial sea of the United States. Among the crimes over which the U.S. may assert criminal jurisdiction are:

- arson (18 U.S.C. § 81)
- assault (18 U.S.C. § 113)
- maiming (18 U.S.C. § 114)
- embezzlement or theft (18 U.S.C. § 661)
- receiving stolen property (18 U.S.C. § 662)
- murder (18 U.S.C. § 1111)
- manslaughter (18 U.S.C. § 1112)
- attempt to commit murder or manslaughter (18 U.S.C. § 1113)
- kidnapping (18 U.S.C. § 1201)
- malicious mischief (18 U.S.C. § 1363)
- robbery and burglary (18 U.S.C. § 2111)
- stowaway (18 U.S.C. § 2199)
- aggravated sexual abuse (18 U.S.C. § 2241)
- sexual abuse (18 U.S.C. § 2242)
- abusive sexual contact (18 U.S.C. § 2244)
- sexual abuse of a minor or ward (18 U.S.C. § 2243)
- abusive sexual contact (18 U.S.C. § 2244)
- terrorism (18 U.S.C. § 2332)
- transportation for illegal sexual activity (18 U.S.C. § 2421).

However, even with incidents classified as crimes under U.S. Code, the FBI and the U.S. Attorney for the district in which the crime is reported may establish a minimum threshold for cases they will investigate or prosecute. For example, the FBI will not investigate a theft of less than $10,000. In addition, the U.S. Attorney may choose not to prosecute a sexual abuse case unless it is aggravated with physical injury to the victim.

Reporting of Crimes to U.S. Authorities

Under Title 33 of the Code of Federal Regulations (CFR) section 120.220, a cruise ship must report a crime to U.S. authorities if the crime occurred on waters subject to the jurisdiction of the United States. The Code of Federal Regulations (33 CFR 2.38) defines the border of those waters to be the 12-mile territorial sea. While crimes that occur beyond that 12-mile line may be subject to U.S. jurisdiction, as described above, *there is no U.S. law or regulation that requires reporting of that crime.*

However, over the past several years, cruise lines have voluntarily reported what they consider serious crimes to the FBI. This week, the cruise lines signed an agreement with the FBI and the Coast Guard that establishes standards for the types of crimes that will be reported as well as the form and timeliness of that reporting. Under these procedures, Cruise Lines International Association (CLIA) members will telephone the nearest FBI field office as soon as possible to report any of the following incidents involving serious violations of U.S. law: 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), firing or tampering with vessels, and thefts greater than $10,000. After that telephone contact, CLIA members will follow-up with a standardized written report. Those written reports will be submitted to both the Coast Guard and the FBI.

Under these procedures, incidents not falling into one of these categories may be e-mailed or faxed to the local FBI field office. For instance, cruise lines may report a theft greater than $1,000 but less than $10,000 and an abusive sexual contact (as defined in 18 U.S.C. 1224(b).

Responding to Crimes Reported on Cruise Ships

All cruise ships have security personnel. For security reasons, the cruise lines will not discuss the number of security personnel. They have said that most of their security personnel have either a law enforcement or a military background. However, these are security personnel – not police officers.

The Coast Guard, the FBI, the State Department, and the Immigration and Customs Enforcement Agency coordinate their response to crimes on cruise ships. However, there can be many challenges to the ability of U.S. Government agents to respond quickly to a reported crime on a cruise ship and ensure the preservation of the crime scene and the appropriate collection of evidence.

As discussed earlier, if the ship on which the crime occurs does not ever enter a U.S. port, the FBI must clear a number of jurisdictional hurdles and receive clearances from the ship's captain or the government in which the cruise ship is flagged to board the ship. Subsequent investigations and prosecutions may involve the laws and authorities of multiple nations.

If the crime occurs on a ship that is within reach of the Coast Guard (such as the Caribbean), the FBI may be transported to the ship by the Coast Guard or may meet the ship upon its arrival in a port. In either circumstance, the collection and preservation of evidence relating to an alleged crime may depend on the ability and willingness of cruise officials to manage the crime scene, identify possible witnesses, and provide aid to the alleged victim until the FBI arrives.

Importantly, if a crime is not immediately reported – and particularly if the crime is reported after a ship's return to port – it may be impossible to recover evidence of the crime and witnesses may have left the ship and dispersed.

In most investigations, the FBI boards a vessel when it arrives at a U.S. port. They conduct their investigation and clear the vessel to sail later that day. In cases in which they do not have evidence to charge someone with a crime, they may have gathered evidence that the cruise line employee violated the company's policy. For example, some cruise lines prohibit employees from entering a passenger's state room. If the investigation finds that the employee was in a stateroom, the cruise line may fire the individual immediately. In that case, if the employee is a foreign national, then under the terms of the individual's visa, they are taken to the airport and put on a plane to their country of residence.

Background Investigation of Cruise Ship Employees

Cruise ship employees are hired from many countries. For example, Royal Caribbean Cruise Lines employees more than 40,000 people representing more than 100 nationalities. There is a turnover rate of approximately 25 percent among cruise line employees.

The cruise lines conduct an initial interview and screening of the individual before he or she is hired. The individual also gets screened when he applies for a C1D visa to enter the United States to transit to the cruise ship. To obtain the C1D visa, the foreign national must provide the U.S. consulate with a photograph and may be required to be fingerprinted. The State Department then checks the name of the applicant in certain criminal records and other databases of the FBI.

Although local police records are required for immigrant visa applicants, nonimmigrant visa applicants, such as C1D visas, are not routinely required to present local police records. Therefore, there is no screening by Federal authorities of whether or not a cruise ship employee has a history of assault, robbery, or sexual abuse in the country of origin of the employee.

WITNESSES

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CRIMES AGAINST AMERICANS ON CRUISE SHIPS

Tuesday, March 27, 2007

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

The committee met, pursuant to call, at 10:00 a.m., in Room 2167, Rayburn House Office Building, the Honorable Elijah Cummings [chairman of the committee] presiding.

Mr. CUMMINGS. This Committee hearing is now called to order. Good morning to everyone.

Before we 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 commend Congresswoman Matsui for her leadership on this issue. Today's hearing was scheduled after a request was made by Ms. Matsui that we examine in more detail an issue that is of great concern to the estimated 12.6 million Americans who will take a cruise in 2007; and that is, the extent of crimes committed against Americans on cruise ships.

Any American who travels abroad cannot expect the same level of law enforcement's protection by U.S. officials that they would have in the United States. And those who wonder about the whole cruise ship issue should understand that it is much different and much more unique than if someone were to simply visit Disney World.

However, it is likely that many United States citizens who travel on cruises do not realize that when they step onto a cruise ship, even if it embarks from a United States port, they are probably stepping into a floating piece of Panama, or the Bahamas, or whichever foreign country whose flag the ship bears. In fact, aside from three ships operating on the coastwise trade in Hawaii, all of the estimated 200 ocean-going cruise ships worldwide are flagged in countries other than the United States. As such, the same laws and rights that protect United States citizens on U.S. soil do not apply on cruise ships.

The FBI may not have jurisdiction over crimes that occur on the ship; particularly if the ship never enters a United States port. And the investigation of a crime may require the cooperation of many different national agencies. Further, the very nature of cruising, traveling with a transient population aboard a ship far from land,

may make it difficult to secure a crime scene or ensure the collection and preservation of evidence adequate to be used in a trial in the United States.

Again, this is another distinction between the cruise ship and visiting Disney World. And if a crime is not reported until the alleged victim returns to port, or even to their home, the scene of the event will likely be completely scrubbed down and all possible witnesses will have dispersed throughout the world.

Significantly, available data suggests that there are few reported crimes on cruise ships. At a hearing in March 2006 convened by the Committee on Government Reform, upon which I sit, cruise industry executives testified that 178 passengers on North American cruises reported being sexually assaulted between 2003 and 2005. During that same period, 24 people were reported missing and 14 others were reported being robbed.

However, a key question that must be examined is whether this data presents a complete picture of the level of crime on cruise ships. Aside from the statistics reported by cruise lines, there is no reliable data collected by any independent source. Importantly, under United States law, crimes on cruise lines are required to be reported only if they occur within the 12 mile limit of the United States territorial waters. Though cruise lines have been voluntarily reporting incidents and alleged crimes to the FBI for several years now, the FBI has not recorded a total number of incidents reported to it. Instead, the FBI has maintained records only on those cases for which it has opened case files, and these have numbered only about 50 to 60 per year.

Thus, an important question that must be examined by this Subcommittee is whether the voluntary incident reporting system, organized just this week by the cruise industry, the FBI, and the Coast Guard, is adequate to capture the data needed to develop a reliable picture of the extent of crimes on cruise ships.

Another important issue requiring examination is what, if anything, can be done to enhance the chance that those individuals who are the victims of crimes on cruise ships have a reasonable likelihood of receiving justice. In many cases, simply because of the nature of cruising, justice is a target floating precariously among shifting jurisdictional lines and far from the reaches of the FBI or other Federal agencies who may be many hours away. Those who cruise must understand that they are entering a floating world where United States laws do not directly reach.

But we in Congress have a responsibility to nearly 13 million of our citizens who cruise annually to ensure that, given the unique circumstances of cruising, cruise ships are, nonetheless, as safe as they can be. And so this is not a hearing to in any way beat up on the cruise industry. This is a hearing to bring some enlightenment so that when people save up their hard-earned money and make a decision to take a vacation on a cruise ship we can do everything in our power to maximize their opportunities to be safe.

And with that, I recognize our Ranking Member, Mr. LaTourette.

Mr. LATOURETTE. Mr. Chairman, thank you, and good morning to you and everyone else. Thank you very much for having this very important hearing. And thanks also to Congresswoman Matsui for her suggestion that we do it.

The Subcommittee is meeting this morning to review the laws and regulations relating to the reporting, investigation, and prosecution of crimes and accidents that occur aboard cruise vessels. As the Chairman has indicated, each year more than 10 million Americans vacation aboard cruise ships, and we need to make sure that the existing authorities under the current legal framework are adequate to deter and respond to all crimes that are committed against these Americans. If there are changes that are required to this framework to better equip passengers, the cruise lines, and Federal agencies with the tools necessary to prevent the occurrence of future crimes, I have every confidence that this Subcommittee, under the able leadership of Chairman Cummings, will move quickly to address those shortcomings.

Almost every cruise vessel that leaves from a United States port carries passengers on a voyage to international waters or locations outside of the United States. As a result, the investigation of crimes and accidents that occur aboard cruise vessels are governed by a complicated and tangled assortment of U.S., foreign state, and international laws, treaties, and industry practices. I hope as we listen to our witnesses today that they will speak to the challenges that these competing areas of jurisdiction cause and whether there are any specific actions that they would recommend to the United States Congress to improve coordination and cooperation among all of the entities involved.

One issue that I would very much appreciate if the witnesses would address in their testimony is the apparent discrepancy between the offenses that fall under the jurisdiction of the United States law and the alleged crimes that must be reported to the Coast Guard and the Federal Bureau of Investigation. Speaking only for myself, I fail to understand why the law appears to have one set of rules for reporting a crime and another set of rules for investigating and prosecuting that crime under the laws of the United States.

The cruise industry is an important component of our national economy and the economy of many coastal states. It is in the interest of the industry to take such actions as are necessary to deter the incidents of serious accidents and crimes on cruise ships to the greatest extent possible.

I want to thank all of the witnesses who are set to appear today.

Thank you, Mr. Chairman, and I yield back the balance of my time.

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

Ms. Brown?

Ms. BROWN. Thank you, Mr. Chairman. I want to thank you, Chairman Cummings, and Mr. LaTourette for holding today's hearing concerning the cruise industry. You are two of the fairest Members of Congress and I am glad you will be presiding over this hearing.

As a member of the Florida delegation and the Representative of the Port of Jacksonville, I have particular interest in the cruise industry. The cruise industry is the most important economic engine in the State of Florida; over 4.8 million passengers embarked from Florida in 2005, and the industry contributes more than $5.5 billion in direct spending. In addition, the cruise industry is the sec-

ond largest employer in Florida, generating more than 128,000 jobs.

The cruise industry is highly regulated by the State, Federal, and international laws. They ensure that their passengers are safe and have a sound, safe, and secure record. It is apparent from the FBI statistics that crime against U.S. passengers on cruise ships are rare. Indeed, cruise ships are a very controlled environment with entry and exits being well-documented. I do not downplay the incidents that have occurred, and while I express my condolences to the families of the victims, it is important to put these incidents in perspective.

The rate of crime aboard cruise vessels is far less than the national crime average or the crime rate in a U.S. city of comparable size in population. Unfortunately, crime happens wherever people gather. But the important thing is that the risk is minimal and that procedures are in place to make sure that crimes are investigated throughout and in a uniform manner. The FBI, which is testifying here today, can attest that the cruise industry has comprehensive security programs and crime-reporting procedures in place on all of their passenger vessels.

A leisure cruise is one of the most popular vacation options because of the excellent safety record and the high quality of service provided on board. I look forward to working with the Committee to continue to ensure that safety and the well-being of passengers on cruise ships is maintained.

In closing, let me just say in my prior life I owned three travel agencies and a cruise is one of the most comprehensive vacations a person can take. Sixty percent of the people who took a cruise were second time passengers, whether it was honeymoons, clubs, church groups. So it is a very important industry for our 14 ports in Florida.

I am looking forward to this hearing and to working with the Committee. Thank you both, Chairman and Ranking Member.

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

Our Ranking Member of the full Committee on Transportation and Infrastructure, Mr. Mica.

Mr. MICA. Thank you, Chairman Cummings.

First of all, I want to associate my remarks with the comments of my colleague from Florida, Ms. Brown. She very eloquently stated the importance of the cruise industry to our economy in Florida. I believe, like Ms. Brown, that for millions of Americans cruising has proven to provide a safe and economical way for many individuals to travel to see locations and parts of the world that would not otherwise be available to them. As Ms. Brown said, in our State, the cruise ship industry is part of a multi-million dollar tourism industry that provides hundreds of thousands of jobs. It is a great boost to some of our local, and State, and national economies.

However, I think both Ms. Brown and I share concern, and we believe that it is important that Congress, the cruise industry, and all levels of law enforcement do everything possible to make certain that cruise passengers are as safe and secure as possible. Ms. Brown and I also represent the Daytona Beach area. We just finished Bike Week and we have actually done a great deal of improvement in enforcement in Bike Week. We have about a half-a-

million people visit the Daytona Beach area during Bike Week. This year I think we lost seven individuals as a result of motorcycle accidents. Last year I believe we lost 27 individuals coming for tourism to enjoy themselves and participate in a great weekend activity. But with any tourism activity, there is risk and it is important that we put in place measures to ensure people's safety and security.

Mr. Cummings, the Chair, also stated, very appropriately, the difficulty we have with the cruise industry in that they may come in and pick up passengers at a Florida city, or Baltimore, Jacksonville, New York, wherever it may be, but in just a few hours they are in international waters, they are travelling to international ports. We have a very complex situation as far as laws and liability. But U.S. law enforcement agencies I think should be responsible for investigating crimes against American citizens—interview victims, and examine crime and accident scenes—and we want to make sure there is a mechanism for doing this.

I appreciate the Transportation Committee and this Subcommittee reviewing this matter. However, I am also on the Committee on Government Reform, you will hear from Mr. Shays in a few minutes, and I participated in hearings in the 109th Congress with him and other Members. During those hearings we received testimony from Federal agencies, the cruise line industry, legal scholars, members of victims' families examining some of the issues that we will hear again today.

We have made some progress. I commend the cruise industry, the FBI, the Coast Guard for working on a protocol to improve the reporting of crimes and accidents involving Americans on cruise ships. Implementation of this protocol I am hopeful will address the concerns of the cruise ship industry critics and also hopefully address some of the delays that have lead to the failure to prosecute crimes and to find accident victims in a timely manner.

Again, this is a very important issue to us in Florida. I might say in closing, I look at the different tourism activities—we have Disney World, Sea World, I mentioned the different activities like Bike Week that we host—and there is no tourism business in Florida, or in the United States, or anywhere in the world that provides a better check on its employees, a more thorough identification of their guests, every guest has a photo I.D. card, and also records of guests entering and exiting the property or the ship, there is no one that compares in having personally checked and examined some of the system. Yes, there is room for improvement and I hope from this hearing today we will hear what progress has been made and what other measures can be taken.

Then, in closing, Ms. Brown mentioned the safety of cruise ship activities and of an individual on a cruise ship versus major metropolitan areas. I have some of the actual statistics. One of the safest places in the world to be is on a cruise ship, and the statistics will prove it. Finally, Mr. Chairman, I would ask that these statistics be made part of the record.

Mr. CUMMINGS. Without objection, so ordered.

We will now go to Mr. Bishop and then we will come back to you, Ms. Matsui. Mr. Bishop?

Mr. BISHOP. I have no opening statement at this time, Mr. Chairman.

Mr. CUMMINGS. Very well. Ms. Matsui.

Ms. MATSUI. Thank you, Mr. Chairman. I would like to thank you very much for calling this very important hearing. I appreciate your willingness to bring this issue before the Committee and to conduct a thorough and fair hearing of crime on cruise ships.

I asked Chairman Cummings to hold this hearing because a young woman from my district came to me for assistance after she had been a victim of violent crime on a cruise ship. That young woman, Laurie Dishman, is here with us today.

Laurie shared a shocking story with me in a letter one year ago. As a passenger on board the Vision of the Seas, a ship operated by Royal Caribbean, Laurie was raped by a crew member. The story of her ordeal on the ship was shocking enough. Unfortunately, I soon learned that was only the beginning.

Laurie wrote to tell me she was having difficulty getting a response to her request for information about the incident from the cruise line. As I began looking into the matter, a number of red flags were raised regarding the handling of Laurie's particular case, from the FBI decision not to have a polygraph test of the crew member, to the cruise line withholding Laurie's own medical information.

These incidents beg the question: What is the process when a crime is committed on a cruise ship, and what recourse do passengers have?

The more I have inquired, the more I have been alarmed that there is no shortage of cases of rape, sexual assault of minors, alcohol-related fighting and abuse, and persons overboard. Ever more troubling, most of these incidents have not been fully resolved or prosecuted. The onion it seems has only more layers to peel back.

Laurie's case was declined for prosecution under circumstances that strongly suggest Federal authorities did not fully investigate her case and that cruise industry representatives have coached the crew member in his testimony. I have since learned that there have been no convictions of rape cases on cruise lines in four decades, a statistic that takes on a new meaning through the lens of Laurie's experience.

Cruise industry executives testified last year before the House Government Reform Committee that 66 cases of sexual assault were reported by Royal Caribbean between 2003 and 2005. However, as a result of a civil suit, Royal Caribbean was forced to turn over internal documents that showed that the numbers were actually much higher, specifically, the number was 273. I have also come to learn that crimes that were not reported involved minors. It seems impossible that Royal Caribbean would not consider these crimes worthy of reporting. This time around I want to know whether the industry has accurately depicted the number of sex crimes on ships, and how it chooses to define the crimes.

The cruise industry states that they are the safest form of transportation. Some representatives have also said some cruises are safer than being on shore. I find such claims to be dubious, at best, but they also ignore a critical problem—at least on land we have

a police force and law governing people's actions, and most of all, consequences for these actions based on laws.

Americans who go on cruise ships for a family vacation have no idea they may be stepping into a situation in which U.S. law has little power and where they may be victims of a crime without recourse. Cruises operate in a legal vacuum, where lack of accountability empowers predators and obstructs their victims' pursuit of justice. That is an unacceptable situation, made worse by the cruise lines' own efforts to block scrutiny of and accountability for their own handling and security of their passengers.

My hope for this hearing is that the cruise lines finally take these crimes seriously and enact necessary reforms. I am sure that after hearing from Laurie you will come to the same conclusion I have: that we must make sure something like this never happens again. I appreciate Laurie's determination and I am very proud to be here with her in this effort. I am confident that from this hearing we will have a better understanding of what actions we must take to ensure the safety and security of the over 10 million Americans who will travel on cruise ships this year. I thank you very much, Mr. Chairman.

Mr. CUMMINGS. Thank you, Ms. Matsui.

Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman. I will not use the five minutes. I want to thank you and the distinguished gentleman from Ohio for having called this hearing.

Not unlike Mr. Mica, the Ranking Member of the full Committee, I do believe that the cruise industry generally and on balance contributes very favorably to our overall economy and I think, for the most part, conduct themselves responsibly. Now I have never sailed as a passenger aboard a cruise ship so I have no on board evidence that will be enlightening today, nor have I talked to anyone who has been a victim. But I do believe that when passengers report aboard they have every right to assume that they will enjoy a safe cruise. We have victims, I am told, who will appear subsequently.

I look forward to this hearing, Mr. Chairman, and I thank you all again for having called it. I yield back.

Mr. CUMMINGS. Thank you very much, Mr. Coble. The Chairman of the Transportation and Infrastructure Committee, Mr. Oberstar.

Mr. OBERSTAR. I thank you, Mr. Chairman. I will submit my statement for the record. This is a hearing that is long overdue, one about which we have been receiving deeply disturbing reports. Ms. Matsui has already expressed, and you have stated in your opening remarks, issues that have to be addressed.

There are 10 million passengers a year on cruise lines in the United States. It is a huge business, a massive multi-billion dollar business. These ships are the size of small cities; they do not have a police force, they have security guards, they do not have crime victim counselors, they have customer service representatives.

It is a very different situation on board a ship than on land. When you step on a ship you do not realize maybe you are stepping into another country—Liberia, Panama, another flag of convenience country in which the vessel is registered. In other instances we have crews aboard ship who have been told, well, if you have a problem, you go file your lawsuit in the country of origin where you

came from or where the ship is flagged. Not much justice in some of those places. So the U.S. courts are the point of reference and point of justice.

People want to know that everything has been done by the cruise line that should be done to prevent a crime from happening, they want to be treated fairly, compassionately, comparably to what happens in the domestic airlines. We had very serious problems in aviation and the airlines, with the Department of Transportation, developed a code of conduct and a Passenger Bill of Rights. And now we find that they in several instances have not lived up to their own Passenger Bill of Rights.

So there are a whole host of issues we have to deal with. Not to dwell on, but the fact that local police have to investigate these crimes and there may be different police forces in different ports. So I just frame a little part of the issue, Mr. Chairman, your hearing will cover the broad scope of issues here. We need to hear those and hear them fairly and then determine what action needs to be taken appropriately. I want to thank Mr. Shays for coming here this morning as well, and Mr. LaTourette for his diligence and participation in the hearing. Thank you.

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

Mr. Poe.

Mr. POE. Thank you, Mr. Chairman. I appreciate your holding this hearing. In my prior life I was a judge in Texas for 22 years and saw about 25,000 people charged with everything from stealing to killing, but I also saw a good several thousand victims work their way to the courthouse as well. I am the founder of the Victim's Rights Caucus, a bipartisan caucus, to promote victim's concerns in Congress. And while it is true that the cruise industry probably has generally a safe record regarding crime on board, generally a safe record is not good enough. One victim is one victim too many. And I notice there are plenty of victims here, some will not be able to testify today but I want to thank you for being here.

I am especially concerned about sexual assault that occurs on cruise lines in international waters. The victims that I have talked to have told me generally when they report this to somebody, because they do not know even who to talk to first, the response they get is: sorry, there is nothing we can do. That is not acceptable. We have to take care of American citizens in international waters. Wherever crime occurs onboard a ship, if there is an American citizen involved as a victim, this Nation needs to be very concerned and the answer shall never be: sorry, there is nothing we can do.

So I look forward to figuring out a solution with the cruise industry, the FBI, and Congress to come up with a protocol, a plan so that when a victim is victimized onboard ship somebody cares about them, and it better be the American Government.

With that, Mr. Chairman, I yield back my remaining time.

Mr. CUMMINGS. I want to thank you, Mr. Poe, for your statement. I think you pretty much struck the balance we are trying to strike in this hearing, trying to make sure that we are fair across the board and to try to come up with solutions.

To that end, we are very pleased to have Congressman Christopher Shays from Connecticut's fourth district. In the 109th Congress, Mr. Shays convened two hearings on crimes on cruise ships

in the Committee on Government Reform, in which as a member of the committee I also participated. Those hearings laid much of the groundwork for the issues to be covered today, including examining the shortcomings in the reporting of crimes on cruise ships to Federal officials.

Before you start, Mr. Shays, I have read all the testimony over the last few days that is going to be presented today, and there is one issue I think, going back to what Congressman Poe just said, trying to find a solution to the problem, the FBI and the Coast Guard, and I understand the cruise ship industry has not signed on yet, but have some agreement for reporting. I want you in your comments to comment on that solution. Because that is what has been presented as a solution, certainly by all of these agencies, in trying to come to some kind of fair resolution. So I would appreciate it if you would make that a part of your comments.

Mr. Shays.

Mr. SHAYS. Thank you very much, Mr. Chairman. Mr. Cummings, I know you well, I know you, Mr. LaTourette, well, and you are both extraordinarily fair but you are also dogged in wanting to know the truth. And I thank the Chairman of the full Committee and all the Members. Thank goodness this is now before your Committee and not just before our Committee which could investigate and recommend. You can really work toward some solutions.

I want to just say we were first triggered to have our hearing in March of 2006 when I was reading about a constituent, George Smith IV, who was on a honeymoon and he was viewed as missing and his new wife was crying out for someone to pay attention. At first, the cruise line acted like he was just overboard. And then it was fairly clear as they began to look at this there was much more to the story—blood on the side of the ship and so on.

But what really outraged me was how she was treated. So we wanted to look into this because we realized that you have about seven different nations involved in the process. You have the passenger, the port of departure, the port of call, whether it is in a certain territory of a port of call, the ship ownership, where the ship is flagged, are you in open waters where then the ship is in charge, and then you have the staff and the staff can be from who knows where, and then you learn that this is like a floating city and they say they compare statistics to cities but they do not divide by 52 weeks a year to get the number to be more accurate. And then you say, well, if you are like a city, let me talk to your police officers. Well, they do not have them. Then you say let me talk to someone skilled in investigation. They do not have them.

What I suspected would happen did happen, that if we had this hearing we would start to hear other stories. You are going to hear from a witness that I get outraged every time I think about it. Ken Carver, he did not know where his daughter was. She was not in communication with him. So he had to get a private investigator, and he spent I think about $70,000, to find out where his daughter was.

He learned that a few weeks earlier, maybe a few months earlier, his daughter was onboard ship. Now you are going to learn that when she was onboard ship she was viewed as missing by the stew-

ard because she did not seem to come back to her cabin. Now I realize that sometimes people may not go to their cabin, they may go to some other cabin. But you want to begin to be aware.

So he had no bed to make up all week, and he told his superiors. And then when the ship came to port, they just grabbed all her stuff because she did not come to pick up her belongings. I think that could be a warning. And they took her stuff to something like a lost and found and then just disposed of it. Never notified anyone in the family. How outrageous is that? She may have been killed. She may have committed suicide. Who knows?

I would say to you, and I agree with Ms. Brown and with Mr. Mica, cruise lines give you the best vacation. I do not doubt that. And I do not doubt they are the best deal in town. I have friends who love them. But there is an outrage going on and it relates now to the fact that you are going to hear from Laurie and she is going to tell you that in her court case, first she is going to tell you how she was treated, which is outrageous, she was basically ignored, put off, so she had to take action, there are statistics that are presented in court and affidavit that disagree with what people gave us when they were sworn in in our Committee.

So now getting to your point, Mr. Chairman. I do not trust the statistics the cruise line industry is giving us. I trust what they might give to the courts, but even then I wonder. So the first thing that we should be doing, clearly, is gathering statistics on murders, rapes, those that are missing, sexual assaults, maybe even serious accidents, and what about thefts. You are going to learn that if someone steals a $5,000 watch the cruise industry does not give a damn. They do not care.

Now, if it is worth $10,000 or more, they might pay attention. They have this threshold. But I think passengers need to know the statistics. How many times has there been a murder onboard the ships? When was the last one? How many people have gone missing onboard the ships? How many thefts onboard the ships? How many rapes onboard the ships? That is just providing them information, and then provide it to the government as well.

And let me just conclude by saying to you that statistics are the most important thing. Secondly, they must be transparent. You are doing the right thing. You all get it. I do not need to say anything more. But you have some precious people who are, in fact, victims. They need to be heard and their complaints need to be dealt with, and you are the perfect Committee to deal with this. And Ms. Matsui, thank you for bringing this forward and encouraging it. You are going to do some good things. And in the end, the cruise industry itself will benefit. Thank you.

Mr. CUMMINGS. Any questions of Mr. Shays from members of the panel?

[No response.]

Mr. CUMMINGS. Thank you very much, Mr. Shays. We really appreciate your leadership and your being here.

We will now move on to our first panel. Mr. Salvador Hernandez, Deputy Assistant Director of the Federal Bureau of Investigation, and Rear Admiral Wayne Justice, Assistant Commandant for Response with the United States Coast Guard. We have your full statements and we are going to limit your oral remarks to five min-

utes. We have quite a few witnesses today. We thank you for being here.

Mr. Hernandez.

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

Mr. HERNANDEZ. Thank you, Mr. Chairman. Good morning Chairman Cummings, Ranking Member LaTourette, and members of the Subcommittee. I appreciate the opportunity to be here today and address the FBI's role in investigating crimes against American citizens traveling aboard cruise ships. I am happy to address some of the concerns raised by the Subcommittee members, and specifically Congressman Matsui's concerns. But I would like to begin with my prepared comments.

Mr. Chairman, the FBI is committed to addressing piracy and serious criminal acts of violence and is dedicated to working with our partners at every level to investigate and prosecute crimes on the high seas. We will do everything in our power to uphold our mission of protecting our fellow citizens from crime and terrorism.

First, I would like to briefly discuss by what means the FBI obtains its jurisdiction over crimes committed on cruise ships. The authority of the FBI to investigate criminal offenses and enforce laws of the United States on cruise ships on the high seas, or territorial waters of the United States, depends on several factors. The location of the vessel, the nationality of the perpetrator of the victim, the ownership of the vessel, the points of embarkation and debarkation, and the country in which the vessel is flagged all play a role in determining whether there is Federal authority to enforce the laws of the United States.

The principal law under which the United States exercises it Special Maritime and Territorial Jurisdiction is set forth in Title 18, Section 7 of the United States Code. This statute provides, in relevant part, that the United States has jurisdiction over crimes committed on a ship if:

One, the ship, regardless of flag, is a U.S.-owned vessel, either whole or in part, regardless of the nationality of the victim or the perpetrator, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular state;

Two, the offense by or against a U.S. national was committed outside the jurisdiction of any nation;

Three, the crime occurred in the U.S. territorial sea, which is 12 miles outside the coast, regardless of the nationality of the vessel, the victim, or the perpetrator; or

Four, the victim or perpetrator is a U.S. national on any vessel during a voyage that departed from or will arrive in a U.S. port.

There has been interest in the FBI's ability to investigate outside the U.S. or its territorial waters. When an incident occurs outside the territorial waters of the United States, numerous other factors come into play in determining the FBI's role and ability to investigate. In addition to the laws of the United States, the laws of other nations and international law will determine our legal au-

thority to respond to and/or investigate the crime. As these incidents may involve the citizens or interests of other countries, The FBI's investigative efforts may implicate the sovereignty or interests of other involved nations. Resolution of these questions requires consultation and coordination with the U.S. Government.

The FBI has posted a number of senior level agents in 60 legal attache offices, or Legates, and 13 sub-offices around the world. Through established liaison with principal law enforcement officers in designated foreign countries, the FBI's Legates are able to pursue investigative activities where permissible. The Legate's authority to conduct investigations overseas or to coordinate extraterritorial teams' investigations abroad varies greatly and must be determined by each Legate on a country-by-country, case-by-case basis. The Legates coordinate closely with the Department of Justice's Office of International Affairs, which provides assistance in international criminal matters to U.S. and foreign investigators, prosecutors, and judicial authorities, primarily in the international extradition of fugitives and evidence gathering, and with the Department of State.

I would like to provide a brief summary of trends of crimes on the high seas that the FBI has responded to and investigated over the last five years. The following trends are based on these statistics.

From fiscal year 2002 through February of 2007, the FBI opened 258 cases of crime on the high seas, or approximately 50 cases opened annually. Of these 258 cases, 184, or 71 percent, occurred on cruise ships. The remaining cases involved private vessels, commercial ships, and oil platforms. Of the 184 cases that occurred aboard a cruise ship, 84, or 46 percent, involved employees as suspects.

Sexual assault and physical assaults on cruise ships were the leading crime reported to and investigated by the FBI on the high seas over the last five years, 55 percent and 22 percent respectively.

Most of the sexual assaults on cruise ships took place in private cabins and over half were alcohol-related incidents. Employees were identified as suspects in 37 percent of the cases, and 65 percent of those employees were not U.S. citizens. Employee on employee assaults made up approximately 2 percent of the total cases opened. Fifty-nine percent of the sexual assault cases from fiscal year 2002 to February of this year were not prosecuted, and the typical reasons for prosecutive declinations were lack of evidence, indications that the act was consensual, and/or contradictory victim or witness statements.

Physical assaults were the second most frequent crime upon the high seas with 53 cases opened.

Missing persons on cruise ships comprised only 12, or 5 percent of the cases opened during this period. Missing persons were sporadic in nature, and did not appear to have any significant pattern. There were slightly more cases opened on cruise ships and private vessels than fishing vessels and other commercial crafts. It is difficult to draw any conclusions from these cases due to the inability to locate bodies in all cases. Using eyewitness testimony, investigators were able to surmise that alcohol was involved in at least 42

percent of these cases. Investigations were typically closed with indications of suicide or accident; however, in about 25 percent foul play was suspected. Missing person cases yielded no prosecutions over this period of time, and none of the victims were minors.

In terms of our reporting, in accordance with Federal regulations contained in Title 33 of the Code of Federal Regulations, passenger vessels covered by regulation must report to the FBI each breach of security, unlawful act, or threat of an unlawful act against passenger vessels or any person aboard when such acts or threats occur in a place subject to the jurisdiction of the United States.

Over the past several months, the FBI has been engaged in discussions with the cruise lines through CLIA, the Cruise Lines International Association, and the U.S. Coast Guard regarding the establishment of procedures relating to the reporting of serious violations of U.S. law committed aboard member cruise lines outside the mandatory reporting requirements that are already in place under 33 C.F.R.

Under these proposed procedures, and I will mention that these procedures have been adopted by the cruise line industry by a letter that was submitted just yesterday that tells us that they have enthusiastically adopted these measures, CLIA members will telephonically contact the nearest FBI field office or Legate office as soon as possible to report any of the following incidents involving serious violations of U.S. law: homicide, suspicious death, missing U.S. national, kidnapping, assault with bodily injury, sexual assaults, firing or tampering with vessels, and theft greater than $10,000.

If CLIA members are unable to contact the FBI Legate, they will contact the FBI field office located closest to their security office. After telephonic contact, CLIA members will follow up with a standardized report. CLIA members will submit reports to the Coast Guard either by facsimile or e-mail, and they will also submit those reports to the FBI headquarters for tracking purposes, and to the field office that is affected.

Incidents not falling into one of the above categories, and therefore not requiring immediate attention by the FBI, may be e-mailed or faxed to the FBI field office; for example, a theft greater than $1,000 but less than $10,000.

If criminal activity aboard a CLIA member vessel does not meet the above reporting criteria, CLIA members may report the incident to the proper state or local law enforcement authority and, if applicable, to foreign law enforcement. The decision to continue and/or conduct additional investigation of crimes within the jurisdiction of a state or local law enforcement agency will be at the sole discretion of the respective state or local agency.

Currently, the FBI tracks only the number of cases opened. However, we have established a system that will compile reports of all incidents submitted by the cruise lines.

I have other information regarding training but I will save those since I am over my time. Thank you.

Mr. CUMMINGS. Admiral Justice, before you start, I hope that you will convey to the members of the Coast Guard our congratulations from Subcommittee and full Committee on them making the largest seizure of drugs in the history of the Coast Guard, and also

thank them for their assistance over the weekend when folks fell overboard. Since you all are the subject of our Subcommittee, we want to make sure we recognize all the good things that the men and women of the Coast Guard do every day. Please.

Admiral JUSTICE. Thank you, sir. I really appreciate that. It was a real good seizure.

Good morning Chairman Cummings, Ranking Member LaTourette, and Subcommittee members. As we see today, crimes on cruise ships are receiving increasing attention from Congress, the media, victims' rights groups, law enforcement, and the cruise industry.

Given the global, multinational operational and legal structure of cruise ship operations, responsibilities for reporting, responding to, investigating, prosecuting, and adjudicating these crimes on cruise ships are distributed among a variety of nations, organizations, and individuals around the world. In considering response options of the United States to crime on cruise ships, the Coast Guard is mindful of the essential operational an legal environment in which many cruises occur, as has been stated many times this morning.

As a practical matter and consistent with well-settled principles of international and U.S. domestic law and practice, this operational construct allocates most criminal jurisdiction with respect to extraterritorial cruise ship crime to flag states or coastal states, not the state of the passenger's nationality. This same framework allocates investigative and enforcement jurisdiction to flag or other coastal states, not U.S. law enforcement agencies, with respect to criminal activities that occur beyond the foreign flag cruise ship operating beyond the 12 mile U.S. territorial sea.

United States law enforcement agencies do have a role, albeit limited, to play in preventing, investigating, and responding to crime aboard foreign cruise ships operating beyond U.S. territorial seas, most often when such vessels call on a U.S. port. In this limited circumstance, both international and U.S. domestic law permit the exercise of U.S. criminal jurisdiction for certain serious offenses committed aboard foreign flag cruise ships operating seaward of U.S. territorial waters. When these cases arise, the Coast Guard employs the President's Maritime Operational Threat Response, MOTOR, plan to coordinate the real time Federal response as well as to request and provide response and investigative assistance to similarly situated foreign governments.

The legal environment aboard foreign flag cruise ships does not mean that cruise ships are or should become havens for lawlessness. The legal environment does mean that prompt reporting of serious crimes by cruise passengers and the cruise industry coupled with investigative cooperation among coastal and flag states is essential to preserving cruise ship security and safety.

Further, prospective cruise ship passengers need to assess the level of security and safety on cruise ships on which they embark just like they would evaluate their safety and security risks when visiting a foreign country. Working closely with the FBI and CLIA, the Coast Guard has participated in the development of voluntary procedures relating to the reporting of serious violations of U.S. laws committed aboard cruise ships and the FBI's response to such violations.

The FBI will, on an annual basis, compile information provided by the cruise lines and prepare a comprehensive report. This report will be provided to CLIA, and to our knowledge represents the first disciplined effort to gather serious crime statistics with respect to cruise ships frequented by U.S. nationals. This data will permit some analysis of trends and comparison with other maritime and tourism venues.

Those of us who have made a profession of maritime security continue to undertake significant initiatives to better protect U.S. citizens and U.S. interests throughout the maritime domain. It is clear that some serious acts affecting U.S. nationals aboard foreign flagged cruise ships have brought great sadness to victims and the families of victims. The Coast Guard mourns the losses and we are committed to improving the overall safety and security environment within the maritime domain.

We recognize the collective jurisdictional and resource limitations of the United States, but we see viable strategies to improve 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. We believe the proposed voluntary cruise ship crime reporting procedures are an excellent step in the right direction to improve awareness of and response to serious criminal activities on cruise ships.

Thank you, sir, for the opportunity to testify before you today. I am happy to answer any questions you may have.

Mr. CUMMINGS. I want to thank both of you for your testimony. I want to pick up where you left off, Admiral. One of the things that we are trying to do today is to make sure that we have a measured response to a problem. I think Ms. Brown talked about fairness and others have talked about fairness and having balance.

You just talked about the agreement that was entered into, both of you mentioned it. I want to go back to your testimony, Admiral, I was reading it at 4:00 this morning and it was very interesting, but on page 5 of your testimony you talk about the agreement. You say "these data will permit some analysis of trends and comparison with other maritime and tourism venues." You go on to say "The Coast Guard encourages CLIA," this is the interesting point, "to disclose the report information to potential cruise ship passengers so that they can make informed judgements about their comparative safety and security, and so that CLIA members can take appropriate measures to reduce the potential for unlawful activity aboard their vessels."

Now this is where I am going with this. You just said that you believe that the agreement is excellent. And then I look at this statement and it seems like you believe that we need to go a little further. Again, going back to trying to have a measured response, do you stand by the written statement here? And could you comment on that, please.

Admiral JUSTICE. I thought my verbal and written statements should parallel. But we have come to the conclusion——

Mr. CUMMINGS. In other words, did you work with the FBI, and I am going to have you comment too, Mr. Hernandez, did you work with the FBI and the industry on this agreement?

Admiral JUSTICE. Absolutely, sir.

Mr. CUMMINGS. I think that whenever there can be a voluntary agreement, the Congress applauds it as long as it resolves the issues. I guess what I am getting at is I am wondering if you feel that this resolves the issues, and if not, why have we stopped short of completely resolving it, if that is how you feel.

Admiral JUSTICE. Sir, given the legal situation that we are in, I do feel, and the FBI and the Coast Guard submitted this proposal to the CLIA, that their positive response, their quick response shows an absolute commitment on their part to work this process. I do feel that this will provide a positive significant step for all concerned here.

Mr. CUMMINGS. Mr. Hernandez, what will this agreement put us in a position to do that is not happening right now? We have a young lady, Ms. Matsui's constituent, who is going to be testifying in a few moments and, by the way, a lot of her written testimony, I am sure her testimony when she sits at the table as well, goes to how she was treated. I think anyone who imagined their wife or their daughter or sister being treated that way would scream and go crazy.

And, interestingly enough, part of her testimony goes to the issue of treatment by the FBI. And I tried to look at it from both sides. A lot of it has to do with the bind that you seem to find yourselves into; in other words, you get to the situation late, I am not saying that is your fault, the jurisdictional problems happen so often, so by the time you get there the evidence is gone, you have got all kinds of problems. She is sitting right behind you listening to you. Does this help a situation like hers, somebody who has been assaulted and raped? I am just curious.

Mr. HERNANDEZ. Mr. Chairman, with respect to the first part of your question regarding the change in the voluntary reporting procedures, we have to go back to the fact that under 33 C.F.R. cruise lines are only required to report violations within the 12 miles, regardless of nationality of the perpetrator or the victim, regardless of flag or ownership. Beyond that, they are only required to report under the law beyond those 12 miles if it is a U.S.-flagged vessel. As you mentioned in your statement, very few are U.S.-flagged vessels.

So in our view, and I think the cruise lines agreed and the Coast Guard certainly did, there was a gap in terms of what was being required to be reported involving U.S. nationals beyond the 12 mile limit. So in September of last year, we got together for the first time with the Coast Guard and the cruise lines to talk about how we might remedy that. And I will echo what Admiral Justice has said, that the cruise lines brought that to us. They are very interested in coming up with a scheme to require, in terms of an agreement between us and them, require reporting to us. And that is what I think we have arrived at.

So in answer to your first question, I think we have expanded well beyond what was originally required under the law to a whole new area of things that will be reported to the FBI and to the Coast Guard. You see those set out in the letter and in the form what those things will be.

With respect to Ms. Dishman's case, I can only speak from what information I have been able to gather. And to answer some of Rep-

resentative Matsui's concerns, in fact, when this occurred, and I think the date was February 21 of last year, the FBI did respond. The following day was able to bring an evidence response team on board to do evidence collection. About 20 people were interviewed. The subject was, in fact, polygraphed. The rape kit that was collected was taken and held as evidence. The matter was presented to the U.S. Attorney's office and it was declined for prosecution.

That is not to suggest that Ms. Dishman was not the victim of a sexual assault. It means only that, in the view of the U.S. Attorney's office, insufficient evidence had been obtained to support an indictment and a conviction. That is a routine determination, not that any case is routine, but that is routinely the case, especially in the situation of a cruise ship where often the accuser and the accused may know each other in some way, typically not a stranger involvement. And so the circumstances change a little bit. The prosecutors and, frankly, the FBI have to view everything that we can obtain in the way of evidence to see whether it will support an indictment and a prosecution.

And then finally, whether this new agreement in any way changes how that might have played out. I am not so certain. The purpose of the agreement is really to increase the level of reporting so that when U.S. nationals are involved we at least have an opportunity, the FBI, the Coast Guard, and other law enforcement agencies, if it is appropriate, have an opportunity to look into it to see whether in fact there is jurisdiction.

As everyone has mentioned here, the jurisdiction issue is very tricky and it is a very tangled web. So the idea is, first, to get increased levels of reporting that we can track, and then ultimately put together some trend analyses based on those that might inform the industry and the public if it is deemed to be appropriate.

Mr. CUMMINGS. My last question, Mr. Hernandez. As a trial lawyer, I have noticed a lot of my clients did not get in trouble because of the offense, they got in trouble because of obstruction of justice. I am just wondering, a lot of Ms. Dishman's testimony, and others, by the way, sounds like they believe that there was some blocking of the FBI and others from getting to the bottom of the issue. Would you have the same kind of problems, the FBI, in trying to pull together an obstruction of justice case? The same problems would take place?

Mr. HERNANDEZ. I am not certain because I do not know the facts that well about what actually transpired there on the ship. But without rendering a legal opinion about obstruction of justice, if there is no actual intent to impede an investigation, it is a very difficult burden to meet. And I am not aware of an intent to impede a known investigation at that point last year. Were there an attempt to impede the investigation, I think it would be worthy of presentation to the U.S. Attorney's office. I am just not aware that was the case there.

Mr. CUMMINGS. You said something about Ms. Dishman's case. When you all gather the information and present it to the U.S. Attorney, is it typical for you to present it with a recommendation?

Mr. HERNANDEZ. Often, depending on what we have seen because we are closer to the actual events. But typically, the facts are presented and the U.S. Attorney's office or the Assistant U.S. Attorney

makes a decision based on what he or she sees. Ultimately, they are the ones who will have to present that in court.

Mr. CUMMINGS. By the way, were any victims' groups a part of the discussions with regard to the agreement that came forth?

Mr. HERNANDEZ. No.

Mr. CUMMINGS. All right. Thank you.

Mr. LaTourette.

Mr. LATOURETTE. Thank you very much, Mr. Chairman. Mr. Hernandez and Admiral Justice, thank you very much for your testimony. I tried to outline in my opening statement, and Mr. Rayfield and I were talking as the Chairman was asking questions, it seems to me that part of this is the by-product of the fact that the cruise industry by its nature has changed. We had the rather romantic notions in the past of the Titanic coming over, that was not so romantic because it did not work out so well, but people going back and forth across the Atlantic.

But in the last 15 or 20 years it has become, as Ms. Brown indicated, sort of a vacation venue. I think that because nobody on this dais is going to arrest anybody or prosecute anybody for crimes, our focus needs to be what laws can we amend or come up with that do a better job of dealing with the situations that are going to come before the Committee.

I just want to walk through. Yesterday, under the able leadership of Chairman Cummings, we passed a bill dealing with pollution on ships. And because of the Annex 6 of the MARPOL Agreement, that gives us international reach. We also have treaties with our partners that deal with safety, that if an engine blows up or minimum requirements are concerned, jurisdiction of the United States extends to those situations as well. It seems to me where we have fallen short in this country is not on your end, it is on the fact that we have not negotiated agreements with other countries that say that United States citizens who travel on foreign flag ships should be just as safe from crime, rape, murder as they are from a malfunctioning boiler or from the pollution on the ships.

So if I could, so that I have a better understanding as we attempt to do our job as legislators, maybe walk you through some of the existing statutes and you tell me if I am right or wrong and what suggestions either or both of you would make.

Mr. Hernandez, you referenced 33 C.F.R. My interpretation, and basically that indicates that the United States has the ability on overnight voyages—there is a reporting requirement for felonies that occur in a place that is subject to the jurisdiction of the United States. I think I understood you in your testimony, Mr. Hernandez, but can a foreign flag vessel that is operating outside the territorial sea be a place that is subject to the jurisdiction of the United States of America?

Mr. HERNANDEZ. Yes, if the perpetrator or the victim is a U.S. national, or that cruise ship will at some point during its voyage make a port of call in a U.S. port, either at the beginning, the end, or sometime in between.

Mr. LATOURETTE. And then the other section that we sort of reference is the Special Maritime and Territorial Jurisdiction that is contained in Section 7 of Title 18, that indicates that the United States may exercise jurisdiction over certain felony crimes that

occur aboard a foreign flagged vessel. Section 7 applies to jurisdiction to an offense committed by or against a national of the United States. And Section 8 asserts the jurisdiction, subject to international law, over an offense committed by or against a national on one coming in and out of the ports.

Is your interpretation of where we are currently that U.S. citizens who travel aboard a foreign flagged cruise vessel that embarks or disembarks passengers at a U.S. port has the complete protection of the United States laws relative to felonies committed against them?

Mr. HERNANDEZ. Yes. That is true.

Mr. LATOURETTE. Okay. And you also mentioned in your testimony the ownership question. If a ship is owned by a foreign corporation but there are some American citizens, U.S. nationals who own stock in that company, is there a threshold of ownership that triggers that ownership requirement even for a foreign flag vessel?

Mr. HERNANDEZ. I know that the language of the regulation reads "wholly owned or in part," I just do not know what level "in part"——

Mr. LATOURETTE. That was my question. Is one guy owning 10 shares part or does he have to achieve 50 percent of the corporation? Maybe if someone at the Bureau has looked at that and you could get back to us, I would appreciate that.

Lastly, Mr. Hernandez, you talked about the letter that you received from the CLIA people yesterday accepting some things. In getting ready for this hearing, there was an Ohio family who lost a son and, at least in my reading of it, there was a pretty wide discrepancy between when the people in charge of the ship knew that someone was missing to when notification was made to the Coast Guard and/or the FBI.

Did that letter that you referenced, this agreement on notification, put in place the time frame for, for example, when is the operator of a cruise ship required—not required, it is a voluntary agreement—but have they agreed on a time frame on when they are going to make that notification to either the Coast Guard or the Federal Bureau of Investigation?

Mr. HERNANDEZ. That was not contained in the letter. The letter was a response to the plan that was put forward essentially agreeing to abide by those policies.

Mr. LATOURETTE. Okay. Just my editorial comment and then I will yield back. In the case that I am referencing, I think it was like an eight hour gap. I understand that people can go missing. And somebody made the comment that you might not be in your cabin, you may be in somebody else's cabin. So I understand that you have to search the ship and you have to search maybe the port of call where you are to make sure someone is really missing so we are not sending out false alarms.

But it does seem to me that once the captain of the ship realizes that there is a report of a missing person, maybe one notification that can be made, and then after you have done your confirmatory stuff you figure out that, yes, this person really is missing and we need to get the Coast Guard involved. But to just wait eight hours, twelve hours to try and figure out that somebody is not there does not seem reasonable to me. Admiral?

Admiral JUSTICE. I agree with you, sir. I will say though our experience has been, and particularly in the last couple of months, there is no hesitation from the cruise ships to let us know if they found somebody missing. We have had two extraordinary cases just in the last month. With one individual, it was maybe seven hours before it was recognized that he was missing, but as soon as it was recognized, we were called and fortunately we were able to find him. In a case just this last week where two people were immediately known to be gone, we got the call right away and were able to get out there and effect a rescue. I think the response piece is there, sir.

Mr. LATOURETTE. Okay. Has anybody broached that question? I heard what you said, that there is no reluctance on their part. But have either of your agencies sort of reached out to them and said, hey, while we are asking you to come up with voluntary agreements on how we handle these sorts of things, has the time question ever been broached in those discussions, like when they call you and say we think somebody is missing?

Admiral JUSTICE. No, sir.

Mr. LATOURETTE. Mr. Hernandez?

Mr. HERNANDEZ. No, that has not come up in discussion. The cruise lines representatives I think are in a better position to comment about how that works when someone is actually reported as missing. But my basic understanding is that it does take a while often to establish that someone is missing and it is not possible in every instance to basically stop the ship, turn the ship around and begin to look. But I think they are in a better position to talk about that.

Mr. LATOURETTE. I get that. I have never been on a cruise but I bet it is hard to stop a ship, it is hard to turn it around, I bet some people that people think are missing really do not turn out to be missing. But it does seem to me, having been in the crime business as a former prosecutor, that the quicker you have the report and seal things down, or at least secure the evidence, the better the chances of either solving the crime or prosecuting the crime, or figuring out that you have a problem. But thank you.

Mr. Chairman, I yield back.

Mr. CUMMINGS. Just a follow-up on Mr. LaTourette's questions. Admiral, the two cases that you mentioned, were there witnesses to those people falling off the ship or whatever?

Admiral JUSTICE. In the first case, no. Thus, it took I will say seven hours, but some period of time before it was recognized that the individual was missing. However, when the circumstances did come to the captain's attention, an immediate call was made and a subsequent search fortunately found him treading water for many hours.

In the second case just this weekend, yes, there was another couple that had been with the first couple that had left the area and then came back and it was apparent to them that the couple was missing. So they made the call right away. That happened just like that and the captain of the ship did turn that ship around right away, dropped his boats, and found the people.

Mr. CUMMINGS. We may have to revisit that agreement based upon what was brought out a moment ago by Mr. LaTourette.

Mr. Taylor.

Mr. TAYLOR. Mr. Chairman, I got here late.

Mr. CUMMINGS. I am sorry. Ms. Brown.

Ms. BROWN. Thank you. I think my first question will go to the FBI representative. There has been a lot of discussion about statistics in communities and compared to what happens on the cruise ships. Can you give me some information in comparison, also is the FBI involved in other resort areas, national parks and other things like that?

Mr. HERNANDEZ. It is hard to get a good handle on the statistics because they are not reported per se to our national database which produces the annual report that talks about crime statistics in cities. So I cannot really compare the fifty or so cases that we open each year, those are cases that have been opened, determined to have some investigative threshold basis met. Beyond that, many cases are reported to us that are not opened. I am really not able to answer that question.

Ms. BROWN. Maybe you can answer this one. How does the FBI determine whether or not to pursue a case? When you are called in, what are some of the factors? I am sure it would be the same if we called you in to Jacksonville.

Mr. HERNANDEZ. That is right. Some of the investigative thresholds that we have are national thresholds. For example, in almost no case will the FBI investigate a theft under $10,000 for reasons of the priority of the case, the level of work involved versus the level of investigative resources available, takes into account the U.S. Attorney's office prosecutive thresholds, their interest in a case like that.

So that is a good example of a threshold that is national that would apply to the cruise ships as well. The agreement that we have come to with the Coast Guard and with the cruise lines basically lays out those kinds of violations, those serious crimes for which we think there is a potential for prosecutive interest. That is a starting point.

When we begin there, we have to then inquire about what we have been able to obtain in the way of evidence to support a presentation to the prosecutors. So there are several factors that come into play. If witnesses are unavailable or witnesses have poor recollection of events, if physical evidence is not available, if we have a situation where it might be one person says this, another person says this, we really have just one against the other, those are difficult cases to push forward. All those determinations are made early on and then that is presented in almost every case of a serious crime to the U.S. Attorney's office for a prosecutive opinion. So there are levels of inquiry at the investigative level and also at the prosecutive level.

Ms. BROWN. Okay. Mr. Justice, I have a question for you. I have been on several cruises. And let me just say, I think the Coast Guard does an excellent job. I want to thank you for your rescue efforts. But my question is, you recently recovered a couple of people, I do not understand how they get over into the water. I do not understand that.

Admiral JUSTICE. Ma'am, our understanding of the case this weekend is they were on the balcony of their stateroom and there

was an accident and they went over the side. Fortunately, they did not get knocked out when they hit the water and they were able to tread water for the period time while both the cruise ship rescue boats searched and then our Coast Guard helicopter was able to locate them and pick them up. The water was warm and they were very fortunate.

Ms. BROWN. Yes, they were. Is it that there is something wrong with the design of the ship? I just do not understand how you get over the side.

Admiral JUSTICE. Ma'am, that is a great question. There are absolute standards set by IMO, International Maritime Organization, for the height of rails, there is a standard for how many rungs are in the rails. It is an accepted structure that ships comply with, and we make sure they comply with that. Beyond that, if they need to be higher, maybe that could be changed. I really cannot comment beyond that.

Ms. BROWN. I yield back the balance of my time.

Mr. CUMMINGS. Thank you very much. Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman. It is good to have you all with us this morning. Gentlemen, of all the cruise ships operating, how many are U.S. flagged? I am sure not many.

Admiral JUSTICE. Not many, yes, sir. We think there are no more than three that we know of.

Mr. COBLE. Of the total, which would be what, a couple hundred?

Admiral JUSTICE. That is right.

Mr. COBLE. Does the U.S. have the authority to require foreign flagged cruise ships to carry Federal marshals aboard?

Admiral JUSTICE. No, sir.

Mr. COBLE. I would think not either. Let me revisit what Mr. LaTourette said. I am not sure I grasped the answer. How does the U.S. jurisdiction over passenger safety and security measures onboard the vessel compare to jurisdiction over violations of Federal environmental laws onboard the vessel? I may have missed that response, but if you would say something to me about that.

Admiral JUSTICE. If you could ask the question again, sir. I am sorry.

Mr. COBLE. Mr. LaTourette touched on it, but how does U.S. jurisdiction over passenger safety and security measures onboard the vessel compare to jurisdiction over violations of Federal environmental laws onboard the vessel, pollution, for example.

Admiral JUSTICE. I think they parallel. It has to do with what happens if you call in a U.S. port or it happens within our territorial seas, then there is jurisdiction.

Mr. COBLE. So one does not enjoy superiority over another, you do not think?

Admiral JUSTICE. To the best of my knowledge, sir.

Mr. COBLE. Mr. Hernandez, any comment? Then let me ask one more question. Is there a penalty for a failure to report an applicable crime that occurs aboard a cruise vessel?

Admiral JUSTICE. Sorry, sir, could you repeat that.

Mr. COBLE. Is there a penalty for a failure to report an applicable crime that occurs aboard a cruise vessel?

Admiral JUSTICE. Yes, sir.

Mr. COBLE. What is the penalty?

Admiral JUSTICE. Fine or imprisonment, sir. I do not know the details.

Mr. COBLE. Then let me ask you this. To whom would that report be forwarded? I assume Coast Guard or FBI.

Admiral JUSTICE. Yes, sir.

Mr. COBLE. Coast Guard or FBI?

Admiral JUSTICE. Yes, sir.

Mr. COBLE. What are the international security and safety standards with which a cruise vessel must comply while on the high seas or on an international cruise? That is a general question and it may be too general.

Admiral JUSTICE. There are many of them, sir.

Mr. COBLE. I would like to know that. If you could get back to us on that, Admiral.

Admiral JUSTICE. Yes, sir.

Mr. COBLE. Again gentlemen, good to have you with us. Mr. Chairman, I yield back.

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

Ms. MATSUI. Thank you, Mr. Chairman. I think the questions have all been very good. From your testimony, both of you, you have indicated that there is this agreement regarding the reporting of crimes. I found it very interesting that you did not also meet with or have the victims' groups be a part of this when you were developing this.

I compliment you on what is going on now. There seems to be some movement as far as realizing the situation is serious enough to start looking at it and looking at the number of maybe unreported crimes. It seems to me you are trying to do everything you possibly can with your own jurisdictions in order to get to some sort of reasonable sense—you have got the reports coming, you are kind of in an area where it is difficult because you are on the high seas for the most part, these ships are not American flag ships. But some of this, particularly, Mr. Hernandez, you were saying a lot of these things cannot be investigated or prosecuted for lack of evidence, maybe the time delay and all.

So it seems to me we have to step back further again in the sense that should there not be a protocol developed on the ship itself as to how to secure the evidence, what steps must be taken so that you are confident that you have got the evidence and the victim herself does not have to do everything, gather up the evidence, put it together and all of that. Could there be a situation where both of you work with the cruise industry to develop some sort of protocol? Have you considered that at all?

Mr. HERNANDEZ. Yes. In fact, we have worked with the cruise lines for at least the past three years to put on training, FBI agent training for cruise line security personnel. We have worked with three of the lines and are just about to begin a training session with a fourth line to talk about things like that, evidence retention, preservation of crime scenes.

We are in fact also putting together a Power Point presentation which we hope to export to the various cruise lines so that they can view it on their own time. There has been no reluctance on the part of the cruise lines to engage in that kind of training. In fact, they have solicited it from us. We have been able to give them as much

as we can but they would, frankly, like more to cover exactly the kind of situation you are describing Congressman.

Ms. MATSUI. You say you have been working with them for three years?

Mr. HERNANDEZ. Yes.

Ms. MATSUI. I know that my constituent had this happen to her last year.

Mr. HERNANDEZ. Right.

Ms. MATSUI. Apparently, they did not have the training because, what I can understand from my constituent, there was nobody there who understood what was going on. It was quite difficult for her. Is there a way that we could factor that in perhaps, as far as when situations like this arise where the right things were not done, that we can go back? Because, frankly, I think the problem is at the very beginning. If you have an assault, you do not know what to do, you do not know who to call, and it was the way that Ms. Dishman was handled, it was very difficult.

It was difficult for her even to come forward. But she did.

So is there a way that you can get engaged even further with the victims so you understand what happens in their situation? If the cruise lines are really adamant about making sure that people are safe, I think they should go beyond just reporting. It is the whole series of steps that in essence led Laurie to being here today.

Mr. HERNANDEZ. There are certainly opportunities to train more. And with respect to evidence collection, preservation of crime scenes, it is not always a security person from the cruise line that shows up first. So you may have a cabin attendant that walks in and does not understand what he or she sees, cleans the room.

We can do more. Our resources are such that it is difficult to train person-on-person the kinds of numbers we are talking about. With 200 cruise lines and the numbers of employees involved, it is difficult to do more than we have done. That is why we are moving toward something that we can send out that the cruise lines can use to make sure that their employees see it—basic crime scene preservation, not so much evidence collection, we would hope that would be held until law enforcement personnel can get there. But it is a huge industry and it is something that we are working on, but it certainly needs more attention.

Ms. MATSUI. Thank you.

Mr. CUMMINGS. Thank you, Ms. Matsui. Let me just ask you this, Mr. Hernandez, on the training. I am just going to ask about the training. Do you know about how many cruise industry folks you all train in a given training period?

Mr. HERNANDEZ. I do not have those numbers, sir.

Mr. CUMMINGS. Could you get that for us, please?

Mr. HERNANDEZ. Sure.

Mr. CUMMINGS. Could you also get us, and maybe you may be able to answer this for us, generally what is entailed in that training? And I would also be curious as to whether it is your opinion that that should be a requirement for people who are going to be dealing with—are these basically sort of law enforcement people from the ship who get the training?

Mr. HERNANDEZ. As I understand it, generally cruise ship security personnel would get the training. As far as my opinion about

whether it should be required, obviously, more training would be better than less training. I think the cruise lines representatives that are here can answer to that in terms of what that would actually involve, how we would set that up. Probably the FBI could not provide all that training but there may be other resources that would be available to provide some of that.

With respect to your question about what the training entails, as I said before, basically, preservation of evidence and I am guessing some information about protection of witnesses, keeping witnesses aside, that kind of thing.

Mr. CUMMINGS. The reason why I asked you that is because when reading Ms. Dishman's testimony, there is one statement that—well, there is a lot that is of concern to any law enforcement person—but she said that after the sexual assault she was told to go back and gather her clothing and what have you, I guess the sheets, and she said she folded them up very carefully and brought them back to the law enforcement people on the ship, the security folks, and then they treated the stuff as if it did not matter. So there was not the preservation of evidence.

But she said something else that concerned me, and that was that the person who she said raped her was I think a custodian who was sort of doubling as a security officer that night. I think part of her alarm was that one of the very people she thought was supposed to be protecting her ended up being the one who hurt her. I think that is one of law enforcement's greatest nightmares, and I do not care what level you are on, state, local, ship, whatever, that those who are intended to protect end up harming.

That is why I was curious about the training and how that might be a part. I think we have a possibility of a win-win here. But I think the industry has got to do its part. It has got to be a two-sided street. I think still people want to know that when they get on ships, this goes back again to what the Judge said, Congressman Poe, one victim is one too many.

I want to thank you all for your testimony.

Mr. COBLE. Mr. Chairman.

Mr. CUMMINGS. Yes, Mr. Coble?

Mr. COBLE. Can I ask one more question?

Mr. CUMMINGS. Certainly.

Mr. COBLE. I will be very brief. I asked you about foreign flagged ships. I assume that the U.S. does have the authority to require Federal marshals to be aboard a U.S. flagged ship; is that correct?

Admiral JUSTICE. Yes, sir.

Mr. COBLE. Admiral, what authority would these officials have beyond U.S. waters?

Admiral JUSTICE. Authority wherever the ship goes until it got to a foreign nation's territorial seas.

Mr. COBLE. Say again, I did not get that.

Admiral JUSTICE. They would have authority through international waters until that ship got to a foreign nation's territorial seas.

Mr. COBLE. Okay. How often is this done? How often do Federal marshals accompany U.S. flagged cruises?

Admiral JUSTICE. I do not have an answer to that, sir.

Mr. COBLE. Can you get that for us?

Admiral JUSTICE. Yes, sir.
[The information follows:]

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The Coast Guard is not aware of any instances in which U.S. Marshals in a duty status have accompanied U.S. cruise ships. The Committee may wish to verify this information with the U.S. Marshal Service.

Mr. COBLE. I thank you. Thank you, Mr. Chairman.

Mr. CUMMINGS. Congressman Poe?

Mr. POE. Thank you, Mr. Chairman, no questions.

Mr. CUMMINGS. Just one other thing. You all have been working with the industry to craft this agreement. Is your responsibility now over? In other words, is this something that is ongoing? I am just curious. I know that you have reached a critical point because you have got now a document. But I am wondering where you see this as going from here?

Mr. HERNANDEZ. Actually, many of the cruise lines have been voluntarily reporting much of this information for a while. And so we now will begin to populate our database with what is coming in so that we can track it in the future. We will monitor this for an indefinite period to work out any bugs in terms of how this works with respect to reporting. We have guidance and policy to go out to our field offices and our legal attache offices on how to handle these reports when they come in. So there is more work to be done.

It is a first step but I think a critical and an important first step to get everybody on the same page. The cruise lines, as I mentioned before, were as much behind doing this as we were. They wanted to find a way to standardize the reporting to make sure that everybody within the industry understands how the reporting should be done, what kinds of things should be reported. So I view it as a very positive first step that we will continue to work on.

Mr. CUMMINGS. And Admiral?

Admiral JUSTICE. Sir, last December I sat here in front of you and told you I had no statistics, no answer. This year I am here saying that we have got a plan. Maybe next year I will be here and give you the results of that plan.

Mr. CUMMINGS. I promise, if there is breath in my body, and in yours, by the way——

[Laughter.]

Mr. CUMMINGS. You will be back so that we can see. One of the things that I do believe is that in order for Congress to effectively and efficiently do its job, we have to constantly have oversight and accountability. I learned that from one of my mentors, Ms. Brown. You have got to have accountability. And so what we will do is we will schedule to bring folks back to see exactly how the agreement is working. What do you think is a good time line, because you all know the kind of stats here, and I am going to ask the cruise industry the same thing, but I am just curious whether it is six months, a year?

Admiral JUSTICE. I think six months would be fair.

Mr. CUMMINGS. We will see you in about six months then. Thank you very much.

Ms. BROWN. Mr. Chairman.

Mr. CUMMINGS. Ms. Brown?

Ms. BROWN. Before we move on, I want something to be cleared up. I think it would be important for the members to get the information on why our ships are foreign-flagged. That is economics and it has something to do with how the ships are built and where they are built, the taxes, and all of that. So perhaps you can direct the staff to give us that information.

Mr. CUMMINGS. We will definitely do that. And staff also said that maybe we might want to have a hearing on that. But we will get you the information, Ms. Brown. Because you are absolutely right.

Ms. BROWN. Absolutely. And as far as the information that was requested, I am sure that information is not going to be readily available because part of it is Homeland security and, as you know, we work carefully with them on security as far as the entire industry, not just the cruise ships but the whole homeland security, whether it is cruises, or trains, or airplanes.

Mr. CUMMINGS. On the issue of the cruise ship, are you talking about when I said six months?

Ms. BROWN. No, no, no. I am going back to the other matters, the concerns about the flag ships and then the question that he asked about security.

Mr. CUMMINGS. I promise you we will be on top of that.

Again with regard to the cruise ship situation, I want to thank you all very much for your work. I think what you have done with the industry shows what can be done by those of you who are involved in trying to address an issue that because of the laws and the treaties and whatever make things difficult. I think so often what we do not do is do what you all have done, and that is to sit down and try to work something out.

Is it perfect? I do not know. Will it be effective? I do not know. Will it need more fine tuning? I do not know. But we will take a look at it in six months and see. We look forward to seeing you then. Thank you very much.

Our next panel please come forward now. Ken Carver, president of International Cruise Victims Organization; Ms. Laurie Dishman; Mr. John Hickey; Dr. Ross Klein.

I want to thank all of you for being here. We have one more panel, so we are going to have to hold you to five minutes, unfortunately. We will first hear from you, Mr. Carver. And again, we thank you all for being here.

TESTIMONY OF KEN CARVER, PRESIDENT, INTERNATIONAL CRUISE VICTIM ORGANIZATION; LAURIE DISHMAN; JOHN HICKEY; ROSS A. KLEIN, PROFESSOR, MEMORIAL UNIVERSITY OF NEWFOUNDLAND

Mr. CARVER. It is a pleasure to be here. We appreciate this hearing. I am here really representing myself as a victim and as president of a group of victims called International Cruise Victims. I think my daughter's story has been well told. Chris Shays told it this morning with more passion than I can tell it. She went missing. We had to trace her to a cruise ship. The cruise ship after a few days got back to us and said she was on the ship but could have gotten off.

In effect, for us to figure out what happened on that cruise ship, we had to hire an international detective agency, Kroll and Associates. We ended up going to two law firms, one in Massachusetts and then we had to go to a law firm in Florida, to issue injunctions against the cruise ship because we made one decision—we wanted to talk to the steward on that ship. The FBI failed to interview

anybody on Merrian's ship. They were not notified until five weeks after she disappeared and then interviewed no one.

Because of all the questions, we felt we had to take action. So we found out in January of 2005, this is four and a half months after she disappeared, that in fact our daughter had been reported missing daily for five days by the steward on her cruise ship and the supervisor said to the steward, just do your job. Five days. At the end of the cruise, the steward asked what do we do with the belongings? He said, put them in a bag and put them in my locker. And then we have court documents in which the cruise ship and the management of Royal Caribbean Cruise Line disposed of her items, except a bag which had her name in it and that was put in storage. Until we came to them, they had taken no action and would never have taken action on our daughter.

When we told this story a year ago, Christopher Shays, who was here this morning, asked Larry Kaye, who is behind me, how do you react to Mr. Carver's testimony? And Larry Kaye said I think what happened to Mr. Carver was absolutely horrible and unexcusable. Now the cruise line's defense was it was that supervisor; if it were not for him, we would have had no problems.

So Chris Shays asked Larry Kaye, do you think the supervisor was the one responsible? Larry Kaye came back and said, I think he is one of the individuals responsible. Because, clearly, the documents which were included in your material show a whole group of people in the third week of September setting up the cover-up of my daughter's disappearance. When Chris Shays asked Captain Wright from Royal Caribbean last March what did he think, why did you treat the family this way, his response was, it was my understanding that we did our best once we were aware of the disappearance of Ms. Carver. That was the third week in September. It was not until March of 2005, after I had gone to the Board of Directors, did we get anything from the cruise line, and that has clearly been documented.

At that point Carol and I thought we were the only two people in the world that had had this happen. And then a book came out in July of 2005 called The Devil in the Deep Blue Sea, and it made this statement: "An examination of sexual cases found a pattern of cover-ups that often began as soon as the crime was reported at sea, in international waters where the only police are the ship's security officers." I realized that is exactly what happened to us.

So in December of 2005 we had another hearing, and I think you participated in that. After that hearing, that hearing discussed my daughter's case, the George Smith case, I came away with the conclusion that there is a major problem with the cruise lines. So I said to my wife maybe we ought to have a group of victims. She said, well, that might make sense. So I contacted other families that I knew—the Smith family, the Michael Pham family, Jean Scavones, who lost a son—and we started a little group in January of 2006, just 15 months ago, called International Cruise Victims. You can go to our web site and you can see that group. That group started from zero 15 months ago and it is now gone around the world. We have members in 10 different countries, a separate chapter in Australia.

Now what conclusions have I reached during the past year? The last thing I ever thought I would do is represent a group of victims. But here are the conclusions I have reached.

One, we agree with page 246 of The Devil in the Deep Blue Sea where it says "Avoiding negative publicity, it seemed, was a higher priority than seeing justice done." That was a statement from the book and I have to agree with that 100 percent.

Two, cruise lines take the position they do not investigate crimes. I am glad to see the cruise lines have brought all of their security officers, because in my daughter's case they clearly said we are under no obligation to investigate, and we have that in written form from other crew members. The only thing they say they do, and on a voluntary basis—and I think it is amazing that they just signed an agreement yesterday with the Coast Guard and FBI, without consulting anybody else, to short-stop legislation, to voluntarily give them information.

Three, if the cruise line officials make efforts to cover up crimes, contrary to what was said this morning by the previous witness, there appears to be no penalty against the cruise line. Merrian's case is extremely well documented. They took every step they could to cover up her disappearance. What they did not suspect is that we would spend $75,000 to force that steward to testify. And there is no penalty. They violated absolutely every protocol that they had, and they are listed earlier in my testimony.

Lastly, in the cruise line industry, and I hesitate to say this but I have to say it because I believe it, there is a pattern of cover up. Let me give you some examples.

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

Mr. CARVER. Okay. Well, in our testimony, we have proposed, if you go to our web site, extensive documentation of changes to make to the cruise line industry. A year ago we presented a 10 point program. Let me just make one quote from Peter Ratcliffe, who is CEO of P&O/Princess Division. He said in February at a press conference in Australia, "We are also focusing our attention on the proposals from the ICV advocacy organization headed in Australia by Mr. Brimble." That is the separate chapter. "We recognize that these proposals reflect the legitimate interests of the people involved in the safety and security of passengers on board our vessels." And here we have the president of one of the cruise lines saying, hey, these documents need to be given serious consideration. I do not think any voluntary assignment will ever do anything. I think we have proposed positive programs to make changes.

I really thank you for the time we have had to present this.

Mr. CUMMINGS. I thank you.

Ms. Dishman, we want to thank you for being here today. I have read your testimony. I know that it is not necessarily easy to do this, but we do appreciate you being here. Please.

Ms. DISHMAN. Good morning, my name is Laurie Dishman. Thank you, Chairman, the Committee, and my Congresswoman, Doris Matsui. I am pleased to be here today. I prepared and filed a statement for the record detailing my experience during the last year. Today I would like to share with each of you how that crime

affected me and share my proposed solutions so that no one else has to go through a similar experience.

A year ago my best friend and I went on a cruise to celebrate 30 years of friendship. We wanted to relax and have an umbrella drink in our hand. But those innocent feelings of excitement and relaxation and celebration are no longer a part of my life. On February 21 of last year, a Royal Caribbean security guard raped me. Over and over, I tried to resist, with him forcing me down and keeping me from moving until I became unconscious. When I awoke the next morning my neck hurt and was sore. As I got up and looked in the mirror, I had bruises on my throat. I was horrified and shocked, crying and falling to the floor. The terror of that experience still overwhelms me. The sounds, the images, the feelings of helplessness, the shame are all demons that pound in my head and tear at my heart.

I continued to have only men around me after the rape and it was traumatizing over and over to not have anyone other than Michelle who could help me. Instead, I was asked to fill out statements, after telling them what had happened. And then the purser stands up and says, "It sounds as if you need to control your drinking." I just wanted to see the doctor and get off the ship, but they said I had to fill out statements and then I could see the doctor. Imagine having to stay in a place where you had been raped and writing what had happened. I did not feel safe and these people continued to make me feel pressure in getting things in writing.

I felt raped again when the doctor gave Michelle and me two garbage bags and told us to go back to the cabin and collect the evidence. We carried the garbage bags through the hallways back to the infirmary under supervision of the male head security officer. I have never heard of something like this where the victim continues to be revictimized over and over with no where to go, stuck in the middle of the ocean. I was able to see the doctor after I collected the evidence and wrote my statement, sitting there in the room with a male nurse and finally a female nurse, the only female after I had been raped, to perform parts of the rape kit, and then it was all men again. I had never felt safe, especially in the hallways, because the infirmary was by the crew area and being that close was horrible.

I continued to tell the staff captain that I just wanted to go home, and the feeling was like nobody was helping me. They even suggested that we get off the ship and go to Mexico. And then Michelle protected me and we had to ask to change cabins, and so they finally did. Nothing was immediate, like they claim. Everything was slow motion and they were trying to figure out how to protect themselves. We got off the ship and the cruise line flew us back to L.A. where the FBI picked us up and told us they were taking this very seriously. They took our statements and photographed my neck injury, and then said they would board the ship when it docked in San Pedro.

Michelle and I returned home. Thank God for my mom and dad and my sisters and brother. I felt safe again. Immediately I went to my doctor to get tested for HIV and STDs and x-rays on my neck. I also began therapy treatment called EMDR. Julie, my FBI agent, later called me and told me the Assistant U.S. Attorney was

declining my case. I asked why, and she told me there was not enough evidence, it was a he said-she said case. They would not give me any information about the man who raped me and said it was confidential.

I felt the FBI revictimized me. I now wanted to talk directly to the U.S. Attorney to explain to me why the evidence, my interview, the photographs of my neck, the tampon that this man impacted into me, was not enough. Was it because the security officer and the purser sat on the bed where the crime occurred, or maybe because the doctor and security required Michelle and I to collect the evidence, or could it just be because they did not criminally prosecute these cases.

I was then told that they had not even tested my blood. Did they not believe me? Later I learned that the security guard was really a janitor with a record, including lying, falsifying of records, insubordination, and anger problems. He was drinking alcohol in the lounge the night in question. I later learned he was served by his fellow crew members, the bartenders, and the cruise line gave him a security badge and they believed him.

I was told by the Department of Justice they actually declined my case on February 26, the same day the FBI boarded the ship. I asked the chief prosecutor how long does it usually take when the FBI collects the evidence and for the Assistant U.S. Attorney to decide. He said, well, it could take a month or four years, depending on the case.

So I asked him, how could you decline my case the same day the FBI boarded the ship and even before they tested my blood? Why was he not kept in jail? What was the rush? I felt revictimized by the Department of Justice. And one thing I want to add to my statement today is that today was the first time the FBI has ever mentioned a polygraph test that was taken on the 26th.

So I am here today asking for you to look at this, as important not only for myself but before there is another woman who is raped by a security guard who is really a janitor, where the FBI gives us less than a day, where the Department of Justice closes another file, and everyone tramples on justice. In February 2000, there was another passenger who sailed from L.A., Janet Kelly, who was victimized by a cruise line and ignored by the same FBI and Department of Justice. The rapist went free and he ended up on another cruise line. I read her story in a Time Magazine article.

She appeared at the last hearing in March 2006 to tell her story and she recommended changes, including Federal marshals and many other good ideas. I know now nothing changed from 2000 when she was raped, or from hearings last year when she testified to the time of my cruise. I became the next Janet Kelly. There have been others between us, too. Will the Committee help us? Can you work together and prevent someone from being the next Laurie Dishman?

For the past year, I have thought each day what could be done differently to stop this from happening again. I took the last week off to prepare my recommendations for changes. I do not have time to discuss them all but I hope you read them. This cruise industry cannot be trusted. Please read my suggestions. They are attached to my statement.

In closing, thank you to the Committee for allowing me the honor of appearing here today, and a special thank you to Doris Matsui and her staff, who listened to me and have made this important hearing happen. Thank you.

Mr. CUMMINGS. You thanked us, but we thank you, we really do. We hear you.

Dr. Klein.

Mr. KLEIN. I am pleased to have the opportunity to assist the Subcommittee in its deliberations about crime against Americans on cruise ships. My comments focus largely on the issue of sexual assault. These comments are framed, in part, by the cruise industry claims that a person is safer on a cruise ship than on land, and that the crime rate on cruise ships is lower than that in the U.S. generally. My basic point, it is an incontrovertible fact that sexual assault and sex-related incidents are a problem for the cruise industry and the first step in dealing with the problem is to admit that it exists and to understand its landscape and complexity.

Last March the Committee heard testimony from Dr. James Fox asserting that compared against their home communities, passengers have an appreciably lower risk of sexual assault while enjoying a vacation cruise. Based on the numbers given to Dr. Fox by the cruise industry, and the method he used to extrapolate from industry-wide passenger load figures, his claim that cruise ships are safer is a fair conclusion. However, as with any mathematical computation, if the numbers going into the equation are unreliable, then the result is also unreliable.

Using Dr. Fox's method but focusing on one cruise line and the data they provided in discovery hearings, I conclude that one has a 50 percent greater chance of sexual assault on a Royal Caribbean International ship as compared to the U.S. generally. I also assert that the pattern of Royal Caribbean is consistent with that of other mass market cruise lines operating similar ships of similar style. In contrast to Dr. Fox's assertion that the rate of sexual assault on cruise ships is 17.6 per 100,000, I find a rate that is almost three times greater—48.065 per 100,000. And if we include sexual battery into these figures, the number is almost 65 per 100,000, roughly twice the rate for sexual assault in the U.S., which is 32.2 per 100,000.

It is useful to consider factors that likely influence the reporting of incidents of sexual assault. After all, the numbers we are dealing with only include reports of assault, and these, like on land, reflect only a portion of actual cases. While some disincentives to reporting assault are common to cruise ships and land, the cruise ship is a unique environment and produces its own issues.

One factor in under-reporting, as we have just heard most eloquently, is the fear of secondary victimization. This takes on a different flavor aboard a cruise ship where a victim who is a crew member is left having to work with their victimizer and continue to be in that environment even after the attack. In effect, the person who has been victimized is first victimized by their harassment or assault, is then revictimized by the employer often refusing to deal with the problem, and then revictimized again because the victimizer knows by now that he or she can get away with the behavior pattern.

In the case of passengers, the secondary victimization may be a bit different. Often the cruise line's first response to an assault or sex-related incident is damage control. Their role is to contain the damage to the cruise line rather than deal with the victim's complain. I have heard often from victims that dealing with the cruise line personnel is at times worse than the actual assault. If the complaint goes forward after the cruise is over, then the victim is likely to be further victimized by a tendency for cruise lines to blame the victim for their own victimization.

Once a crime is reported, there are obviously problems with preserving evidence, and I think we have heard that fairly well. As well, victims will often delay making a report of an assault because of fear of reprisal while they are on the ship and will wait until they get home. Once they get home they may not report it because they want to let go of what had happened.

There are features of shipboard culture that are also relevant to consider. First, is that passengers come onboard a ship believing the cruise industry's mantra that cruise ships are safe. Of course, as a result, they go about enjoying themselves, they let down their guard, even let their children run around without supervision, assuming that they can trust what the cruise lines have said. Unfortunately, that may not be the fact.

Shipboard culture also includes alcohol consumption. There are many cases of assault where the victim was plied with alcohol before an attack, including under-aged passengers, or where the victim became inebriated on their own and with reduced defenses were assaulted. This is not an indictment against alcohol or bars, but simply reflects a risk that is inherent in the ship's culture. Passengers on vacation, out to have a good time, have furthest from their mind the need to protect themselves from unwanted overtures from crew or officers. And the cruise line, again, encourages them that there is nothing to be concerned about.

About eight years ago the cruise industry, in response to court cases dealing with sexual assaults, came out with what they called their zero tolerance policy to crime. This was signed on by four corporations comprising more than 80 percent of the ships visiting U.S. ports. That zero tolerance policy was a commitment to report all crimes occurring on cruise ships against U.S. citizens. We would not be here today I would not think if, in fact, that zero tolerance policy was being followed after the PR campaign of putting it forward.

One of the emerging issues, and I just want to mention it very briefly, is the disappearance of passengers as well as crew members from cruise ships. Unfortunately, the best data set of these events, and it is included in my submission, is one I have put together from media reports and reports from people on board ships. I would hope in a short time that we would have a more comprehensive and accurate accounting of these events as well as of sexual assaults. Without accurate information we cannot adequately address the full breadth and scope of the problem.

Thank you for this opportunity to address the Committee. I hope I have helped provide some insight.

Mr. CUMMINGS. I recognize Mr. LaTourette for a unanimous consent request.

Mr. LATOURETTE. I thank you very much, Mr. Chairman. I will not be able to stay for your testimony, Mr. Hickey. I want to thank all of you for your testimony. I have been notified that another committee requires my votes for the next hour. So, Mr. Chairman, I would ask unanimous consent that Mr. Boustany, who is a member of the full Committee but not a member of this Subcommittee, be permitted to participate and take my place for the next 60 minutes or so.

Mr. CUMMINGS. Without objection, so ordered.

Mr. LATOURETTE. Thank you, Chairman.

Mr. CUMMINGS. Thank you very much.

Mr. Hickey.

Mr. HICKEY. Thank you, sir. Thank you, Congressman Cummings for inviting me to speak today before the Subcommittee. I am truly honored.

For 27 years I have practiced law in the cruise line capital of the world, Miami, Florida. I am a trial lawyer. For the first 17 years of my career I represented cruise lines, railroads, insurance companies, and major corporations. For the last 10 years I have fought the cruise lines and have represented passengers and crew members against cruise lines and against large corporations.

The passengers I represent are people from all across the United States. They are all of your constituents, constitutes of you, Mr. Cummings, of you, Ms. Brown and Mr. Mica, my fellow Floridians, and they are one of the 10 million United States citizens who take cruises every year.

The cruise lines market to Americans, they depend on Americans. And although I have heard it said that, yes, Florida's economic engine is in large part contributed to by the cruise lines, certainly it is those ten million Americans every year who contribute billions of dollars to the coffers of the cruise lines, representatives of whom are sitting behind me at this time.

I stand by the statement made on page 2 of my paper, which is—and I am going to get more into this, in the three and a half minutes I am going to explore my 27 years of experience with you. But the passenger or crew member seeking justice against the cruise line is met with more obstacles than in any other area of the law. I can explain that and I can also answer some of the questions I have heard raised earlier. Congressman Coble raised some questions that I can perhaps shed some light on in regard to regulations and penalties.

In my paper, I share a hypothetical. In the hypothetical I went through various scenarios of passengers, typical passengers, your constituents, the American people who are on cruise ships every day and what they go through. I take these calls and my staff take these calls every working day and sometimes on weekends from folks all across the country. I am not going to, and I do not have time to go through the hypotheticals. There are basically six involved.

One is Lisa Smith, and these are all fictitious names, of course, involved in a rape. One of the problems involved in these sexual assault cases is getting the statistics. Let me tell you, and what Dr. Klein has addressed, statistically, what we get from the cruise lines is a different answer every time we ask the question. In sworn in-

terrogatories in a case I have pending in Miami, Florida, the Royal Caribbean Cruise Line just swore that in a three year period the number of sexual assaults was 17. Yet, not a year ago, before the United States Congress, Congressman Shays' Subcommittee, that very same cruise line submitted statistics that indicated there were approximately 66, in a slightly different time frame but the same number of years, and there were overlapping years. I submit to you that the rate of sexual assaults has not changed that much.

What we are not getting from the cruise lines in fact is their database. They keep a database on these sexual assaults and we are not getting that and you are not getting that. What you are getting and what I am getting in law suits every day in Miami, Florida, when I fight down there in the trenches, is a lawyer-generated document with a self-chosen definition for sexual assault and sexual battery. I get different numbers every time I ask the question.

The other scenario I put forth is Maria Casa, who went overboard. This is loosely written about a woman from Wisconsin who went overboard in 2004 off the coast of Mexico. Annette Meisner I believe is her name. She went overboard and subsequently died it is believed; she has been declared dead. The security camera trained supposedly on the landing where she had the fight with the officer, who it is suspected may have pushed her off, was not functioning that night.

There is another scenario in there about the mother of this woman, Beatrice Casa, who suffers a heart attack and goes to the ship's infirmary and is misdiagnosed as indigestion and subsequently suffers a massive heart attach. We get calls on a weekly basis about the medical care on cruise ships. It is substandard and the cruise lines, through two recent decisions—I know my time is running out but I want to get to the end of this—two recent decisions, one out of Florida, are marching their way toward immunization from lawsuits of medical malpractice. This is a situation where folks are out there in the middle of the Atlantic or the Pacific and it is an isolated situation they are in, they have no choice but to go to these doctors.

Next, Fred and Ethel Mertz, those may not be fictitious names, I do not know, but Fred and Ethel go on an excursion and they are robbed on a beach in Nassau. I chose that because there are numerous incidents, not just in Nassau, not just in the Bahamas, I love the Bahamas, but there are numerous cases arising out of people getting assaulted on these beaches. The fact is, on the one hand, the cruise lines say that the excursions are hand picked, they are monitored, they are continuously reviewed, but they are not. In fact, when a law suit is brought or if a lawyer is consulted, the cruise lines raise the fact that the excursion is an independent contractor.

I want to get to two other scenarios and then I am going to finish up. Two actually involve crew members. You might say what do we care about these foreign crew members, you might ask me that question. The answer is, these crew members, some of whom are in the marine department and some of whom are in the hotel department, those folks are in charge of the safety and security of all those Americans who are on board those cruise ships. So if those

folks are not healthy, and those folks are getting into trouble, we have got a problem. I cite in my paper an real life incident, and I am not kidding, where a life boat in a drill was suspended approximately 60 to 90 feet in the air, depending upon who you talk to, and the release mechanism for the life boat, these life boats are held on cables and lowered into the water, the release mechanism came loose and dropped to the ocean below, injuring five of the eight individuals on board. I am representing those individuals against the cruise line, which is Royal Caribbean Cruise Line. A similar incident happened one year before. There were no injuries, but a similar accident happened one year before.

Mr. CUMMINGS. Mr. Hickey, I am going to have to ask you to wrap up. I let you go two and a half minutes over.

Mr. HICKEY. Thank you, sir. I am going to go right to the end about the legislation that is being urged, at least by me, today. I would of course be glad and look forward to questions.

One, Congress should consider amending the Death on the High Seas Act so that victims of cruise ship negligence are treated the same as victims of commercial aviation accidents. I make a very brief point here. People who die in cruise ship accidents and on the high seas are limited to economic damages. Actually, on page 12, at the top, I made an error in my paper. I said "non-economic" and I meant they are limited to economic damages.

Two, Congress should consider requiring the cruise lines to preserve crime scene evidence. That has been discussed here today.

Three, Congress should consider creating a central database to collect information about crime on cruise ships.

Four, Congress should consider providing whistleblower protection for cruise line employees who report crimes.

Five, finally, Congress should consider amending the Federal Arbitration Act to make it even clearer that the Act does not apply to actions brought by seamen under the Jones Act or for any other remedies. In other words, we have this Jones Act in place to protect these seamen and yet, through a recent 11th circuit opinion and now the new clauses in contracts with these crew members, cruise lines are forcing through this law crew members to arbitrate in the Philippines or whatever home country, and therefore we have this Jones Act and it is not protecting these crew members, and these crew members are in turn protecting American citizens.

Thank you, Mr. Cummings, and thank you, esteemed members.

Mr. CUMMINGS. We thank you, and all of you.

Ms. Dishman, did you get any assistance from the FBI's Office of Victims Assistance?

Ms. DISHMAN. I had a victims witness program, I had a victims specialist.

Mr. CUMMINGS. Was that helpful to you?

Ms. DISHMAN. It was. My victim specialist, Serge Hernandez, was the reason why I was able to get the meeting with the Department of Justice. The FBI actually continued to question why this was necessary, what more would they need to tell me to help me understand that there just was simply was not enough evidence.

Mr. CUMMINGS. Anybody sitting up here, Ms. Dishman, you cannot see what we see, but sitting up here when you were testifying, there were women who were crying. I said it before and I will say

it again, and one of our Congressmen on this side of the aisle said it, when you have a person who goes through something, I think it is kind of important that whoever is trying to remedy that situation try, try,—I cannot put myself in the shoes of a woman, but I know one thing, I would not want what happened to you happen to any woman in my life—but to try to put themselves in your position.

The reason why I am saying this is because you said you hope that we will listen to you and you hope that we would try to do something to help you, we are going to do the best we can. But when you sit here and you see women crying, and it was not little lightweight tears either, that is something that we cannot just disregard. I thank them for being here and supporting you.

Let me go to you, Mr. Hickey. A little bit earlier, Mr. LaTourette asked the question about the laws that we presently have, what we are presently dealing with. Were you here when the FBI testified?

Mr. HICKEY. Yes, sir, I was.

Mr. CUMMINGS. We are legislators. It is nice when we can convince people to voluntarily do things. But we are legislators. When you look at the present laws and treaties and these agreements that we have or do not have, are there things that you would like to see us do? I know you have your suggestions. But as legislators, are there things that you would like to see us do? And then I do not know how familiar you all are with the agreement. You may have heard the FBI say they felt that it was a giant step in the right direction, and you heard the Coast Guard say that it was excellent. I am just wondering how you all feel about that.

Mr. HICKEY. Mr. Cummings, if I could. There are a couple of things that you have to understand, and I do not know if I am coming across too loud. First of all, the Coast Guard I believe said that there is a criminal penalty for not reporting certain crimes that occur at sea. But in a way that is begging the question, because while there is a criminal penalty if a statute was violated, the fact is, and I believe the Coast Guard so testified, there is not a requirement for the reporting beyond the 12 mile limit. So there may be a criminal penalty if you violate the law, but the law as we know it today is pretty narrow.

Secondly, to talk about the agreement, and I know I am skipping around a little bit and if I am not answering the aspect of your question that you are focused on, please tell me, but as to the agreement, I believe I have seen a draft form of that agreement. Whenever the FBI and folks in this Government say we are working with the industry, and I know this industry, I get this knot in my stomach and I think maybe the American people are going to get it again. I think Congresswoman Matsui brought up, well, I hear you are working with the industry, are you working with the victims' rights folks? Are you working with the 10 million people that you all represent, that we are all a part of, that go on cruises every single year. Their trade association says that their market is 40,000 and there are a lot of American citizens out there.

And so I do not think a voluntary agreement is good enough. We have seen problems. That is why we are here. We are here because of problems in the past. We are here because, frankly, a lot of the publicity generated from the George Smith case. When push comes

to shove, that is what happened. Congressman Shays got involved, and thank God that he did, and thank God for all of you spending your time and energy on this. The American people I am sure will thank you if, in fact, something constructive comes out of this, and I am sure it will.

But no, I do not think that voluntary is good enough. Yes, think the laws are too narrow. And we see, for example, the limitations, I think it was Mr. Coble that asked about the marshals, and there were other questions I wanted to address of Congressman Coble, about the marshals on ships. I believe there are no marshals ever on these cruise ships. That is my understanding. I don't know about jurisdiction, but of course, you folks are the folks who can change the jurisdictional aspect about that.

Mr. CUMMINGS. I am going to get to you next, Dr. Klein, but I really would like for you all to, once you get a chance to see the final document, to provide us with your written comments. I asked the question, as you probably heard a little bit earlier, I don't necessarily, Mr. Hickey, I understand what you just said about when, you have the Coast Guard and the FBI working with the industry, I understand the distrust, and trust is very important.

But it doesn't concern me, as a matter of fact, as you heard me say, I am glad they were working together, we have a different view on that. What does concern me, however, is when groups like the one represented by Mr. Carver are not a part of the process, at least to have some comments or what have you. After all, it is people like Ms. Dishman and others who, and you, Mr. Carver, who are in a position to take this whole issue to the level that we see it on today.

So I think it just seems to me, I think that is a glaring error, when those comments are not a part of the process.

Dr. Klein?

Mr. KLEIN. I will be as brief as I can, I won't go on too much. For me, I find that the voluntary arrangements do not work and are not a route to go. I prepared a couple of years ago a brief for Bluewater Network dealing with environmental issues and ran out very carefully the pros and cons of voluntary versus legislative approaches. I would be more than happy to provide to the Committee that documents as background.

Let me just give a couple of examples in terms of why I come to this conclusion. In 2002, Crystal Cruises gave a commitment to the City of Monterrey, California, that it would not discharge anything while in the Monterrey Sanctuary off the west coast of California. Several months after it was there, it was disclosed that in fact the cruise line discharged 36,000 gallons of raw sewage and gray water. When the vice president of the company was asked by the local community why he didn't report it when it happened, his response was, we didn't break the law, we only broke our word.

Hawaii has a memorandum of understanding that the industry recently pulled out of. The first year, there were between 14 and 16 violations of that voluntary arrangement, including violations of a written commitment by Royal Caribbean and other cruise lines that they discharge nothing within 12 miles of the coastline. The MOU was with a four mile mark, they violated it.

And most recently, in Washington State, there were MOU violations, both in the first two years. The most recent violation was a case where the cruise ship was fined for 10 violations of discharging within Washington State waters. The cruise line came forward and said, wait, three of those happened in Canada, we shouldn't be fined because Canada doesn't fine us. The State came back and said, fine, we won't fine you for those three, we will only fine you for the seven. And the cruise line said, we will pay you $100,000 anyway to show our commitment to the marine environment of the State of Washington. Those are the only things I wanted to say.

Mr. CUMMINGS. Dr. Klein, I want to make sure my comrades here have an opportunity to speak.

Mr. Boustany.

Mr. BOUSTANY. Thank you, Mr. Chairman. I think in fairness we will go to Mr. Coble first if that is okay with you.

Mr. COBLE. Thank you, sir, I appreciate that.

It is good to have you all with us, Ms. Dishman, especially you. Ms. Dishman, the United States attorney declined to prosecute the case involving your situation, is that correct?

Ms. DISHMAN. Yes.

Mr. COBLE. And I presume that no criminal charges were preferred?

Ms. DISHMAN. No.

Mr. COBLE. Did any representative, Ms. Dishman, of the cruise line, suggest that you contact the FBI or the Coast Guard to report the incidence of the assault?

Ms. DISHMAN. No, they basically, when meeting with the staff captain, gave me what my options would be when the crime had occurred.

Mr. COBLE. Mr. Carver, in your testimony you include suggestions on how to enhance passenger safety and security aboard cruise vessels. Have you approached the cruise lines to discuss the possibility of implementing some of those suggestions?

Mr. CARVER. The answer is absolutely yes. I had a meeting with the President of Celebrity Cruise Line last June at his request. I said, here they are, there are 60 pages, we are willing to sit down and talk about them, because this is a serious document. This was not made up by me, it was made up by experts in the world. And I didn't get an invitation to further explore that conversation.

But we do have, in my testimony, we see the president of P&O Princess Lines in Australia saying that their highest priority is to look at our ten point program and they represent legitimate suggestions for the cruise line industry. I think it is amazing that a group of victims with no money, just telling the cruise lines what they should do, and they are not off the wall documents, they are serious documents.

Mr. COBLE. Thank you, sir.

Mr. Hickey, what should future passengers know or do to better equip them to deal with unpleasant incidents that may be forthcoming?

Mr. HICKEY. I think one thing, and there are a lot of suggestions that Mr. Carver and Dr. Klein have that may be more powerful than this, but I think at a minimum, when a passenger comes on

board, a piece of literature that should be put in their hands, rather than or in addition to the 20 pages ticket that they get with all the ways in which the cruise line will prevent them from suing them, I think they ought to get a notice that if you get into trouble, you can call the FBI at this phone number. That would be a simple start.

Because they do get a lot of literature, and they do get the fine print on a booklet which is called their ticket. It is basically a lot of exclusions and exculpatory clauses. I think that was one start. Because as Ms. Dishman said, and I hear this from folks, when I get the calls, I hear this from folks, I didn't know where to go. I am on their ship.

If I get robbed outside this building here, or even inside this building, I can walk outside and go to a police officer. And if I get robbed in my hotel right down the street, I can go outside and get a police officer and say, hey, somebody robbed me in that hotel, or one of the employees of the hotel robbed me. On a cruise ship, I can't walk off.

Mr. COBLE. Yes, there is an isolation factor there.

Ms. Dishman, was there ever any sort of a settlement presented to you?

Ms. DISHMAN. A settlement presented to me, in pursuing this civilly, was the recommendation from the Department of Justice. That is why I am here today with Congress. He told me to pursue this with Congress and civilly. As far as a settlement, what I have seen from the attorneys that work for Royal Caribbean, and I also invite any of you to have a copy of the deposing that was just done of my case with their law firm, their job is to get in there and take care of this. It is like they want to put you away in a box and make you go away.

Mr. COBLE. Again, thanks to all of you. Mr. Chairman, I want to thank the gentleman from Louisiana for having yielded. I appreciate that, and I yield back.

Mr. CUMMINGS. Thank you very much. Ms. Brown?

Ms. BROWN. Thank you, Mr. Chairman.

Let me just be clear. As a female and as a mother, I am very sensitive to the issues that we are discussing. I found law enforcement across the board, whether it is in the cruise line or in the neighborhood, they are not very sensitive in dealing with women that are victims and we need to address it across the board. This is not an isolated incident. This is a problem throughout law enforcement.

I am very interested in looking at the recommendations. Because I have not seen the recommendations, Mr. Chairman.

I guess the other issue is, I need to be clear that we are dealing with victims and the issues about discharge and other things are for another hearing. So I just want to see the recommendations and as we move forward, I am very interested in making sure that we have procedures in place that will protect the victims and making sure that we have proper reporting. Also, the security that may be necessary, additional security on the ships.

Thank you. I yield back the balance of my time.

Mr. CUMMINGS. Thank you.

I want to thank you, Ms. Brown. There is no doubt about it, I think anybody who knows Congresswoman Corrine Brown knows that she simply seeks justice in every form. So I appreciate your comments.

Mr. Boustany.

Mr. BOUSTANY. Mr. Chairman, if you don't mind, we will go to Mr. Young next.

Mr. YOUNG. I thank the gentleman and thank you, Mr. Chairman. I appreciate these hearings.

I will have to say right up front, I am a big supporter of the industry and the effect they have upon my State. I have done a little research on what occurs on cruise ships versus what occurs on land. Overall, I would say the cruise industry, although the victims will not agree with me, have done an outstanding job, and can do better. But it always strikes me awfully strangely that when there is a success in an industry, there seems to be those in the legal profession who will try to figure out some way they can get into their skivvies. And that bothers me a great deal.

If this is to protect the victims, we can do something to protect the victims, I will help that. But remember, this is a cruise industry. These are people that go into really a floating city. Yes, we can have background checks on our cruise. But we can't check every passenger that goes on board that ship. We don't know the conduct or what they are going to do. We just had a 20 year old and a 22 year old fall off 60 feet into the water. Do we build higher walls? That is a possibility. Will the public like that? I am not sure. That is something that you have to ask the public.

As far as the crew, yes, we can work better on that. But it strikes me that there is a tendency, Mr. Chairman, to look upon this as yes, to help the victims, but maybe there is something else behind it that they can make sure that there is a manner of wealth that is generated by lawsuits that may not hold the merit. I would suggest, respectfully—I can say what I wish, and please be quiet——

Mr. CUMMINGS. Excuse me, would the gentleman yield?

Mr. YOUNG. Yes.

Mr. CUMMINGS. I would just ask that the audience refrain from statements, please. The gentleman has the floor and we must maintain a high level of decorum.

Mr. YOUNG. They are working together to try to make sure this works. Remember who you are dealing with, and that is the general public. These are floating cities. There are actually a large part of people that go on these cruises to have a good time. And yes, it may not turn out that way.

But we have to look and make sure that we do the best we can to solve problems without setting a land mine to try to hurt an industry that has been very beneficial to my State. I yield back the balance of my time.

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

Let me just say to the gentleman, before you got here, I have said it now probably six or seven times, that I wanted this to be a fair hearing where we looked at the situation and even probably one of the most profound statements that was made was made by Congressman Poe, who talked about fairness. And what we are trying to do, and we also talked, Congressman Young, how we had to

look at the situation and we had to measure our response, so that our response would match the significance and the seriousness of the situation.

So I just wanted you to understand that. I do appreciate your comment.

Ms. Matsui.

Ms. MATSUI. Thank you, Mr. Chairman.

First of all, I believe this is not a hearing on trial lawyers at all. Laurie Dishman came to me as a constituent, and she was very, very brave to do that. It is very difficult, as Ms. Brown has said, for women to have to deal with assault and rape. And she is an ordinary person, doing her work in Sacramento, California, with neighbors. I know it is really very difficult for you.

My hope is through this hearing we might be more enlightened. I had actually thought that it would be wonderful to take a cruise. I have a couple of wonderful grandchildren, aged 3 and 6 months, and I thought it would be great to take my little family on a cruise. I saw all the commercials on television and thought, isn't this wonderful, the parents can go off somewhere, maybe the kids will have their own area. And it was a wonderful presentation. Because I am always trying to think about ways to put the family together.

Until Laurie came to me, who by the way, she tried everything before she came to me. It was only when she came to me that she was able actually to get her medical records. And I don't believe you should have to go to a member of Congress to do that.

But I must say that I hope that we could keep this discussion on a plane where we can come to some solutions here. It was very painful for Laurie to come here. Mr. Carver, the pain you had to go through, and in essence, to do the work you have done honors your daughter. My feeling is that there are some really good suggestions here. I know the victims have some wonderful suggestions.

I would certainly encourage the industry to get together with some of these victims in a manner in which we want to move forward to have a safe industry, where we could have fun. I really think there are a lot of suggestions that were presented here that would be wonderful to move forward on.

I am not at all saying that we shouldn't have cruises. I think it would be wonderful. And I want to go on a cruise. But I am hesitant now, I am hesitant. And there are going to be people out there like me who are hesitant. I hope that the cruise industry can get together with the victims and with others like us, so we can work toward some sort of solution here.

We understand that this is a different situation, being on a ship. Having said that, though, I think Judge Poe said it, one victim is too many. So I thank you very much for being here and I appreciate very much the opportunity to say a few words. Thank you.

Mr. CUMMINGS. Thank you very much.

Mr. Boustany.

Mr. BOUSTANY. Thank you, Mr. Chairman.

You know, Mr. Chairman, it is unfortunate that we are having this hearing in the first place, given that cruises should be an enjoyable event for those who take them. I came in late, so I have only heard some of the testimony. But it is truly disturbing to hear what has been said.

As we look at what happens, I am a physician, I have dealt with health care and I understand we are dealing with health care concerns on cruise lines now. We have crime, we have the environment where there is also the possibility of terrorism. These are all things that we need to look at.

But I really have one basic, fundamental question. I would like to ask each of the witnesses this. I know Mr. Carver partially answered it earlier when he was asked about whether he has approached the cruise lines and talked to them about adopting certain measures.

If we are going to look at prevention in particular, I would like to know, what can the cruise lines do? What recommendations do you have to the cruise lines that they could undertake, provided they are willing to do so?

Mr. CARVER. A year ago, I presented this ten point program. I don't know if you have had time to review it.

Mr. BOUSTANY. I apologize, I have not had a chance to look through it.

Mr. CARVER. Well, it was just a very brief summary. But if you look at it, it is a pretty common sense piece of paper. At that hearing, I went to Michael Crye at the break and I said, Michael, you and I ought to work together. I have since written him a letter, to which I did not receive a response. I think what the cruise line did with the FBI and Coast Guard today, I have to say was a move to shortcut legislation. If it is necessary that these things are going to be reported, then hey, let's make it a law. Let's not make it voluntary. Because I have no sympathy, no sense that it will happen.

So if it is a matter to shortcut legislation, I really object to that. We were excluded, Congress was excluded. If they are going to do all these things, then let's put it into law.

Mr. BOUSTANY. Are there any other suggestions?

Mr. CARVER. The program, it is very detailed. One of the suggestions, we have had three people go off a ship in the last three days, just fall off overboard. In our detailed proposal, which is here, we have actually suggested structural changes to correct that problem, to keep people from just, if they are drunk or whatever, falling off a ship.

One of the strong suggestions that I have, which I fear that the cruise line would shudder at, is that there be independent security on those ships that, when a crime happens, they don't report to the cruise line, their job is to address the issue. If you go on our web site, you will find a very detailed report, how this can be set up with the other countries where those ships are flagged.

It is like a sky marshal on an airplane today. When the cruise lines take the position that they do, that they don't investigate crimes on ships, they just contact the FBI, that is not workable. I think that is one of the major things that should be done. And frankly, I think it would be good for the cruise lines to do that, because it would give the passengers a sense, and you can read my documents, of comfort, of safety, that if something happens, there is going to be somebody there who is independent, like you call the police here in town and they are right there. On a cruise ship, there is no one to call that is there to support your position. I think that is the most significant thing that could be done. The details

are actually on our web site, in minute detail, concerning the need for outside security on board those cruise ships.

Mr. BOUSTANY. Do any of you care to comment on what was said here, or to elaborate further?

Ms. DISHMAN. I agree with Mr. Carver. I do recommend something, such as like a Federal marshal. Here in my case we had a security guard who was normally a janitor. I have now found out that there were only three security guards on duty for 3,000 passengers. You are talking about a Royal Caribbean city that is lawless. There are no laws. Not only was I raped, but I had no sense of anywhere to go and what to do.

I agree with Mr. Carver, some type of independent security. And not only does the cruise line need to work with this, but also the FBI and Department of Justice needs to help communicate with them and with each other. My Department of Justice was not even aware that my assistant U.S. attorney had declined my case the day that the FBI boarded the ship. So I just feel that all of us together can help make this happen.

Mr. BOUSTANY. Dr. Klein, do you want to comment?

Mr. KLEIN. Yes, please. I don't work with the International Cruise Victims Organization, so my position isn't the same as theirs, but I think it is consistent. I would make two points. One is I think the industry needs to be honest about the risk. I think to say that a cruise is the safest environment one can be in is misleading. And I am not suggesting they go out and say, we are dangerous. But I think they need to be realistic with passengers, to take care on cruise ships like they do on land.

The other thing is, from my view, and I am trying to remember where I put it, I think it is in my last book, I argue that there should be independent ombudspeople onboard a cruise ship who are not part of the officer structure and are not beholden to the cruise line. Having someone independent, a passenger or a crew member who has been assaulted or otherwise has had a crime committed against themselves can go to and deal with. I think this is critically important, both for the victim, but I think that when we think about crimes perpetrated by crew members, if a crew member knows that there is a system in place, that they are going to get caught, there is now going to be an impediment to them committing those crimes.

So for me, in my ideal world, those would be the first two things we should be looking at.

Mr. BOUSTANY. Thank you. We have talked about legislative remedies, we have talked about legal remedies. But I wanted to focus a little bit on prevention and where things could go in terms of preventing these types of events and problems.

Thank you. I yield back.

Mr. CUMMINGS. Thank you very much.

Mr. Taylor.

Mr. TAYLOR. Mr. Chairman, just a couple of quick observations, to Mr. Carver's point of losing a family member and the ship never recorded it. It strikes me that yesterday, I bought a $12.90 pair of vice grip pliers at a Wal-Mart and the lady at the checkout counter forgot to demagnetize it. So as I was walking out of the Wal-Mart with a $12.90 pair of pliers, the alarm goes off. You would think

if we could do something like that for a pair of pliers, we could find some way to have a name tag. I recently visited Mr. Boustany's State for Mardi Gras. The hotel where I stayed, I had to have an arm band to get in. Almost every fair or festival I have ever visited requires something similar to that.

So again, I have followed the cruise ship industry with some amount of interest. They have the laws exactly the way they want them. They don't pay taxes, they are considered foreign entities. They come here and their folks don't pay minimum wage. They don't live by the ocean laws. Apparently on several occasions, they have decided they are not responsible to live by the pollution laws.

And yet, if I am not mistaken, something like 98 percent of all people who ever set foot on a cruise ship will be Americans. I think we as a Nation have to decide, are we going to wait for a 9/11 type event to take place, where a large number of Americans are put at risk, possibly a large number of them hurt before we respond? Or are we going to start taking at least incremental steps to rein in this industry where so many Americans participate, and yet it is almost virtually outside the scope of American law?

So I will just pass that on. I appreciate our witnesses being here. There are actually instances where foreign-flag vessels operate out of American ports on a daily basis, go 12 miles out to sea, turn around and go back and they are exempt from the same laws as the tugboat to their left or the fishing vessel to their right, because they are operating under something called a cruise to nowhere. We tried to address this the last time the Democrats had control of the House, and the folks from the cruise ship industry were sitting in the back of this room, did an excellent job of killing that in the Senate. I am sure they got a bonus out of the deal, and yet the loophole in the law exists.

So it is something we need to look into. I very much appreciate your having this hearing. I hope it doesn't take a 9/11 type event before this huge vulnerability occurs. For example, if I were to get on an airplane with a bag and the bag is down in the hold of the aircraft, I can't leave that plane unless the bag is also removed. The reason for that is, they don't want someone getting on a plane with a bomb and at the last minute acting like they have stomach ache and getting off, and then the plane takes off and the bomb explodes.

In the instance of Mr. Carver's daughter, you would think that there would be the same sort of security mechanism where a passenger could get on, and maybe the passenger voluntarily jumps overboard and leaves a bomb behind. There ought to be a way, again, going back to that pair of vice grips analogy, there ought to be a way to track that passenger while they are on the vessel. I can't believe it is out of the realm of our technological expertise. I can't believe that it is cost prohibitive. Again, a $12 pair of pliers, compared to that, the loss of human life, this needs to be addressed. Again, the vast majority of the people who are going to get on those ships are Americans. I think we owe it to our fellow Americans to try and address this.

Thank you very much.

Mr. CUMMINGS. I want to thank you for your comments, and I want to thank our witnesses. I just want to go back to one thing,

Mr. Carver. It really concerns some things that just about everybody up here has said. It is an interesting observation, in your written testimony you wrote these words, which really struck me. You said, "We need to address solutions to this problem in order to protect future passengers. The goal of the ICV," that is your organization, "is not to damage cruise lines, but to hold them accountable for the safety of future passengers and crew members, and to require prompt and accurate reports to authorities of crimes, deaths, disappearances and other matters that would normally be investigated if they had occurred on land."

As I sit here and listen to you, listen to Ms. Dishman, and listening to Ms. Brown, Ms. Matsui, Mr. Boustany and Mr. Taylor and others, I think that you have come to the table saying, we want to work to come up with solutions, we are not, we have been through some horrible pain and we have to live with that pain until we die. We just don't want others to have to go through what we went through.

I hope the industry, who is about to come up next, I hope they are listening very carefully. Because I think one of the things that we are going to have to do is we need to try to revisit this agreement, so that hopefully we can have all the parties coming together.

But I want to thank you for your attitude, which is one of trying to come to a solution. Because we can argue and argue and argue and we still don't come up with a solution. Then like you said, Ms. Dishman, a few years from now, or maybe even next week, there is another Ms. Dishman going through the same things.

We are going to hear from the industry now, but again, I thank you all. Is there anything else?

Thank you all so much. We really appreciate all of you.

We will call up the next panel now.

Mr. Terry Dale, the President of Cruise Lines International Association; Mr. Charles Mandigo, Director of Fleet Security, Holland America Lines, Inc.; Mr. Gary Bald, Senior Vice President and Global Chief Security Officer, Royal Caribbean Cruises, Ltd.; and Mr. Larry Kaye, Senior Partner, Kaye, Rose and Partners.

Mr. Dale?

TESTIMONY OF TERRY DALE, PRESIDENT, CRUISE LINES INTERNATIONAL ASSOCIATION; CHARLES MANDIGO, DIRECTOR OF FLEET SECURITY, HOLLAND AMERICA LINES, INC.; GARY BALD, SENIOR VICE PRESIDENT, GLOBAL CHIEF SECURITY OFFICER, ROYAL CARIBBEAN CRUISES, LTD.; LARRY KAYE, SENIOR PARTNER, KAYE, ROSE AND PARTNERS

Mr. DALE. Good afternoon, Mr. Chairman, members of the Subcommittee. My name is Terry Dale, and I am the President and Chief Executive Officer of Cruise Lines International Association. Thank you for this opportunity to present testimony on behalf of our members.

First, I wish to express our sincere condolences to those individuals we have heard from today. Nothing I can say today can take away from their pain and their grief. Any experience of this type, however rare, causes the industry to increase its efforts for safety and security. The cruise industry wants to do the right thing.

CLIA is North America's largest cruise industry organization, with a membership of 21 member cruise lines, 16,500 travel agencies and 100 executive partners. By way of background, in 2006, CLIA merged with the International Council of Cruise Lines, ICCL, thereby expanding its membership and its mission. CLIA participates in the regulatory and policy development process, while supporting measures that foster a safe, secure and healthy cruise vacation. It also provides travel agent training, research and marketing communications.

Here to support the industry today are senior executives from our travel industry partners. I would like to invite them to stand: American Society of Travel Agents, the National Association of Cruise-Oriented Agencies, Vacation.com, and Cruise Shops. Together with CLIA's agency members, this group represents millions of satisfied and happy cruise vacationers. We thank these organizations for their support today.

Mr. Chairman, I am here today, however, to emphasize to the members of the Subcommittee several important facts. Cruising is safe. This year, over 12 million passengers will board cruise ships. Ensuring their safety and security is our highest priority. I am proud to say that the industry has an enviable record when it comes to safety and security. The U.S. Coast Guard, in a comprehensive report, has emphasized that passenger vessels are among the safest way to travel. We know of no reason for that opinion to have changed. We find this statement true today, because and due to our stringent security policies and procedures.

A cruise vessel is comparable to a secure building with a controlled environment, limited access and 24 hour security team. Heightened security measures are standard for cruise ships today. The cruise industry has comprehensive security measures in place to ensure the safety and security of all our guests. A security officer and trained security staff are on every vessel, whose duties are solely to provide safety and security to our guests and crew. The gentlemen seated next to me are corporate security officers for the cruise lines, as well as veterans of the FBI.

All crew members employed aboard our vessels are required to obtain a U.S. visa and are subject to State Department background checks. Cruising is one of the most popular vacation options, in large part because of its excellent safety record and high level of onboard service.

The cruise industry cares about its passengers. Our passengers make the strongest statement about its safety and security. More than 55 percent of cruisers today are repeat cruisers. In addition, cruise passengers have a total satisfaction of 95 percent. We must be doing some things right to have these types of ratings.

The cruise industry has a zero tolerance for crime. Our industry takes all allegations and incidents of crime onboard seriously and reports them to the proper authorities. While even one incident is one incident too many that occurs on a passenger vessel, the industry continues to reiterate its commitment to ensure the safety of our guests.

In the rare occurrence it is needed, CLIA member lines have trained staff to support families and individuals during emergency situations. In this past year, many of our member lines have

strengthened their guest support teams, both onboard and shoreside, to aid in grief and trauma counseling, to ensure that individuals and families receive proper assistance. In addition, onboard security staff receive comprehensive training from agencies such as the FBI, CBP and U.S. Coast Guard in evidence collection and crime scene preservation.

Our FBI agreement. To further demonstrate the industry's commitment to safety and security, I am pleased to announce today a formal agreement between CLIA, the FBI and the U.S. Coast Guard. This agreement further clarifies reporting procedures for all serious violations of U.S. law alleged to have occurred aboard our cruise ships and outlines the jurisdiction that the United States has over these crimes. CLIA worked with the FBI and the Coast Guard over the past year to create uniform reporting requirements which are supplemental to existing laws.

Let me hasten to add, Mr. Chairman, that the industry is willing to work with this Committee to further clarify the regulations. We sought this agreement to further the industry's own zero tolerance for crime policy adopted in 1999. Let there be no doubt that we are fully committed to bringing criminals hurting anyone on our cruise ships to justice. A more detailed explanation of laws and regulations governing crime reporting will be provided in the testimony of Mr. Larry Kaye.

Statistics demonstrate the industry's commitment to safety. While virtually no place on land or sea is totally risk-free, the number of reported incidents of serious crime from cruise lines is extremely low, no matter what benchmark or standard is used. This statement was made by nationally renowned criminologist Dr. James Alan Fox of Northeastern University, who is here with us today and testified last year before the House Subcommittee on National Security, Emerging Threats and International Relations.

I would also like to address concern regarding the accuracy of what was reported at the January 2006 hearing. We stand by the data that was submitted as being honest and accurate.

In conclusion, Mr. Chairman, I would again like to express our sympathies and heart-felt remorse to the individuals here today. CLIA and its 21 member cruise lines are constantly reviewing industry practices and procedures. We will apply any lessons learned that can be learned to ensure the safety of our passengers. Thank you.

Mr. CUMMINGS. Thank you very much.

Mr. Mandigo?

Mr. MANDIGO. Thank you, Mr. Chairman.

If I could ask for my whole statement to be entered into the record and for brevity, I will go ahead and shorten that for an oral presentation.

Mr. CUMMINGS. So ordered. Let me just say this, I want you all to say what you have to say. But we are going to have a vote probably at around 15, 20 after. You can do it however you wish. There may be a point, though, if we can finish this, we won't have to come back. I don't want to cut you short. I want you to stay within the five minutes, but just keep that in mind. Because if we go past that, say 1:30, we are going to have to come back. I don't mind

coming back, I will be here until tomorrow if necessary. I just want to make you all aware of that.

Mr. MANDIGO. Thank you very much, Mr. Chairman.

Mr. Chairman, members of the Committee, on behalf of Holland America Line, I thank you for inviting me to testify before you today. I am the Director of Fleet Security for Holland America Line, a Carnival company, a position I have held for nearly four years. As Director of Fleet Security, I am responsible for Holland American Lines' security programs and for compliance with all security directives by governments and other regulatory agencies as to terminal, ship, passenger and cruise security practices and procedures.

Immediately prior to joining Holland America Lines, I served with the Federal Bureau of Investigation for 27 years, working out of offices in New York, Chicago, Washington, D.C. and Seattle. Over the course of my career, I was responsible for cases involving all matters within the FBI's jurisdiction, including anti-terrorism, intelligence and crimes on the high sea. In my final assignment, I served as Special Agent in Charge of the Seattle office of the FBI, where I was responsible for all FBI matters within the State of Washington.

Holland America Line is one of a number of brands owned by Carnival Corporation, which in total operates a fleet of 82 modern passenger vessels serving worldwide markets. Holland America Lines strives to provide a safe and secure cruise experience for its passengers and is committed to taking the measures necessary to enure the security of its passengers.

The first step in preserving passenger security is deterrence. However, Holland America Line also recognizes the importance of ensuring the appropriate handling and response to any report of a possible crime. Accordingly, all crew are provided basic training in security. The chief of security and his team have primary responsibility for responding to any incident. Members of the security force are trained in appropriate investigative techniques, such as crime scene and evidence preservation. Our security officers generally have backgrounds in Federal and local law enforcement or military backgrounds with significant security and peacekeeping experience.

Holland America Line takes operational security aboard its vessels seriously and cooperates closely with its flag and port States to report and investigate security incidents as appropriate. In short, the safety of Holland America Lines crews and passengers is our highest priority.

I appreciate the opportunity to appear here before you today, and I will answer any questions you may have.

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

Mr. Bald?

Mr. BALD. Thank you, Mr. Chairman and members of the Subcommittee. And thank you for inviting me here today to address the questions that this Committee has.

My name, as you mentioned, is Gary Bald. I am the Senior Vice President for Security for Royal Caribbean Cruises.

Let me begin first by extending my heart-felt sympathies and apologies to Mr. Carver, whom I met for the first time today and had an opportunity to chat with him. I look forward to the oppor-

tunity, as I expressed before this hearing, to meet with him and to discuss his concerns and his suggestions for how we can improve security that we afford to our guests on board. I would also like to extend my sympathies to Ms. Dishman for the traumatic experience that she had on our cruise ship. I have not had a chance to meet Ms. Dishman. We have invited her down to speak to us, to talk to us about her concerns, but her lawyer has suggested that there may be a better time to do that later.

Before joining Royal Caribbean in June of 2006, I retired from the FBI, where I spent nearly 29 years. I gained broad experience in both national security and criminal law enforcement. In my most recent position at the FBI, I served as the Executive Assistant Director for the National Security Branch, which is the third seniormost position in the Bureau. In that position, I headed the Bureau's counter-terrorism, counter-intelligence and intelligence programs worldwide, and directed the efforts of approximately 19,000 employees. I spent most of my FBI career in the field, conducting or supervising criminal investigations and aiding criminal prosecutions. In short, my life's work has been dedicated to security and I intend to continue that to proceed.

Nothing is more important to Royal Caribbean than the safety of our guests and our crew members. Both our actions and our record, I believe, prove that. Of course, we are not perfect, although we strive to be. In those moments when we do fall short of our own expectations, we make every effort that we can to learn from them and to strengthen our policies and our procedures. We work hard to keep our guests and employees safe. However, even one crime is one crime too many. We take every allegation of a crime seriously, reporting allegations to the FBI and to other authorities where appropriate. It is worth noting that the overwhelming majority of allegations that we report to the FBI would never receive their scrutiny were they to occur on land.

I want to briefly address the statistics that our industry provided to Congressman Shays and his Subcommittee, as has been mentioned briefly before. Mr. Chairman, based on everything I know about the matter, I believe the information Royal Caribbean provided to Congressman Shays is true and accurate. It was at that time and it is still today. If I were given the opportunity to resubmit those statistics, they would be identical, based on what his request was.

Royal Caribbean is a company, I believe, with a high degree of integrity. I believed this to be true when I accepted my position there last June and I believe it to be true today. I will mention that if it were not true, or if I find it is not true at any time during my employment, I will cease my employment with Royal Caribbean. In my opinion, any suggestion to the contrary on the statistics we provided to Congressman Shays distort the fact and ignore the truth.

Royal Caribbean has worked diligently to improve guest and crew safety. I would like to give you just a few examples of what we are doing. A fuller list of initiatives is in my written testimony, which I request be made a matter of record.

First, we are improving onboard security. This includes spending more than $25 million, that is $25 million, Mr. Chairman, to update and expand our onboard video surveillance, focusing training

on evidence preservation and placing more security on board certain ships in a program that we are currently piloting. Second, we are strengthening our ability to provide guest with special assistance, working closely with the Family Assistance Foundation, formalizing our rapid response guest care team, which is available 24 hours a day to travel to any ship around the world, and building a relationship with the FBI's Office of Victim Assistance.

Third, we have improved our onboard SeaPass system and bolstered our alcohol policies. Our SeaPass system helps our security staff know which guests are crew members are on board and which are not at any given time. We have made a significant modification to our SeaPass process, subsequent to Mr. Carver's losing his daughter. Previously, guests were not required to swipe their SeaPass cards when disembarking at the end of a cruise. Today they are required to do so, and it gives us accountability, much more reliably, to say who is on board our ships and who is not.

Additionally, we have implemented an award-winning alcohol training program and other innovations to assist us in responsible alcohol service. We are doing much more than this, but these demonstrate some of the significant efforts that we are making for our guests and crew.

Again, Mr. Chairman, I would refer you to my testimony, where you will find a chronological list of 13 examples of security initiatives that have been taken over the last year, plus that I believe speak to some of the issues and questions that have been raised here today.

Before ending my remarks, I would like to address the testimony of Ms. Dishman. Clearly, she is very upset by the events that occurred during her cruise, and as I mentioned, I am sincerely sorry about those events and I extend my deepest sympathies to her. We tried to help her in every way that we could, and we accomplished that in some respects, but in others, frankly, we came up short.

I want to make one fact very clear to the Subcommittee. As soon as Ms. Dishman reported her allegation, our ship's personnel took immediate action. We immediately offered medical assistance to Ms. Dishman and we promptly notified the FBI and provided it with all information that they requested. Ten FBI agents boarded the ship and conducted an investigation, including interviews of witnesses. Ultimately, after completing its investigation, the FBI decided not to arrest or charge anyone with a crime.

In some ways, however, we came up short. We apparently did not adequately secure Ms. Dishman's cabin. Although it appears that this had no effect on the FBI's investigation, the manner in which we carried out this task was neither consistent with our policies and practices nor our ethical obligation to our guests. We should have done more to support Ms. Dishman's personal and emotional needs onboard the ship. We also should have provided Ms. Dishman with additional information sooner than she requested. I am sorry for that delay.

Learning from those events, we have now authorized our staff to release certain critical information to claimed victims. Given the strict liability that cruise lines face, we sometimes respond like other large companies facing a lawsuit: we become too defensive. Despite this fact, we will be providing more information sooner

from this point forward. Again, Mr. Chairman, I refer you to my written testimony for details as to those changes.

We are using the lessons that we have learned in two important areas. First, in our effectiveness in responding to incidents. in my view, Royal Caribbean is very adept at handling routine issues and guest-related incidents. However, in situations such as Ms. Dishman's, involving intimate contact between a guest and a crew member, or between two guests, we are less practiced, primarily because these incidents occur so infrequently. This also increases our chances of making a mistake.

I was hired by Royal Caribbean to assist the company in many ways. None is more important than in situations like this. I am working to improve training, incident communication and oversight to address these areas.

Second is guest support. In response to our need to improve our efforts to provide personal and emotional support, we have created the guest care team, which I mentioned earlier. This dedicated team has been primarily pressed into duty in response to medical emergencies, but has also supported victims of alleged sexual assaults.

Mr. CUMMINGS. Mr. Bald, could you wrap up? I have let you go three minutes over. Just wrap it up.

Mr. BALD. Thank you, Mr. Chairman. I will.

Mr. CUMMINGS. It is not that it is not very interesting.

Mr. BALD. Thank you.

This team has received overwhelmingly positive feedback from alleged victims, our gussets and their families. I believe this represents a very strong commitment to this very important area.

We continue to learn ways to improve our performance and I hope these efforts demonstrate our commitment to our guests and to their well-being.

Thank you again, Mr. Chairman, for inviting me here today. Cruising is one of the safest vacations a person could possibly take, as millions of people each year experience. I would be happy to answer any questions that you have.

Mr. CUMMINGS. Thank you very much.

Mr. Kaye?

Mr. KAYE. Mr. Chairman, members of the Subcommittee and other members, I want to thank you very much for inviting me to testify today concerning the legal regime for cruise lines in the areas of passenger security, law enforcement, crime and casualty reporting and U.S. jurisdiction. I am senior partner of a maritime law firm based in Los Angeles. I have been practicing law for almost 30 years, and my entire career has focused on maritime issues and international legal jurisdictional issues.

I began my career as a Federal judicial law clerk to the Chief Judge of the Southern District of California. I authored the chapter in the leading legal treatise on cruise ships, Benedict on Admiralty, entitled Government Regulation, which is used today as a reference by judges, lawyers and educators. I have had the privilege of testifying before Congress and the California legislature concerning issues in the cruise industry and have bene consulted and retained as an expert witness in matters involving the legal treatment of cruise lines.

I am counsel to most of the cruise lines operating in North America and to the Cruise Line International Association.

I will tell you, in all honesty, the most important role I have in life is that of a husband and father of three children, two of whom are daughters. When I think of my own family, my heart goes out to every single victim of the kind of acts we have heard about today. Working in this industry for over a quarter of a century, I have personally observed the efforts of cruise lines to keep their ships safe. Frankly, nothing should have a higher priority. And I believe nothing does.

The reality is that U.S. law enforcement agencies do have extra territorial jurisdiction under our present laws to investigate and prosecute crimes involving Americans on ships sailing on the high seas. And I believe the reach of the reporting requirements, as Mr. Chairman, you mentioned at the outset, do match the reach of the jurisdictional statutes. I believe they are in concert at the present time.

More to the point, the FBI, as a matter of normal practice, is routinely requested by the cruise lines to ensure American passengers are protected wherever they travel. As a result, despite the unfortunate and inevitable tragedies that occur in an industry with more than 12 million patrons each year, cruise ships are and remain an extremely safe vacation choice.

There are at least 20 statutes codified in Title 18 of the U.S. Code that create felonies for crimes committed in this special maritime jurisdiction. They extend to crimes in U.S. waters, crimes involving Americans on the high seas, and crimes involving Americans on foreign-flag vessels in foreign waters if the ship departs or arrives in the U.S.

And just last year, Congress amended the abusive sexual contact statute, which is Section 2244 of Title 18, to make it a felony "to engage in sexual contact with another person without that person's permission." Even in the absence of force, threats, intoxication or coercion, that felony is punishable by two years in a Federal prison. And with respect to the observation by Congresswoman Matsui, her concern about the lack of prosecutions, there are currently at least a dozen published court opinions upholding indictment and convictions of crimes at sea on passenger ships, both on the high seas and in foreign waters under these Federal statutes that I have described or similar State statutes that presently exist in Florida, California and Alaska.

The cases that I have discussed all echo the bedrock legal principle of international law embodied in the United Nations Convention on the law of the sea, that a nation has jurisdiction over the citizens of its territory and a nation has jurisdiction over crimes that have an effect in its territory when the victim returns here. Now, when it comes to the reporting of crimes, Federal law does impose mandatory crime reporting requirements on all cruise ships sailing to or from the U.S. These are the regulations for the security of passenger vessels that were first enacted in 1996 and have been beefed up three times since. They do impose fines and penalties, including revocation of licenses and monetary fines.

The cruise industry has always deemed those requirements to apply to crimes against Americans during any part of a voyage to

or from the U.S., and it is interesting to note that those regulations define the term voyage as "the entire course of travel from the first port at which the vessel embarks passenger until it is returned to that port." You heard the FBI testify earlier that those regulations do reach crimes that occur outside 12 miles and indeed, both the FBI in 2000 and the Coast Guard in 2002 published circulars saying that the regulations applied outside the 12 mile limit.

But Mr. Chairman and members of the Committee, this is not an issue we need to debate. If anyone thinks the rules are unclear, let's work together to fix that. The people who most need to know it is clear are those that would perpetrate any sort of criminal act against my family, your family or the millions of families that travel on ships every year. All we need do is add a sentence to the regulations, the existing regulations that say, these regulations apply to any crime on any ship sailing to or from the U.S. I know of no one in this room today that would oppose such a measure.

I want to conclude by mentioning very briefly that in addition to the very broad criminal jurisdiction and reporting requirements, passengers have complete redress to civil remedies under the civil justice system. And in fact, a much more stringent standard of liability applies in the cruise industry and to any comparable businesses on land. A guest in a hotel, theme park, resort, office building, restaurant or shopping mall could not hold any of those entities liable for an alleged assault by an employee absent negligent hiring of someone with a known criminal past. But if the same incident is alleged to have occurred on a cruise ship, this cruise line is strictly liable without regard to fault.

We all know that money could never ease the pain a victim has endured. But that alone is a powerful incentive for cruise companies to eradicate crime.

Mr. Chairman and members of the Committee, I have worked in this industry a very long time. The folks I know who see to our safety are good people with honest motives. They are mothers, father, sisters and brothers, no different than you and me. They routinely sail on these ships with their own families.

But as long as anyone is victimized by a crime on a vacation cruise, we have failed to do our job. I sincerely hope we can work together with the Federal agencies to do whatever is needed to protect all of them. And I thank you very much.

Mr. CUMMINGS. Thank you. I thank all of you for your testimony.

Mr. Dale, I want to go back to you. You said something that just struck my curiosity. You said that you would work to further clarify the agreement. What did you mean by that. You have heard, as you can see, that has been a theme that I have been sort of harping on. I am trying to figure out some solutions to problems. Unfortunately here in the Congress, things seem to happen slowly. I am trying to speed up the process. Probably one of the easiest ways to speed up the process is to get the industry working with the other partners to come up with some solutions. Then perhaps, hopefully we won't have to, but to back that up with some laws or some change of laws, whatever.

But I think, when I listened to Mr. Bald, as I listened to him, I said, now, this just makes sense. It seems like the kinds of things that he is talking about that they are doing in Royal Caribbean are

the kinds of things that Mr. Taylor was referring to. Probably need to do more.

So I am trying to figure out, and I think all of you all expressed your concerns and sympathy and condolences with regard to the victims here. But I want to take, sympathy, that is important. But keep in mind why they are here. They are not here so much for themselves. They are here because they care about other people, people they don't even know, which says a lot. I am sure they spent their own money trying to get here, took off from work. So I am trying to figure out, I don't know what that means, further clarifying the agreement. Clearly, we have to revisit this agreement. I just want to hear what you had to say about that.

Mr. DALE. I share your desire to work in an efficient and inclusive manner for this clarity. That means bringing the stakeholders together. We have been working for over a decade on our security committee with the FBI, who is a member of and participates, the Coast Guard, which is a member of and an active participant, CBP. Today, I extend the invitation to meet with the folks here today so that we are inclusive and that we hear their concerns and that we move forward in clarifying, if anything does in fact need further clarification.

Mr. CUMMINGS. So you are going to be willing to meet with——

Mr. DALE. I will.

Mr. CUMMINGS. I would hope that you would include Mr. Bald in that.

Mr. DALE. Absolutely.

Mr. CUMMINGS. The reason why I say that is because, as I listened to the things he said, and I have talked to him before. First of all, we have, and certainly to Mr. Mandigo, we have a lot of respect for the FBI. I think it was good, I have said it in private and I will say it in public, I think it is a very important move to take the security that seriously that you would get folks who have been in the FBI for over 25 years or whatever you all said to be a part of that.

I guess the thing that I am wondering about is the things that they are doing at Royal Caribbean, are you all trying to make that industry-wide? Are you looking at other things in addition to those things? Because it sounds like we are on the right track?

Mr. DALE. Absolutely. We need to be compassionate caretakers of our guests. The success of our future business depends on that. So across our entire fleet of 21 member cruise lines, we are developing and in many cases have already very solid programs in place for care of our passengers who are the unfortunate recipients of an unpleasant experience. But it very important to us as an industry.

Mr. CUMMINGS. One of the things that Mr. Bald said, and I kind of scribbled it down, but basically what he said was that although these things, when you look at the total picture, may happen infrequently, he has to be prepared for even those things. I don't want us to get so busy counting how many times it happens here or happens there that we lose the bigger picture. And that is the bigger picture that every single person needs to be safe, every single person needs to, I would love for Ms. Dishman to be in a position to say, you know what, because of all the things that have been done, I know I will feel comfortable walking onto a ship again. That is

my goal. I am just telling you. I just hope that we can move more toward that.

Mr. LaTourette.

Mr. LATOURETTE. Thank you very much, Mr. Chairman.

I apologize for not being here for your oral testimony, but I did have the chance in preparation for this hearing to read your written testimony. I thank you for your testimony today.

While I think I am appreciative of your expressions of sympathy to earlier witnesses today, I think I was concerned by a number of other observations made during the hearing, Mr. Carver's experience in particular. I guess I am concerned how a passenger could disappear on the second day of a seven day cruise on a ship that spent a lot of time in U.S. territorial waters and there was no notification to the FBI and then obviously some other things followed. Could anyone on the panel tell us how you would respond to that today? Because clearly there wasn't such a hot response then.

Mr. BALD. Mr. LaTourette, if I could respond to that. First, I would like to caveat my comments. It is very difficult to be in a situation such as this and to speak about a loss like Mr. Carver had and not appear to sound calloused. And I don't want that to come across that way. The loss that he suffered, I just can't imagine.

But to respond to your question, there were some unusual circumstances involving Mr. Carver's daughter. She came on board with two purses and a manila envelope. She didn't come on with the normal luggage. That made it a bit more difficult for us to recognize that she had not been in her stateroom every day.

However, having said that, our stateroom attendant did have her antennas up, his or her antennas up, and did report to the supervisor that the stateroom attendant felt that Ms. Carver was not spending time in her cabin. We made an error, our supervisor did not report that further. That is something that is absolutely against our policy. We dismissed that employee.

However, it doesn't change the fact that Ms. Carver disappeared and that it took us an extended period of time to recognize that before it came to our attention and gave us the opportunity to report it.

Your final question was, what would happen differently today. I believe that the policy that we have today is the same one we had in place at that time, and that is to report a missing person or a crime on board our cruise ships immediately to the FBI. The challenge for us in that situation was, the people that make that reporting to the FBI did not become aware of Ms. Carver's disappearance for an extended period of time. I would like to think that we have done enough in the way of education and training for our crew members to make sure that that doesn't happen again.

Mr. LATOURETTE. I thank you very much for that response.

I want to echo the Chairman's call that this thing really gets worked out best when all involved come to some accommodation and do it themselves. If it is dependent upon the Congress, we do move a little slowly. And actually, Mr. Chairman, the staff has reminded me that the Marconi operator on the Republic testified before the Congress in favor of having 24 hour telegraph operations

in 1911. The Congress, in its speedy fashion, enacted those requirements in 1912, after the Titanic disaster.

I want to talk a little bit about the training that the FBI agent talked a little bit about, specifically not focusing on any specific case. But do you know whether the training, either the FBI training that is currently ongoing or training that the industry is engaged in, is training the medical officers relative to rape kits and the collection of evidence and the preservation of evidence? Mr. Bald?

Mr. BALD. Thank you, sir. I do not know whether the training that the medical personnel on board our ships is receiving involves the FBI. To my knowledge, it does not. However, the FBI has been extensively involved with us. They have trained, we have a program where they train each of our security officers on the securing of a crime scene or an incident scene, the preservation of evidence. I have worked with Charlie Mandigo, who has an initiative with the FBI to provide a train the trainer type training in those same areas at Quantico, Virginia. We will push that forward very quickly.

As far as the rape kit, as you refer to it, the instructions, I have actually had the opportunity to look at a rape it. It is actually a pelvic examination kit. The directions for using that kit are on the inside of the top cover. Fortunately, we are dealing with medical doctors and they have a high level of intellect and a capability to apply those directions.

One situation I would like to discuss briefly, in the situation of Ms. Dishman, to the extent that the information that has been reported today and that Ms. Dishman relates, that we had a medical officer who instructed a guest to return to her stateroom to collect evidence, that is not our policy. It is something that we have to correct through training, and I will make sure we do that.

Mr. LATOURETTE. I appreciate that, and just so I'm clear, maybe that the suggestion would be, having handled a number of rape cases in my earlier life, there is nothing more important than the correct processing of, I call it a rape kit, when it comes to a variety of things. One, because it has the potential to imprison someone who is guilty, it also has the potential to exonerate someone who is not guilty. So it is really to everyone's best interest that that evidence be collected in a proper manner and go through a proper chain of evidence. Because defense lawyers are very skilled at destroying the chain of evidence.

So I would just throw out that I would wish that the industry consider perhaps a little additional training on the collection, since sexual assaults seem to be things that people have talked about today.

Then the last question, Mr. Chairman, if I could, when Mr. Carver testified he had attached to his testimony and on his web site, ten points that he wishes the industry would consider. And ask that either you, Mr. Dale, or Mr. Mandigo, if you have examined those 10 points and if you have any response to their efficacy.

Mr. DALE. I have examined those. We will be happy to discuss those with him when we get together to clarify the agreement.

Mr. LATOURETTE. Good. Mr. Mandigo?

Mr. MANDIGO. Yes. At the time those were received, they were reviewed in detail and responses were provided at that time to ICCL for consideration for their review.

Mr. LATOURETTE. Thank you very much. Thank you, Mr. Chairman.

Mr. CUMMINGS. Mr. Mandigo, what did you just say?

Mr. MANDIGO. I said that we did have them and they were distributed throughout the industry for people like in my position to make comments on. They were in turn provided back to, at that time, ICCL.

Mr. CUMMINGS. Can we get a copy of that?

Mr. MANDIGO. I will make that inquiry.

Mr. CUMMINGS. I guess what I am trying to get to, before we go to Mr. Brown, I have been around here 11 years. And there are others who have been around here much longer than I have.

But one of the things I notice about the Congress is that you can go around in circles all the time. I promised myself if God ever gave me an opportunity to be a chairman of a subcommittee, and He did, that I was going to try to get things done. It is nice to hear nice answers, and I think the reason why I am so impressed with Mr. Bald is because he actually, first of all, he admitted to things that were wrong. He said, we are going to address it, we have addressed it. That is why I said that I hope that he is a part of the process. Because that is what we need. We need to get this thing resolved, a can-do attitude. This is America. This is the United States. We sent folks to the moon. We ought to be able to protect our own citizens, no matter where they are.

I think that Mr. Boustany a few minutes ago talked about prevention. That is what law enforcement is all about. You would love not to have a job, I am sure. So some kind of way that is in law enforcement, I know you want your job, Mr. Dale, but I guess what I am getting at is I am hoping that we just, I don't want a situation where Mr. Carver and Ms. Dishman come in and the pour their hearts out and then we wait until the next hearing and nothing has happened. I don't know when I met with you, Mr. Bald, not too long ago, but I have seen a lot happen ever since. And I have met with you in less than a month or two. And I have seen a lot happen just as a result of that conversation, which really impresses me.

So all I am saying is, that is why I said, tell me, Mr. Dale, what do you mean by clarify. I don't know what clarify means. It doesn't mean very much to them. You can't see what I see, but they are saying, what does that mean, clarify?

So all I'm saying is, I am hoping that we can move the ball down the field, to borrow a football expression.

Mr. MANDIGO. Mr. Chairman, if I could comment briefly. Within the kind of corporation we have, over 500 employees have been trained in care for these kinds of situations. They have responded to numerous incidents, both on ship and on ground. We have provided airfare, we have provided counseling, we have provided family support to these situations. Other things that are being done, as he has proposed, we are looking for technological solutions to address these issues of people going overboard, looking at some of the

technologies that are out there. There are pilot projects in place that we are waiting for results.

So it is not a question of sitting back and not doing anything, based on material some of the material that has come out of prior hearings. We are taking it very seriously, we have reviewed it and we have acted on it.

Mr. CUMMINGS. You are going to be meeting with them?

Mr. DALE. Yes.

Mr. CUMMINGS. Then we will talk about some time lines. Because I do want time lines. I want to be able to revisit this so that we can see what kind of progress we are making.

Ms. Brown.

Ms. BROWN. Thank you, Mr. Chairman. Let me just say thank you for holding this hearing to both you and the Ranking Member. I will be very brief.

One of the things I was thinking in listening to the testimony, something that I always pushed is for female and minority participation. It would be very helpful in the law enforcement area that you have females and then female physicians. I am more comfortable with female physicians than male physicians, even though some times I do have very good male physicians. So that would be a recommendation that I would make, that part of your cure is to make sure that on the ships, you have female law enforcement people and female physicians to deal with incidents like this.

Once again, I want to see the comprehensive recommendation. And I guess, let me ask you quickly, the question was whether or not it should be something in statute and someone commented how that we could add to make it in statute, or the recommendations that are moving forward, how do you feel about it? That is open to either one of the speakers, but particularly I want to hear from the lawyer.

Mr. KAYE. Thank you, Ms. Brown.

I think there are two issues here. One is clarifying that the reporting requirements do apply to any crime on a voyage to or from the U.S. That can easily be fixed at the regulatory level by simply amending the regulations. They have been amended three times since 1996. We shouldn't have any confusion over that. The industry isn't confused over that, but the agencies may be, from what I have heard today.

So with regard to the ICD recommendations, I can verify that they have been very closely looked at. I sat down with Ken Carver, who is a wonderful human being, who has been suffering terribly at the loss of his daughter, sat down with him, we struck up a very good rapport. I have gone through those recommendations very carefully. Many of them were in place, but were unknown to the victims. Some of them have been added, as you have heard today. And some of them are still under review.

The issue of putting a bracelet or an anklet on passengers is a tough one, because not every passenger wants to wear it. So if they don't wear it, you can't get the benefits of the technology. But there may be other ways.

Ms. BROWN. I think the last time I was on a ship, they do put something on you when you get ready to leave, when you go into

a certain port, then when you come back they double check it or something. So there is something in place as we speak.

Mr. KAYE. Yes, there is an APass with your picture on it that is swiped and registers your presence on the vessel whenever you come or go. In the Merrian Carver instance, I believe that the passes were not being swiped at the termination of the cruise. And I believe that has been changed throughout the ICCL membership, so that every passenger, when leaving the ship at the end of the cruise, has to swipe the card. So now we have a record of anyone who didn't get off at the end of the cruise. That was a direct result of the Merrian Carver incident.

Ms. BROWN. Yes, Mr. Bald.

Mr. BALD. Thank you, Congresswoman Brown, and thank you for your help in your prior life in assisting our many happy guests and booking cruises on our cruise ships.

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 officer on board our ship is assigned as a liaison to any female claim 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 an investigative component to meet her needs and to make sure that we are not overlooking something that would make her experience easier.

Ms. BROWN. I also mentioned the medical as far as the physicians on board. I guess I am talking about hiring practices as you move forward, that would be helpful.

Mr. BALD. I agree with you completely. In fact, we have changed the backgrounds of the people that we are looking to hire at the security department. I have sent my director over to personally do interviews in furtherance of a pilot project that we have on board. I have given them specific instructions to include women in that hiring process. We have actually been successful in recruiting some very outstanding women to play a role in security for us.

Mr. KAYE. And one last point, Mr. Chairman, if I can briefly make this, the cruise industry since 1993, I believe, has had a very close working relationship with the American College of Emergency Physicians. Starting in, I believe, 1995, we adopted the American College of Emergency Physicians recommendations and guidelines for cruise ship medical care, which includes many, many things. But to address your point, they include only using licensed physicians who have certain levels of experience in certain areas, typically emergency medicine. Emergency medicine physicians, in turn, typically have experience with rape victims and trauma victims. So that is why most of the members carry rape kits and are equipped to use them.

Mr. CUMMINGS. Members, we have nine minutes before the vote. If you have questions, please. Mr. Taylor?

Mr. TAYLOR. Mr. Bald, I am curious. A previous panel that had said, and I want you to tell me if this is correct or not, that a theft of less than $10,000 is not investigated by the FBI. Is that accurate?

Mr. BALD. Sir, my understanding is that the FBI is implementing a prosecutive threshold established by the United States

Attorneys Office that says anything below $10,000 loss will not be prosecuted federally. That does not mean that it doesn't end up getting looked at by law enforcement. In fact, we will refer a situation below $10,000 to a State or local or foreign law enforcement agency if the FBI declines to pursue the investigation.

Mr. TAYLOR. Okay. For instance, cruise ship sails out of New Orleans. So you are going to tell me, with all of New Orleans' problems right now, lack of a police force right now, basically if $9,000 is stolen from a passenger on a cruise ship that sails out of New Orleans, do you think it is going to get investigated?

Mr. BALD. We will report that to the FBI. If the FBI tell us they will not investigate it, we will do our very best to find a law enforcement agency that will. As you can appreciate, the United States Attorneys Office sets thresholds. It does have an impact on us and on our guests.

Mr. TAYLOR. When you said everything that should have been done with regard to Ms. Dishman's cabin was not done, what should have been done?

Mr. BALD. Sir, in response, I am going on the information, some information that has been brought to my attention over the last week. It came out in a deposition from a crew member. It was information that was not previously known to Royal Caribbean. And so generally it falls under the category of adequately securing the cabin. The cabin was ordered to be secured. There are now questions that are being raised as to whether or not that cabin was adequately secured. That is what I was referring to.

Mr. TAYLOR. Is there a national registry where under the subject of let the buyer beware that a potential cruise ship customer could check out the history of a ship with regard to both allegations and convictions, resulting from allegations and actual crimes that took place on a ship or a given vessel?

Mr. DALE. I am not aware of that, Congressman.

Mr. TAYLOR. Well, I guess my question, Mr. Dale, is what good does it do to keep track of this if I, for example, wanted to board a Norwegian Cruise Line ship out of New Orleans, fill in the blank of a name, if I wanted to check out the record of that ship before I got on board?

Mr. DALE. The point of sale for our industry begins with our travel agents. They research the alternatives for their customers and based on their research they make a recommendation on the appropriate fit for that customer.

Mr. TAYLOR. Okay. Lastly, going back to the vice grips, $12.95, that Wal-Mart was able to keep track of, now I realize that there are only a limited number of portals at that store. But I had a very disturbing letter from someone from South Mississippi who also lost a loved one overboard. With the limited knowledge I have of maritime issues, I can see the challenge of trying to keep track of losing people overboard. I have personally been so seasick where I was tempted to jump overboard and just kill myself. So I can understand that situation.

But given people who didn't want to jump, someone who may have tripped, someone who for whatever reason slipped, has anyone ever approached your industry with what you considered a rea-

sonably priced device that would make you aware that someone has either intentionally or unintentionally fallen off your vessel?

Mr. MANDIGO. Mr. Congressman, we have two pilots that are being conducted now that address that situation. And cost is not a factor in it. It is rather expensive, but that is not the consideration. They look very promising and we should be seeing results coming up in the next few months as to the ability to detect a person that goes overboard on a vessel.

Mr. TAYLOR. Is that from the lack of a signal being emitted? Is it from a signal that is emitted by contact with seawater? What triggers the device?

Mr. MANDIGO. It is an infrared device with smart technology to detect heat signals.

Mr. TAYLOR. In the water?

Mr. MANDIGO. Off the side of the vessel.

Mr. TAYLOR. Okay, so something like a flare.

Mr. MANDIGO. Something seen projecting more than minimal distance off the side of a vessel, based on a heat signature, it can distinguish if it is a person, sea gull, deck chair.

Mr. CUMMINGS. We are trying to wrap this up. Ms. Matsui?

Ms. MATSUI. Thank you, Mr. Chairman. I know we are going to have to go for a vote. But I must say that, Mr. Bald, you have been at Royal Caribbean since June, is that right? And from your testimony, written and which you have talked about here, it seems like you are moving ahead in a way which we believe is optimistic.

Mr. BALD. Thank you.

Ms. MATSUI. Now, Laurie, I guess you came after Laurie had her situation. I must say, though, if I didn't know anything else that was going on today and I just came and listened to your panel, I would have thought that everything was great. The cruise industry is fun, it is safe. I really have to say, I don't believe we would have even come to his point if we could have this hearing today, if you didn't hear from Laurie, if you didn't hear from Mr. Carver. Because quite frankly, it is very difficult to push against an industry like yourself.

So I am hopeful, I know that you expressed your sorrow and your condolences. But hopefully you go beyond that. Because as Laurie says, she doesn't want another Ms. Dishman following up. I must say, I am going to hold your feet to the fire. Because I want to make sure that we can work together. I think the victims want to do this. And I think we should tear down those walls and say we have to work together. Because I want a successful, safe cruise industry. I want to be able to know that my constituents or anybody else, and Mr. Kaye, you have expressed feelings about your own daughters. Well, I want to make sure that my little granddaughter can go on there, too.

So everyone should take this very personally. If we do that, I think we are moving in the right direction. Mr. Chairman, I thank you so much for having this hearing. I know that everybody appreciates it very much. Thank you.

Mr. CUMMINGS. Thank you. It is my understanding that Mr. Larsen has no questions. But thank you.

Thank you, Ms. Matsui, for requesting the hearing. I really appreciate it. We thank all of you.

I want to be very clear. We are going to revisit this issue in six months. In six months, I hope that the parties will get together and work together and see where we can build on, what we can build on. Mr. Bald, I would appreciate it if you, and you, Mr. Mandigo, and Mr. Dale would get us—Mr. Kaye said there are certain things that are already being done. I want to know what those are. I want to know what things happen from this day forward, particularly since there is an agreement now in place.

And to Mr. Carver and Ms. Dishman, we want you to stay in contact with our staff, so that we can move this along.

I am convinced, I am thoroughly convinced that we can make a difference. All of us coming together as Americans, we have a can-do Country. We can do this.

Thank you very much.

[Whereupon, at 1:45 p.m., the committee was adjourned.]

Hon. Corrine Brown
Coast Guard & Maritime Subcommittee Hearing on
Crimes Against Americans on Cruise Ships
March 27, 2007

I want to thank Chairman Cummings and Ranking Member LaTourette for holding today's hearing concerning the cruise industry. You are two of the fairest Members of Congress and I'm glad you will be presiding over this hearing.

As a member of the Florida delegation and the representative of the Port of Jacksonville, I have particular interest in the cruise industry. The cruise industry is an important economic engine in the State of Florida. Over 4.8 million passengers embarked from Florida in

2005 and the industry contributed more than $5.5 billion in direct spending. In addition, the cruise industry is the second largest employer in Florida, generating more than 128,000 jobs.

The cruise industry is highly regulated by state, federal and international laws. They vigorously ensure that their passengers are safe, and have a sound safety and security record. It is apparent from the FBI statistics that crimes against U.S. passengers on cruise ships are rare. Indeed cruise ships are a very controlled environment with anyone entering and exiting being well documented.

I do not want to downplay the incidents that have occurred, and while I express my condolences to the families of the victims, it is important to put these incidents in perspective. The rate of crime onboard cruise vessels is far less than the National Crime Average or the crime rate in a U.S. city with a comparably sized population.

Unfortunately crime happens wherever people gather, but the important thing is that the risks be minimized, and that procedures be in place to make sure that crimes are investigated in a thorough and uniform manner. The FBI, which is testifying today, can attest that the cruise industry has

comprehensive security programs and crime reporting procedures in place on all their passenger vessels.

A leisure cruise is one of the most popular vacation options because of its excellent safety record and the high quality of service provide on board. I look forward to working with this Committee to continue to ensure the safety and well-being of passengers on cruise ships is maintained.

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March 27, 2007

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Advance Opening Statement of Chairman Elijah E. Cummings

SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION

"Crimes Against Americans on Cruise Ships"

March 27, 2006, 10:00 a.m.
Room 2167, Rayburn House Office Building

"I commend Congresswoman (Doris) Matsui for her leadership on this issue. Today's hearing was scheduled after a request was made by Ms. Matsui that we examine in more detail an issue that is of great concern to the estimated 12.6 million Americans who will take a cruise in 2007 – and that is the extent of crime committed against Americans on cruise ships.

"Any American who travels abroad cannot expect the same level of law enforcement protection from U.S. officials that they would have in the United States.

"However, it is likely that many U.S. citizens who travel on cruises do not realize that when they step on to a cruise ship – even if it embarks from a U.S. port – they are probably stepping onto a floating piece of Panama or the Bahamas or whichever foreign country whose flag the ship bears.

"In fact, aside from 3 ships operating on the coastwise trade in Hawaii, all of the estimated 200 ocean-going cruise ships worldwide are flagged in countries other than the United States.

"As such, the same laws and rights that protect U.S citizens on U.S. soil do not apply on cruise ships. The FBI may not have jurisdiction over crimes that occur on the ship – particularly if the ship never enters a U.S. port – and the investigation of a crime may require the cooperation of many different national agencies.

"Further, the very nature of cruising – traveling with a transient population aboard a ship far from land – may make it difficult to secure a crime scene or ensure the collection and preservation of evidence adequate to be used in a trial in the United States.

"And if a crime is not reported until the alleged victim returns to port – or even to their home – the scene of the event will likely be completely scrubbed down and all possible witnesses will have dispersed throughout the world.

"Significantly,, available data suggests that there are few reported crimes on cruise ships.

"At a hearing in March 2006 convened by the Committee on Government Reform, cruise industry executives testified that 178 passengers on North American cruises reported being sexually assaulted between 2003 and 2005. During that same period, 24 people were reported missing and 4 others reported being robbed.

"However, a key question that must be examined is whether this data presents a complete picture of the level of crime on cruise ships. Aside from the statistics reported by the cruise lines, there is no reliable data collected by an independent source.

"Importantly, under U.S. law, crimes on cruise lines are required to be reported only if they occur within the 12-mile limit of U.S. territorial waters.

"Though cruise lines have been voluntarily reporting incidents and alleged crimes to the FBI for several years now, the FBI has not recorded the total number of incidents reported to it. Instead, the FBI has maintained records only on those cases for which it is has opened case files – and these have numbered only about 50 to 60 per year.

"Thus, an important question that must be examined by this Subcommittee is whether the voluntary incident reporting system organized just this week by the cruise industry, the FBI, and the Coast Guard is adequate to capture the data needed to develop a reliable picture of the extent of crimes on cruise ships.

"Another important issue requiring examination is what, if anything, can be done to enhance the chance that those individuals who are the victims of crimes on cruise ships have a reasonable likelihood of receiving justice.

"In many cases, simply because of the nature of cruising, justice is a target floating precariously among shifting jurisdictional lines – and far from the reach of the FBI or other federal agencies who may be many hours away.

"Those who cruise must understand that they are entering a floating world where U.S. laws do not directly reach -- but we in Congress have a responsibility to the nearly 13 million of our citizens who cruise annually to ensure that, given the unique circumstances of cruising, cruise ships are nonetheless as safe as they can be."

# # #

Testimony of

Gary Bald
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Before the House Subcommittee on
Coast Guard and Maritime Transportation

March 27, 2007

I. Introduction

Chairman Cummings and Members of the Subcommittee, I am pleased to submit this written testimony on behalf of Royal Caribbean Cruises Ltd. ("Royal Caribbean").

My name is Gary Bald, and I serve as Senior Vice President of Global Security for Royal Caribbean. Royal Caribbean is a global cruise vacation company that operates Royal Caribbean International, Celebrity Cruises and Pullmantur. We operate a combined total of 34 ships, with six under construction, and deploy them to a wide variety of vacation destinations throughout the world.

Prior to joining Royal Caribbean, in June 2006, I retired from the FBI, where I spent nearly 29 years gaining broad experience and knowledge in both national security and criminal law enforcement matters. In my most recent position at the FBI, I served as Executive Assistant Director for the National Security Branch, the third senior-most position at the Bureau. In that assignment, I headed the Bureau's counterterrorism, counterintelligence and intelligence programs worldwide and directed the efforts of approximately 19,000 employees. Most of my FBI career was spent in field assignments conducting or supervising criminal investigations and participating in criminal prosecutions. My efforts have been recognized through the Presidential Rank Award for Meritorious Service and the Attorney General's Award for Outstanding Partnerships in Law Enforcement in 2004; the U.S. Attorneys' Award for Outstanding Contribution in Law Enforcement and the FBI Director's Award for Excellence in Investigation in 2003; and the FBI Director's Award for Ethics in Investigation in 2001.

I hold a Master of Science degree in Forensic Science from George Washington University and was born and raised in the great state of Maryland.

All of us at Royal Caribbean appreciate the time and serious consideration you are applying to these issues and hope that this hearing will improve the public's understanding of the cruise industry. I particularly appreciate your giving me this opportunity to appear before you and to answer the Subcommittee's questions.

Nothing is more important to our company than the safety and security of our guests and crew members. Both our actions and our record reflect that commitment. We are not perfect, of course, but we strive to be. In those rare moments when we do fall short of our own expectations, we take the lessons learned to heart, and use them in our process of continuous improvement to further strengthen our policies and procedures.

I would like to begin by clearly making several points that might otherwise be overlooked in our mutual efforts to identify areas for further improvement.

This is our third opportunity to appear at a Congressional Hearing in the last 16 months. Throughout this time, three important issues have remained constant:

1. Cruising is one of the safest vacations a person could take, as millions of people know and experience each year;

2. Even one crime onboard a cruise ship is one too many. However, by virtually any statistical comparison to crime activity in the U.S., our fleet is extraordinarily safe – in fact, safer than being on land in the U.S.

3. We at Royal Caribbean take each and every allegation of crime seriously, and go above and beyond in reporting them to the FBI and other authorities. I want to emphasize that despite all the attention over the last 16 months that has been drawn to the issue of whether crimes on cruise ships are being underreported, not one person – guest or otherwise – not one attorney, and not one federal or local law enforcement officer or prosecutor has approached us – or anyone we know of – to accuse us of not reporting an allegation of crime onboard any of our cruise ships.

There is another issue I would like to briefly address, that of the statistics our industry provided to Congressman Shays and his Subcommittee

Mr. Chairman, based on everything I know about the matter, I believe the information provided by Royal Caribbean to Congressman Shays to be true and accurate. Royal Caribbean is a company with a high degree of integrity. I believed this to be true when I accepted my position last June – and I believe it to be true today. If it were not true, I would not continue my association with Royal Caribbean.

In my opinion, any suggestion to the contrary distorts the truth and ignores the facts.

For us, this issue goes well beyond any legalese and definitions. It is a moral one. When we receive an allegation of shipboard crime involving a U.S. citizen, we take immediate action. We report it to the FBI and other appropriate authorities, and we assist our guests and all law enforcement agencies.

A February 12, 2006, Miami Herald article reinforces that point, quoting an FBI supervisor in charge of Miami Division criminal investigations involving the cruise industry:

"The cruise lines say they notify the appropriate authorities about all crimes and already lean toward over-reporting...

John DiPaolo, an FBI agent who oversees criminal investigations at South Florida's seaports, agrees. He said the cruise lines contact his office about criminal incidents even when the FBI might not have jurisdiction.

'We have very open lines of communication," DiPaolo said. 'We've never had an instance where I went to them and said, 'Hey, you should have reported that to us.' "

It is worth noting that the overwhelming majority of allegations we report to the FBI would never receive that level of scrutiny on land – from who I believe are our nation's finest federal agents and prosecutors – examining those situations to determine the best course of action regarding any investigation or prosecution.

I would also like to take a moment to address the situation of a former guest of ours – Ms. Laurie Dishman – who sailed with us in February 2006. She has brought her issues to this Subcommittee, and although we are in litigation with Ms. Dishman, I want to respond to several of her concerns. I do this despite the fact I believe her attorneys will be listening closely and will likely do everything they can to use this committee's testimony to their advantage in that litigation.

I want to begin by extending my most sincere sympathies to Ms. Dishman. Clearly, she is very upset about events that took place during her cruise and I truly regret that her experience was so traumatic.

As events unfolded during her cruise, it was our intention and desire to assist her in every way we could. I feel we accomplished that in some respects – but, in others, I feel we came up short.

<u>On the positive side of our response:</u>

- As soon as Ms. Dishman reported her allegation to us, in February a year ago, our personnel took steps to address the situation. We immediately contacted the FBI and provided its agents with all available information.
- We provided medical assistance to Ms. Dishman and helped her and her traveling companion depart the ship at the next port, as they requested.
- In response to our reporting, 10 FBI agents boarded the ship and conducted an investigation, including interviews of witnesses. We cooperated with the FBI completely. Ultimately, the FBI did not make any arrests or charge anyone with a crime.

- At the same time, we reviewed Ms. Dishman's allegation and determined that our crew member had not complied with our company policies regarding fraternization with a guest and drinking while on duty. We subsequently fired him for these violations, after being assured the FBI had no further need of him.

On the disappointing side of our response:

- We failed to provide Ms. Dishman with information she sought in a timely manner – and I am not happy about that. While we ultimately responded to her requests and provided her what we could, that response clearly should have been much quicker – and for that I apologize to Ms. Dishman.
- We apparently did not adequately secure Ms. Dishman's cabin. Although it appears that this had no effect on the FBI's investigation, the manner in which we carried out this task was neither consistent with our policies and practices, nor with our ethical obligation to our guests.
- We should have done more to support Ms. Dishman's personal and emotional needs onboard the ship.

In response to the above, we have taken the following steps to strengthen our efforts:

- Providing information in a timely manner: Overall, in situations of this sort, we face far greater legal liabilities and are held to a higher standard than a land-based facility. Land-based resorts are not held liable for assaults committed against patrons except when they negligently hired or retained an employee with a criminal past. Unlike land-based facilities, cruise lines are strictly liable for assaults committed by their employees against their guests, even if the company itself was not negligent. If such an assault takes place onboard, we are responsible to pay damages regardless of fault. For this reason, we sometimes respond like other large companies involved in, or facing a potential lawsuit – we become too defensive. This is an issue we are specifically addressing and, as part of our continuous improvement efforts, we are revising our policies to allow for a prompter release of certain information to alleged victims, including:

    - The name of the alleged assailant, if it can be determined.
    - Copies of shipboard medical records relating to the alleged victim.
    - The name and contact information for involved law enforcement authorities.
    - Copies of written statements provided by the alleged victim.
    - As we continue to review this issue, other items may be added to this list.

- Effectiveness of an incident response: In my view, Royal Caribbean is very adept at handling routine issues and guest-related incidents. However, in situations such as Ms. Dishman's, involving intimate contact between guests or a guest and a crew member, we are less practiced, principally due to the infrequency of these incidents. This also makes it more likely for us to make mistakes. I was hired by Royal Caribbean to assist the company in many ways – and none is more important than in situations such as this. I am working to improve training, incident communication and oversight to address this area.

- Guest support: In response to the need to improve our efforts to provide personal and emotional support, we have created the Guest Care Team. This dedicated team has been primarily pressed into duty in response to medical emergencies but has also supported victims of alleged sexual assaults. This team has received overwhelmingly positive feedback from alleged victims, our guests and their families. I believe this represents a very strong commitment to this very important area. Further details on this initiative are contained later in my statement.

- Security-support staffing: The nature of cruise ships requires crew members to occasionally assist in shipboard duties beyond their routine assignment. This is also true in the area of security, where crew members may be asked to assist by performing routine (non-security) functions such as checking IDs at our nightclubs. It is important that we carefully select and train such persons so they can provide the highest standard of service to our guests. We have communicated this directive to our Security Officers, holding them accountable for the selection of security-support crew members and for providing proper training and oversight to these persons.

As you can see, Mr. Chairman, we have taken several steps to address issues raised by Ms. Dishman. I know from my conversations with you that we share the view that there are few crimes in society more troubling than sexual crimes, nor, I believe, more difficult to prevent. I will continue to look for ways to prevent the very few such crimes we experience on our ships. At the same time, I will also continue to work to improve the level of our crew's preparedness to effectively respond when these infrequent incidents occur.

II. Initiatives

I came to work for Royal Caribbean last June because the company impressed me with its strong commitment and dedication to security and guest care. Nine months into my job, I continue to be impressed. While we have strong security systems and procedures in place today, we continually strive to

improve and to reach higher levels of excellence in tools, technology, skills and performance.

Over the past year or so, we have implemented several new initiatives that will help us enhance guest and crew security and provide more effective assistance to our guests and law enforcement authorities in the relatively rare instances when a crime is alleged. For example:

1. For more than a year, our company has been working closely with the Family Assistance Foundation, which provides a positive environment in which personnel in any organization can share resources, information, experience and insight about family assistance and emergency management. The Foundation is an independent non-profit corporation founded for the purpose of improving support given to survivors and family members following a disaster. The Foundation takes a unique approach to helping organizations successfully meet those survivor needs. The Foundation enables organizations worldwide to traverse corporate borders when disaster strikes and work together to assist the people involved. We are active members, speaking at Foundation events, working with its staff regarding our internal drills, and receiving advice and counsel regarding our special responses for guests involved in unusual circumstances.

2. In Spring 2005, we began a fleet-wide, multi-million dollar process of installing new digital video recording technology onboard our ships to replace our analog videotape recording systems. This project enables us to more effectively record, review, enhance, monitor, duplicate and store video from our onboard security system. This new technology and our enhanced capabilities have already proven to serve us and our guests well in those rare events where law enforcement agencies needed to make use of video captured by our security systems.

3. In late 2005, Food and Beverage staff at Royal Caribbean International became involved with the Educational Foundation of the National Restaurant Association. A member of our staff was invited to serve on its board of industry experts and help finalize its ServSafe program, which involves the responsible serving of alcohol. In January 2006, we began instituting ServSafe training for all management and staff involved in serving alcohol onboard our Royal Caribbean ships. We created a special incentive-based promotion to motivate staff to serve alcohol responsibly and reinforce our commitment. As part of the program, we also initiated innovative online training and testing, transparent, fleet-wide performance report cards, and a responsible drinking message on each of our beverage menus. The result has been more training, with measurable competency, in record time. I am pleased to report that in 2007 we received a national award that recognized the effective implementation and execution of the ServSafe program.

4. In January 2006, we enhanced our SeaPass system procedures to better track guests at the end of their cruise. SeaPass technology helps our security staff and crew members know which guests and crew members are onboard and which are not, at any given time. Previously, guests were not required to swipe their SeaPass cards when disembarking at the end of their cruise, as we relied solely on the Customs and Border Protection clearance process. Today, they are required to do so. Similar to an identification card, an individual's SeaPass card must be swiped upon entering or leaving the ship during the cruise. This produces a computer image of the guest's photograph and personal identification that is viewed by our security staff. This permits our staff to ensure that only the actual owner of the card uses it to gain access to our ships and maintains a record of who is on or off the ship. The SeaPass card also serves as a stateroom key for guests. Although our SeaPass check-out process would not have prevented Ms. Carver's suspected suicide, it would have enabled us to immediately determine she did not disembark at the end of her cruise. In addition, we have changed the design of the SeaPass cards issued to guests 20 years of age and younger to help us better identify minors and prevent them from purchasing alcohol onboard.

5. In May 2006, we formalized a longstanding function we had provided our guests who need special assistance. Called the Guest Care Team, this full-time staff, led by a registered nurse, provides support and assistance to guests with medical or family emergencies, injuries or any other traumatic event they experience. The team is available 24 hours a day and travels to ships and/or ports as necessary. In addition to having work experience in this area, team members have received special training from the National Transportation Safety Board's Family Assistance Program. From July 2006 to February 2007, while our ships carried approximately 2.25 million guests, our Guest Care Team helped 791 guests or their families. More than 95 percent of their work involved medical emergencies or deaths due to natural causes. They are also available to support guests and family members involved in alleged assaults or missing persons. The work of our Guest Care Team has been overwhelmingly meaningful and important to our guests. I have attached at the end of this testimony a set of four letters sent to us by guests assisted by our Guest Care Team. I have also attached an article from a Canadian newspaper on assistance we provided to one of our guests. As you will see, the contributions of our Guest Care Team have been truly significant and reflect the commitment we have to do all that we can to assist guests with difficult and emotionally challenging situations.

6. In August 2006, we began Phase II of our video technology project, which will expand our video coverage by adding nearly $25 million worth of additional state-of-the-art cameras in strategic areas throughout our ships. This upgrade process is now well underway, and the new cameras will be operational fleet-wide by the end of this year.

7. In September 2006, the security officers from our Royal Caribbean ships attended a continuing education program on evidence preservation taught by FBI special agents. This "Train the Trainer" program requires our security officers to return to their own ships and provide training to each of their respective security staffs. While our onboard security staff are obviously not criminal forensic investigators, this program will help us better assist the FBI and other law enforcement agencies when they come aboard to investigate allegations of crime.

8. In September 2006, we implemented a company-wide program to track and assess worldwide security risks that may affect our guests and ships. One such example involves preparations for our visits to venues hosting the Cricket World Cup. This is one of the largest sporting events in the world, and is currently being played in nine Caribbean nations. These championships are expected to draw up to 100,000 fans, many of whom will be patronizing the same public places, restaurants and attractions as our guests. We have worked closely with the Cup's coordinators to ensure the security of our guests.

9. In October 2006, we began a relationship with the FBI's Office of Victim Assistance. As I have noted, our company reports all allegations of crime to the FBI. Each year, the FBI investigates thousands of crimes that greatly harm individuals, families, and communities. Last year, the FBI investigated crimes involving more than 188,000 victims. The FBI is committed to ensuring that victims receive the rights to which they are entitled and assistance to help them cope with the impact of crime. Treating victims with respect and providing them with assistance benefits victims and helps the FBI build better cases. We share that opinion and we also believe that helping our guests in need is not only good business – it is the right thing to do.

10. In November 2006, we developed a new Guest Security program that places additional highly trained and experienced security officers on several of our ships. These officers are solely dedicated to preventing or, when necessary, responding to incidents before they conceivably escalate. I have been very impressed with their work thus far.

11. During December 2006, we revised our Guest Conduct Policy, which is intended to help ensure that all of our guests are able to participate in a safe and enjoyable cruise experience. This policy outlines standards of conduct for our guests, in force throughout their cruise. It is available to guests in a variety of locations, including a hard copy in each guest's stateroom. The policy discusses issues such as general safety and security issues; inappropriate, abusive, unsafe, discourteous or disruptive behavior; parental and guardian responsibilities; alcohol, drugs or other illegal or dangerous items; environmental issues; and consequences, which include warnings and possible expulsion from a ship.

12. In February 2007, we centralized all security functions for ships, ports and terminals under my new department. This consolidation has streamlined our operations and improved security communication. Although this is a recent change, and its full benefit is yet to be fully realized, it is nevertheless an important step in our continuous improvement process.

13. In March 2007, as you heard a few minutes ago from CLIA's President, Terry Dale, Royal Caribbean and the cruise industry furthered their commitment to improve safety and security by, as an industry, formalizing our practice of reporting onboard incidents to the FBI and Coast Guard. This agreement further clarifies and standardizes our reporting requirements based upon current law that requires us to report alleged crimes. I want to emphasize that it has been and will continue to be Royal Caribbean's policy that we fully report allegations of crime to the Coast Guard and the FBI and to fully and effectively assist them in all investigations.

III. Security Policy and Procedures

I now would like to put into a broader context the recent improvements to our policies and procedures that I just detailed. I hope you'll agree that these new policies build on what I believe is already a strong foundation for how our company handles incident reporting and security. To that end, this section explains our policies and procedures for: 1. hiring crew members; 2. security programs and training for crew members; 3. chain of command for security and handling on-board crime reports; and 4. guest behavior.

1. Hiring Crew Members

Providing a safe environment begins with our hiring process and policies for crew member and guest behavior. It continues with training our crew members on our safety policies and enforcing them.

In particular, our policies and training require diligent reporting of allegations to the FBI and other law enforcement authorities, and they establish appropriate behavior for crew member interaction with guests. We also enforce our crew member and guest conduct policies, up to and including expulsion from the ship and termination of employment. All shipboard employees undergo training on these subjects each time they board one of our vessels for a new contract.

Hiring the right people is the goal of any successful company, but it is especially important in the hospitality business. With 43,000 employees representing more than 100 nationalities, Royal Caribbean and Celebrity Cruises take a number of steps to ensure that the crew members we hire are of the highest quality. U.S. and foreign-national crew members are screened through our application and interview process. Also, foreign-national applicants must

undergo a second layer of U.S. State Department screening to obtain the "C1D" visa required for entry into the United States, transit to a ship, and reentry to U.S. ports after an initial departure. There is yet a third layer of screening for our foreign-national crew members entering the United States – typically at international airports, as the U.S. Customs and Border Protection agency screens them upon entering the United States. Our policy is not to hire any foreign national if the vetting process uncovers a criminal or undesirable past.

According to 22 CFR 41.105, a "C1D" visa application background check entails the following steps, which are initiated by a U.S. consulate official in the home country of the foreign-national applicant:

- Photographs[1] of the applicant;
- The U.S. consular official may (and, in some cases, is required to) take fingerprints of the applicant for investigative purposes;[2] and
- The State Department checks the name of the applicant in certain criminal-history record and other databases to which the FBI provides access in order to determine whether an applicant has a criminal history or other record.[3]

Only after clearing the "C1D" visa application process (and the corresponding screening is approved) does Royal Caribbean or Celebrity Cruises extend an official offer of employment to a foreign-national crew member candidate.

2. Security Programs and Training for Crew Members

As in our hiring, we take special care to ensure that our guests enjoy, and crew members work, in a safe environment. Consequently, we have a specific security program that includes (but is not limited to): (1) advanced access control systems, which involve positive identification of all persons onboard with photographs; (2) screening of all items coming onto our ships; (3) sophisticated digital closed-circuit camera systems; (4) and security staffs led by security officers who typically have military or professional security backgrounds (in addition to officers with specific guest-relations and ship-oversight responsibilities) who are trained to handle all manner of situations onboard. In addition, all crew members – regardless of their responsibilities -- are trained to report any suspicious conditions or suspicious activities onboard to their superiors, who are then required to report them to headquarters. More details on these measures can be found below.

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[1] Id. at 41.105(a)(3)
[2] Id. at 41.105(b)(1).
[3] Id.

We also have in place strong and effective crew member- and guest-conduct policies and procedures.

Every new crew member of Royal Caribbean and Celebrity Cruises undergoes training concerning safety, incident-reporting, and appropriate guest interaction. For example, we prohibit any intimate contact with guests, even if guests initiate such contact, and we obviously prohibit crew members from consuming any alcohol while on the job. If crew members violate any of our policies, we discipline them, up to and including termination.

3. Chain of Command for Security and Handling On-Board Crime Reports

Chain of Command for Security

Overall, there are three levels of management responsible for security onboard our cruise ships. The Captain of the ship is the chief enforcer. Next, the Staff Captain serves as the ship's second-in-command, and is the officially designated Ship Security Officer, as required by international maritime law. Beneath the Staff Captain is the top security officer, who heads a team of security personnel, depending on the size of the ship.

The majority of our security staff fleetwide have extensive military and law enforcement backgrounds, and the rest have comprehensive career experience in maritime security. Our officers are trained to handle all manner of crises and allegations of crime. They are also trained in defensive tactics and the operation of our state-of-the-art narcotics and explosives detection technologies. Our security training includes leading security experts and includes basic crime-scene-preservation training.

Ensuring that our guests have safe and secure cruises, however, is not the responsibility of our security staff alone. On average, we have 910 crew members onboard our ships, and every crew member receives safety, crime awareness, reporting, and prevention training. Indeed, crew members can be our most valuable eyes and ears onboard our ships and frequently act as our first responders.

From our cabin stewards, who greet our guests when they first come on-board and care for their rooms throughout their cruise, to dining staff to guest relations personnel to entertainers to our Captains, we task our crew members and officers with serving and taking care of our guests. All of them try to ensure our guests have a safe and enjoyable vacation. This is the service that makes our business succeed, and it is the right thing to do.

Handling Onboard Crime Reports

If an incident occurs onboard a ship, the Staff Captain, Chief Security Officer, and security personnel manage the response.

Federal law imposes strict requirements for reporting to the FBI allegations of crimes that arise on our ships sailing to or from the U.S. Additionally, the FBI has identified for the cruise industry those allegations of potential crimes it wants reported. Not only do we report what the law requires, but we also report allegations of lesser crimes that fall below the legal requirements or FBI guidelines, or that would not otherwise be reported in a land-based environment.

Specifically, when a guest or crew member reports an allegation involving a potential crime, our reporting process is as follows:

- We report allegations of crime within U.S. territorial waters to local authorities and the FBI, regardless of the nationality of the alleged victim or perpetrator.

- We report allegations of crimes committed on the high seas against or by a U.S. citizen to the FBI. When the ship is not returning to the United States during its voyage, we also report such an allegation to the local U.S. Consulate (where available) at the next port of call.

- We report allegations of crimes, which are committed on the high seas against a non-U.S. citizen to the appropriate authorities at the vessel's next port of call and to the ship's flag-state authorities.

- We report allegations of crimes that are committed while the vessel is in another sovereign state's territorial waters to the appropriate authorities if the vessel is making a port visit in that country. If the allegation is of a crime by or against a U.S. citizen, we also report to the local U.S. Consulate (where available) and to the FBI in the United States.

Royal Caribbean and Celebrity personnel in Miami oversee the notification process to the authorities to ensure the legal requirements and our policies are followed. We also ensure that our Miami-based employees are on-call 24 hours a day to receive reports of such situations and to handle them.

In the event that a law enforcement authority decides to investigate an incident, we facilitate the cooperation of crew members that investigators might wish to interview. We have always welcomed all law enforcement agencies onboard our ship and have given them unrestricted access to our ships and personnel to facilitate their investigations. We have even made cabins available when the FBI requests to have agents sail onboard our ships in order to complete an investigation.

As noted, in many cases, we give the FBI more than it requests. Consequently, the FBI often declines to investigate allegations of crimes below certain thresholds. In other words, we report incidents to the FBI even though they fall below the legal requirements or guidelines that the FBI has established for industry reporting.

Significantly, if the FBI declines to pursue an allegation, we follow up with local authorities to give them the opportunity to do so. We do this whether our ships are docked within or outside the United States and whether the situation involves a U.S. or non-U.S. citizen.

As you can see, we take seriously our reporting responsibilities to law enforcement. To underscore a point that others have made in the past, we are not a law-enforcement or investigative agency – nor do we believe law-enforcement authorities wish us to act as such.

Beyond requiring crew members and officers to notify their supervisors after learning of a potential crime, we also provide training in how to respond to such allegations. They undergo sessions with leading security experts to learn a variety of advanced security techniques. After receiving a report of an incident, the officers conduct interviews with the individual making an allegation, the accused, and any witnesses.

Our officers also assist in providing preliminary reports to the FBI and any other relevant authorities. As stated previously, however, our security officers are not forensic investigators, and we appropriately limit our investigative efforts to avoid potential interference with law enforcement and prosecutors. Instead, one role of our security force is to detect and prevent, as well as to help handle, incidents that arise and assist in the reporting process in the aftermath.

4. Guest Conduct Policy

Our guests are seeking an enjoyable vacation, and nearly all of them respect the desire of the rest to do so as well. To ensure that the rights and wishes of all our guests are respected, each guest who travels aboard one of our cruises agrees to abide by certain rules of behavior and discipline. This policy addresses different categories of behavior.

This policy also outlines the consequences of such behavior. Minor infractions may initially result in a warning to the individual, a second warning if the behavior persists, and, if necessary, an action to finally resolve the problem, including expulsion. More serious violations (which would include posing potential physical harm to themselves or others) require a meeting with the particular guest or guests, outlining an action plan to resolve the issue, and, if appropriate, expulsion from the ship.

IV. Practical Points: Security Measures and Laws Protecting U.S. Passengers

Beyond the Royal Caribbean and Celebrity procedures I've outlined above, I also wanted to share with the Subcommittee some concrete points about our security measures and equipment as well as what laws actually govern U.S. passenger security on cruise ships.

1. Ensuring U.S. Passenger Safety: Security Measures and Equipment

We have a full complement of preventive, surveillance and enforcement procedures and devices. We physically screen every person, piece of luggage and the supplies that come onboard our cruise ships. We screen guests in advance of their boarding and have a thorough check-in process, including identification validation of guests. In addition, because guests typically book their cruises weeks or months in advance of departure, we know more about our customers (including credit card information, food preferences, and other personal information) in advance of their boarding than any other vacation business. We also have strict systems for the handling and protection of that information.

Royal Caribbean and Celebrity Cruises also provide pre-arrival and pre-departure manifest information to federal law enforcement authorities in the United States and elsewhere in the form of a ship manifest. This electronic database includes the names, dates of birth, citizenship, passport and other data for every person onboard. We submit this information electronically to the U.S. Coast Guard and the U.S. Customs and Border Protection in advance of arrival at and departure from U.S. ports. This allows the U.S. government to compare our lists with databases managed by federal law enforcement agencies.

Some of our crime prevention and enforcement measures go beyond what the law requires. For example, all our ships are equipped with a strict access control system that we call SeaPass, which is not mandated by any authority and which is explained in Section II.

Although not required, the majority of our ships have brigs where we can safely isolate those who pose a risk to the ship, guests or crew. On ships without brigs, we isolate individuals in a cabin, guarded by a security officer, until they can be turned over to the appropriate law enforcement agency. We have security staff on duty 24 hours a day, and they specifically make rounds to detect and prevent improper activity and accidents on our ships. Our security operations also include trained divers who search ship hulls and ports at which we call, and work in coordination with various law enforcement agencies.

2. U.S. and International Laws Governing Passenger Security On-Board Cruise Lines

Recently, a number of statements have been made in the media leaving the impression that there are no domestic laws governing passenger security onboard cruise ships and implying that international laws provide inadequate protection. Nothing could be further from the truth. Well-established laws – in the U.S. as well as elsewhere – address two categories of passenger security issues: crime onboard ships; and terrorism and safety of ports and vessels.

- First and foremost, U.S. law protects American guests onboard cruise ships around the world. Pursuant to U.S. laws and through a number of maritime agreements between the United States and other countries, U.S. authorities may investigate and prosecute crimes against Americans or perpetrated by Americans no matter where the crimes occur. In addition, the U.S. Coast Guard has jurisdiction over all ships entering U.S. ports, regardless of where the ship is flagged. The FBI also has jurisdiction to investigate allegations of crimes even when the incidents occur in foreign waters. The FBI routinely exercises this authority.

- Meanwhile, an interlocking set of international treaties and laws, bolstered by more specific national laws, address anti-terrorism and ship safety issues on the seas and at ports of call.

The primary set of international laws is the International Ship and Port Facility Security (ISPS) Code, which was enacted by the International Maritime Organization (IMO) and signed by member countries. The IMO is a sub-body of the United Nations, and its members are known as "flag states," or nations that register ships and have authority over them. The more specific U.S. law implementing the ISPS Code is known as the U.S. Maritime Transportation Security Act (MTSA). Both the ISPS and MTSA became effective on July 1, 2004, and both serve as the blueprint for cruise ship security plans and practices we have in effect today. Prior to the creation of these recent maritime laws, Royal Caribbean and others were subject to international guidelines specific to the cruise industry that required security plans. These maritime laws also require extensive ship security plans and security assessments.

Among other things, the more recent ISPS Code requires each cruise line to create a comprehensive security plan for each ship and terminal. Some of the aspects of the security plans are the following:

- A cruise line conducts a physical survey of each ship and terminal, identifying potential security vulnerabilities. The company then adds security measures to its existing plan to protect these areas.

- Registered security organizations conduct independent evaluations of each ship and its security plan, and verify that proper security measures are in place and reported.

- Company, ship and terminal security officers who are qualified to serve in these roles are designated and identified in the security plan.

- Mandatory periodic security drills and exercises must be held. Royal Caribbean also conducts regular voluntary drills and exercises.

- Ships must have security-alert systems that send external signals when a ship is under threat.

Cruise lines receive certificates for each security plan from one of the recognized security organizations, such as Det Norske Veritas or Lloyd's Register, which is valid for five years. These organizations conduct interim inspections for each ship every two and one-half years. In addition, Royal Caribbean conducts annual audits of its own security plans. Finally, the U.S. Coast Guard inspects Royal Caribbean's ship operations on a quarterly basis to examine safety and environmental requirements and to ensure that security measures are in place and are in accordance with the law.

- Communication and coordination requirements between ship and terminal officers, in the form of a declaration of ship and port security, detail all ship and port interaction each time a ship enters a port. The ship's designated Security Officer will meet with the terminal Security Officer to determine the level of security for the terminal and ship, and to designate which will run procedures such as guest screening, baggage transport, and monitoring or security duties.

Another entity with legal authority over our ships is the Bahamian government, which, as a commonwealth of the United Kingdom, derives much of its law from there. Bahamian requirements also flow from the IMO laws regarding specific operations of our ships. For example, these regulations outline procedures for handling maritime accidents, set the qualifications for those who operate and navigate ships, and require specific reporting for casualties and other incidents. In essence, the security standards under Bahamian law mirror those for U.S.-registered cruise ships.

Finally, a number of U.S. federal agencies exercise oversight over the cruise industry with respect to safety and security, including:

- U.S. Department of Homeland Security
    - U.S. Coast Guard
    - Customs and Border Protection
    - Immigration and Customs Enforcement

- U.S. Department of Justice
    - Federal Bureau of Investigation

  - Drug Enforcement Administration

- U.S. Department of State
  - Office of Security and Counterterrorism

- U.S. Department of Agriculture
  - Animal Plant Health Inspection Service

- U.S. Department of Commerce
  - National Oceanic and Atmospheric Administration

- U.S. Department of Defense

- U.S. Army Corps of Engineers

- U.S. Department of Transportation

- U.S. Department of Health and Human Services
  - Centers for Disease Control and Prevention

- Environmental Protection Agency

- Federal Communications Commission

- Federal Maritime Commission

- National Transportation Safety Board

3. Handling Jurisdictional Issues on Foreign-Flagged Vessels

This is not a matter of corporate policy but rather of international law and diplomatic deference exercised by international law enforcement. The primary factors in determining jurisdiction are the nationality of the persons involved in an incident, the ship's flag country, and the territory in which an incident occurs.

Jurisdiction begins with reporting any alleged incident to the appropriate authorities based on international law, and then allowing the authorities (based on the law and diplomatic deference) to work out who would take the lead on any investigation and prosecution or whether there would be parallel investigations and prosecutions. As we explained above:

- We report allegations of crimes committed on the high seas against or by a U.S. citizen to the FBI. When the ship is not returning to the U.S. during its voyage, we also report such an allegation to the local U.S. Consulate at the next port of call.

- We report allegations of crimes committed on the high seas against a non-U.S. citizen to the appropriate authorities at the vessel's next port of call.

- We report allegations of crimes committed while the vessel is in another sovereign state's territorial waters to the appropriate authorities if the vessel is making a port visit in that country. If the allegation is of a crime by or against a U.S. citizen, we also report to the local U.S. Consulate and the FBI in the United States.

V. Conclusion

Chairman Cummings, I thank you again for the opportunity to submit this testimony and participate in this important Subcommittee hearing. I am pleased to answer any additional questions you or the Subcommittee members might have on these topics.

- End -

Attachments

[redacted]

12/08/2006 06:12 PM

To [redacted]
cc
bcc
Subject picture

Dear William,

Thank you from the bottom of my heart for taking the time to mail me the picture of me and my husband. This morning I had just received his death certificate and I was very up set. Then the mail came and there was the picture taken the day before he died.
It was very comforting to know how good he looked and that their was no signs that he was sick. My husband died on our fifty wedding anniversary and I treasure all the pictures I have of him.

Sincerely,
[redacted]

Joseph -

I cannot thank you enough for the constant support and aide you gave my family following my fathers sudden death. I am very sorry for the trouble it caused your cruise line, but each person that we encountered from Royal Caribbean was helpful and courteous beyond words. Because you stayed in touch with me, it helped me think through each step. Because you found Mario, our

driver from SEL Maduro' Sons, I could sit back and grieve instead of navigating roads in a country I had never been to. And because of Marie, my mother made it through an unthinkable circumstance. The two last photos we have of my father are on his balcony aboard "Brillance of the Seas." These photos will always be precious to us and your cruise line's support will never be forgotten.

With gratitude and much appreciation,

[redacted]

July 29/06 ..

Dear Bill,

I just want to express to you and Joseph and ~~Royal Caribbean~~ Celebrity Cruise Lines, my deepest appreciation for your absolute outstanding support and assistance this past week. You all went way beyond the call of duty.

Thank you for offering to send me back to Canada also, but I will be perfectly safe on the plane and would never expect you to take that kind of time from your hectic schedule when there are those in much worse circumstances than I am.

Thanks to all of you, I feel prepared to face the difficult task of laying my [redacted] to rest and trying to put my life back together again. Fortunately, I have a huge family and a very large circle of friends waiting in Canada to give me all the love & support I will need.

Have a safe trip tomorrow and enjoy Mykonos & Santorini and I will be thinking of you when you are there.

You have an excellent team with Darkma & Patrick - they have literally been my lifeline here. I just love them.

Again Bill, thank - you from the bottom of my heart. I will never forget what you've done for me.

Sincerely,

[redacted]

THE EXPOSITOR
SERVING BRANTFORD AND AREA FOR OVER 130 YEARS

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Woman grateful to cruise line 'angels'

By Susan Gamble, Expositor Staff

Monday, September 11, 2006 - 01:00

Local News - When her husband was diagnosed with cancer, Linda Rodgers thought it was the worst thing that could happen. She was so wrong.

Ralph Rodgers, 62, collapsed on a Mediterranean cruise at the end of July and was removed from the ship in France. Linda found herself in a foreign environment where she couldn't understand most of the medical staff and didn't have the first idea of how to deal with the crisis.

"I was hysterical. I'm geographically challenged, I had no luggage, my brother and his wife were ashore when we left and didn't know, the ship was leaving and I don't speak French."

But within an hour, Linda received a call from Celebrity Cruise Lines saying their representatives in Cannes were on their way to the hospital and would stay with her.

"I was sobbing and out-of-control but once I had the call from these people, I started calming down."

It was only the beginning of what Linda describes as a lifeline that she could cling to.

Through a new program called Guest Care, the company arranged transportation and a hotel for Linda, ensured she ate meals and got some sleep, made calls to all her family and, when Ralph died of lung cancer, helped Linda make arrangements for his cremation.

"Ralph's illness had nothing to do with them," says Linda. "It wasn't as if they were responsible for what happened to him but they couldn't have done more for me."

A successful real estate developer and owner of several retirement homes, Ralph knew he had cancer.

The couple had departed on the cruise after doctors told Ralph about two tiny spots on his lungs. He was prescribed pain patches and told to go on the cruise — they'd deal with the upcoming chemotherapy when the couple returned.

But when Ralph collapsed, a phone call to his doctor revealed that the cancer was very advanced. He spent six days in a Cannes hospital before dying.

During that time, it was difficult to pry Linda away from his side.

The cruise line got her a hotel and tried to get her to rest but she wouldn't leave her husband.

The first night she slept on a cot in a doctor's office, and the next — when the hospital wouldn't give her a cot because they wanted her to go to the hotel — she slept in the waiting room.

Finally, the husband and wife team from the cruise line stepped in and drove her to the hotel where the wife stayed with Linda and then drove her back and forth to the hospital every day.

"They were by my side constantly."

Family members offered to come to Linda's aid but the cruise representatives assured them everything was under

control.

Celebrity Cruise employees from Miami called frequently to see what else Linda needed and, when there was a concern raised that she wasn't properly eating, Bill Sera, the manager of the guest care team, flew to Cannes and insisted on taking her to a meal.

When Ralph died, it took another two days to finalize arrangements for a cremation and for Linda to fly home with Ralph's ashes, all arranged by Sera.

"I can't imagine the bill. They paid for the hotel and all those phone calls and for the flight home."

The care continued when she was home with phone calls every day, asking how she was faring.

At one point, Linda casually mentioned how sad she was to have lost the last pictures of her husband — which she believed had been wiped out of the cruise ship's computers where they were stored.

A few days later, a UPS parcel arrived with pictures of a happy Ralph on the cruise — both hard copies and on a digital disc.

"Everyone was so amazed by the service I got. These people were literally my lifeline."

Speaking by phone from Miami, Sera said the guest care program is new for Royal Caribbean and Celebrity Cruise Line.

"It started in May because our CEO wanted us to be able to respond to our guests during their greatest needs."

Just .02 per cent of cruisers go through a medical evacuation, but when there are 3.5 million people cruising in a year, that translates to several situations a day. The team deals with deaths on board, missing people and evacuations to hospitals for heart attacks, appendicitis and accidents.

"We have excellent port agents everywhere we dock," says Sera, "but eight or nine times a year we fly out of Miami to provide essential assistance.

"When you plan to go on vacation and end up planning a funeral, you need help."

The costs aren't included in the cruise price, he says, but are covered as a goodwill gesture. Some people's travel insurance kicks in, so each case is evaluated individually for what's needed.

Sometimes, the cruise line will even take counsellors or therapists to the site of the problem.

"I was a nurse for 14 years," says Sera. "This job takes me back to the direct patient care I liked. Everyone on our team feels good about taking care of people and the thank yous we get really make up for the 2 a.m. or 3 a.m. phone calls."

Linda's thanks were very public.

In Ralph's obituary, it says: "A heartfelt thank you to Celebrity Cruise Lines for going above and beyond the call of duty to assist Mrs. Rodgers during the most difficult time of her life."

In retrospect, Linda says the way the situation unfolded was definitely for the best.

"If he hadn't collapsed, we would have come home to the news that the cancer was terminal and he would have had two months of slowly dying. Instead we had a wonderful cruise to remember and I was held up by the Celebrity people. These people were angels."

TESTIMONY OF KENDALL CARVER
BEFORE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

"Crimes Against Americans On Cruise Ships"

HEARING SCHEDULED
Tuesday, March 27, 2007 -- 10:00 a.m.
Rayburn House Office Building
Room # 2167

Presented by

Kendall Carver, President
International Cruise Victims Association, Inc

704 228th Ave NE – PMB 525
Sammamish, WA 98074

Office Phone 602 852 5896
Cell Phone 602 989 6752

I wish to thank the Subcommittee for the opportunity to present this testimony concerning "Crimes Against Americans On Cruise Ships" and to suggest needed changes in current practices of cruise lines. I am here today both as a victim and as President of International Cruise Victims (ICV), an organization formed by people who have experienced tragedies on cruises and who have been treated poorly by cruise lines.

As a victim, I have personally felt the pain, not only of losing our daughter, Merrian Carver, but also having to struggle with the cover-up by a major cruise line of the facts concerning her disappearance. She had been a passenger on a Celebrity Cruise Ship, which is owned by Royal Caribbean.

Each member that has joined ICV since it was founded in January of 2006 has had similar painful experiences. Having listened to the stories of these other victims, I feel that I now know something about what counselors must feel when they hear the tragic stories from their patients.

I would first like to review quickly the tragic events of our daughter's disappearance...

One year ago I testified at a Congressional Hearing chaired by Congressman Shays. Merrian's disappearance has been the subject of both TV programs and published articles around the world. A query to Google produces pages of articles concerning her disappearance and the subsequent cover-up by the cruise line.

Our Experiences with a Cruise Line

- We found out that our daughter was missing when she did not answer or return repeated telephone calls that we made to her home in Cambridge, Massachusetts.

- We then filed a missing person report with the Cambridge police. They were able to trace her credit card transactions and found that she had purchased a ticket on a Celebrity Cruise Ship that left Seattle to tour Alaska and returned to Vancouver.

- When I asked the cruise line if Merrian had been on their ship, they got back to us three days later. They reported that she had been on their ship and that she had not used her cabin after the second night, but added that such behavior was not unusual. They also claimed that they could not confirm that she had left the ship at Vancouver at the end of the cruise.

- We then asked if there were any video records from surveillance cameras that might shed light on what had happened to our daughter, Merrian. They replied by stating that they had already erased the videotapes, even though it had only been three weeks following the cruise. They also claimed that they had given her personal belongings to charity and had placed her purse in storage, which contained her identification.

- After five weeks, they finally reported to the FBI that there had been no "*Oscar, Oscar, Oscar emergency on that voyage*". This implied that nothing had happened. Internal documents from the cruise line indicate that they knew Merrian had gone missing from the ship.

Since there was no investigation in process to interview any of the crewmembers, we decided that we needed to speak with the steward, who had serviced Merrian's cabin. We were forced to hire private investigators and law firms in Boston and Miami to obtain court orders, just to be able to ask questions of the steward. This exercise took five months to complete with costs in excess of $75,000.

On January 16th and 17th of 2005, depositions were finally taken of Domingo Monteiro, the steward of Merrian's cabin, and Christos Hadjipetris, the hotel manager for the cruise ship. Those depositions convinced us that there had been a concerted effort by the cruise line to cover-up the details concerning Merrian's disappearance and the actions taken or not taken by the cruise line personnel.

The steward claimed that he had reported Merrian missing daily for five days to his supervisor during the cruise and had been told to "*just do your job*". At the end of the cruise, he was ordered to place her personal items into a bag and place them in the supervisor's locker. The cruise line then made no report of her disappearance to any authorities.

At the March 2006 Congressional Hearing, Chairman Christopher Shays asked Mr. Lawrence Kaye, the attorney for the cruise line industry, *"How did you react to Mr. Carver's testimony?"* to which he responded, *"I think what happened to Mr. Carver was absolutely horrible and inexcusable."* When asked, in his judgment, if the supervisor was the one responsible, Mr. Kaye responded, *"I think he was one of the people responsible."* Clearly, many people were involved in the decisions not to disclose the true facts of Merrian's disappearance.

At the same hearing Congressman Shays asked Captain Wright, Representative for Royal Caribbean Cruise Lines, why the cruise line had not cooperated with

the family and provided necessary information to the family. Under oath, he testified that, *"It is my understanding that we did our best once we were aware of the disappearance of Mrs. Carver."* (Documents attached to this statement show that officials of Royal Caribbean decided in September of 2004 to cover-up facts relative to Merrian's disappearance.) We received nothing from the cruise line to assist us, until I finally wrote to each member of their Board of Directors in February of 2005. Even then, we still have not received items that were requested and subpoenaed in 2004 and 2005.

Our questions to the cruise line included the following:

- Why was Merrian not reported as missing?
- Why did they dispose of her property at once (when their protocol calls for property left on a ship to be held for 90 days)?
- Why did they state that there were no video records (when their protocol calls for retention of 30 or 90 days)?
- Why did they make a report to the FBI indicating that nothing had happened on the cruise? (Their own internal documents show that during the third week in September their officials were planning a cover-up of the disappearance.)
- Why did they indicate to our Detectives that the steward had made no reports concerning Merrian (when we later learned through the depositions that he had reported her missing for five days during the cruise)?
- Why was it necessary for us to take court action in two states just to have our detectives and lawyers interview the steward?

In July of 2005, I read a book, "The Devil in the Deep Blue Sea" by Kristoffer Garvin. On page 246 he wrote, *"An examination of sexual cases found a pattern of cover-ups that often began as soon as the crime was reported at sea, in international water where the only police are the ship's security officers."* I realized that our treatment fell within this pattern.

International Cruise Victims

After the first Congressional hearing in December of 2005, I concluded that we needed to organize a group of victims in order to have a chance to make changes in the practices of the cruise industry. I contacted other known victims, and together, we decide to form International Cruise Victims. After 15 months of existence, this group now has members in 10 different countries with a separate chapter in Australia. Members of this subcommittee and their staff members can review the stories of these victims on our website at www.internationalcruisevictims.org.

When I and other victims testified at the hearing in March of last year, we shared our stories to show the need for substantial changes in cruise line practices and presented a 10-point program developed by ICV members to improve safety on cruise ships.

During the last year, we have reached a number of conclusions, including the following:

- We agree with the statement on page 246 of "The Devil in the Deep Blue Sea" that for cruise lines, "*Avoiding negative publicity, it seemed, was a higher priority than seeing justice done.*"

- Cruise lines take the position that they have no legal obligation to investigate any crime. They also indicate that they do not have the technical staff to examine crimes committed on ships. Purely, on a voluntary basis, they notify the FBI. Since the nearest FBI agent may be hundreds of miles from the scene of the crime on a moving ship, it is not possible to take immediate steps to protect the victim, secure a crime scene, or start an investigation. There may also be a jurisdiction problem.

- If cruise line officials make efforts to cover-up crimes, there appears to be no penalty, even if such efforts are discovered. This means that they can continue the same practice, as they did in the cases of Merrian and other victims. We hope Congress will take action to help change this situation.

- There is an established pattern of cover-ups. A few examples include:

1. In 1999 a federal investigation of illegal dumping by Royal Caribbean Cruise Lines resulted in a fine of $27,000,000 and more than twenty felony convictions. Quoting from the press conference (See attached) held on 7/21/1999 by Attorney General Janet Reno, she indicated the following, *"It worked like this; the company's cruise ships were rigged with secret bypass pipes. Engineers on the ships used the pipes to dump their bilge waste overboard, often in the darkness of night. And to make matters worse, the company routinely falsified the ship's logs so much so that it's own employees referred to the logs with a Norwegian term meaning Fairy Tale Book.*

2. In response to a request from the Congressional hearings held in December of 2005 to disclose all sexual crimes occurring on cruise ships during the period from 2003 through 2005, the entire cruise line industry reported 168 cases. An investigation by the Los Angeles Times published on January 20, 2007 revealed that Royal Caribbean had reported 66 cases. However, in response to a court order in June of 2006, Royal Caribbean, which represents approximately 25% of the cruise lines capacity, listed 300 cases. The article goes on to quote Maritime Lawyer, James Walker. *"They redefined things and in the process, magically 'poof' what used to be a crime no longer existed," Walker said. "Then they served up these numbers and thought they could get away with it."*

3. In my daughter's disappearance and in other victim's cases, major efforts were made to keep the facts from coming out.

* * * *

We need to address solutions to this problem, in order to protect future passengers. The goal of ICV is not to damage cruise lines but to hold them accountable for the safety of future passengers and crewmembers and to require prompt and accurate reports to authorities of crimes, deaths, disappearances and other matters that would normally be investigated if they had occurred on land.

We are also extremely pleased that during this past year two major organizations have joined ICV in our efforts to assure that necessary reforms are made to this industry. These two organizations include the National

Center for Victims of Crimes and Rape, Abuse & Incest National Network (RAINN). Their partnerships are most important, as we move forward in our goal for reform.

ICV has proposed a 10-point program to make needed changes. In Australia, Mr. Peter Ratcliffe, CEO, P&O/Princess Division, said, at a press conference held on February 22, 2007, that "We *are also focusing our attention on the proposals from the ICV advocacy organization headed in Australia by Mr. Brimble. We recognize that these proposals reflect the legitimate interests of the people involved in the safety and security of passengers on board our vessels."*

While the cruise lines keep saying that they are the safest form of transportation, our conclusion, based on the disclosures in the LA Times article, is that their crime rates are actually higher than the general population. Our website shows detailed proposals for controlling the sale of alcohol and, in addition, ICV has proposed the establishment of an independent security force on all ships. Details of this program can be also found on our website. (We have attached a position paper supporting the need for such an organization.)

ICV has a clear interest in the safety and fair treatment of passengers. Many of our members have been assaulted or have had loved ones who were injured, killed, or who disappeared at sea. We want improvements in the practices of cruise lines. Such improvements will also be good in the long-run for the cruise line business.

I thank you again for the opportunity to present our statement, and I would be happy to review our proposals with members of the Subcommittee and /or their staff.

SUPPLEMENTAL ATTACHMENTS SUBMITTED BY

KENDALL CARVER

Before "SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION"

"CRIMES AGAINST AMERICANS ON CRUISE SHIPS"

- ***ICV 10-POINT PROGRAM***

- ***ICV POSITION PAPER – INDEPENDENT SECURITY***

- ***ICV LAW ENFORCEMENT SURVEY***

- ***ATTORNEY GENERAL JANET RENO PRESS CONFERENCE***
(Pages 1-3 of 8 pages)

- ***ROYAL CARIBBEAN INTERNAL E-MAILS***
(9/23/2004 to 9/30/2004 Re: Merrian Carver's Disappearance)

ICV 10-Point Program

U.S. CONGRESSIONAL HEARINGS
MARCH 27, 2007

Suggestions Submitted By:

International Cruise Victims Association, Inc.

*** INCREASING SECURITY & PASSENGER SAFETY ***

- **BACKGROUND CHECKS (Crewmembers/Officers)**
  - Create a MAIN database for reporting all terminated individuals/employees, ensuring that the same employee(s) will not be rehired by another cruise line.

    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.

- **INTERNATIONAL POLICE/U.S. MARSHALLS**
  - An International police force should be established 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.

- **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.)

- **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

- **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

- **ACCESS/SECURITY BRACELETS**
  - Bracelets to be issued just prior to boarding the ship:

    a) Designed to include microchips
    b) Worn by passengers 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 (similar to those on house arrest, microchips for our dogs, our children, and our vehicles).

- **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
    NOTE: The airlines do not permit someone to be missing from their seat on an aircraft without accountability, and flights are only for hours, not days.

- **RAPE KITS/RAPE REPORTING**
  - Rape kits MUST BE available on all ships:

    a) Doctors, who have a license to practice medicine, must be available 24/7.
    b) No requests should be refused or taken lightly.
    c) Written documentation to be provided, signed, and issued to the patient.

- **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.

- **CRUISE LINES' ACCOUNTABILITY & U.S. CONGRESS INTERVENTION**
  - Legislation changes must be made to hold cruise lines accountable for the safety of U.S. Citizens

  - 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.

ICV POSITION PAPER – INDEPENDENT SECURITY

The Need for Independent Security Monitoring on Cruise Ships

International Cruise Victims (ICV) proposes that Independent Security Monitoring personnel be present onboard all cruise ships. With the cruise ships having their own security staff, you may question why this is necessary.

Following a number of high-profile reports, ICV has concluded that the onboard management (cruise line employees) is lacking in the prevention of incidents, and also subsequent responses to a number of incidents that have impacted their passengers and crew.

Our reasons for proposing an Independent Security Monitoring Force are as follows:

1. **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.**
2. **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.**
3. **Criminal cases that occur on a cruise line must be properly handled resulting in the prosecuting of those who commit such crimes.**
4. **An independent Investigation organization will ensure that there is no 'conflict of interest' between the cruise line and the victims.**
5. **With the added concern of terrorism, additional security is necessary to protect passengers and crewmembers.**

The following details address the above issues:

1. **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.**

   Based on the outcome of many court cases, the cruise lines have maintained the legal position that they are under no obligation to investigate crimes that occur on their cruise ships. In other statements they have indicated that they do not have the technical expertise of a crime laboratory. On a voluntary basis, their only action is to contact the appropriate law enforcement agency, such as the FBI.

   The cruise lines' stance for not investigating crimes appears to make a successful resolvement of an incident extremely difficult. Criminologists will tell you that the most important aspects of a successful are the proper collection of evidence and timely interviews of all potential witnesses.

   With several thousands people in an isolated area, especially strangers, there is no questions that crimes will occur. This could be related to a town of several thousand residents having no police force to contact to immediately investigate any alleged crime or a missing person.

2. **All crimes 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.**

   When the nearest enforcement agency, such as the FBI, is located hundreds of miles away at sea, this delays and inhibits any prompt investigation. In many cases, there have been significant delays in reporting missing passengers and/or or crimes against passengers and crewmembers. In addition, a recent front-page article of the January 20, 2007 issue of the Los Angles Times indicated that sexual crimes on cruise ships have been under-reported by, at a minimum, by one of the major cruise lines.

   The reality of what is being reported is also being interpreted by the cruise industry to their advantage. The discrepancy in the reported numbers supports the need of Independent Security Monitoring personnel on board all cruise lines. It forces us to question the accuracy of any report issued by a cruise line, and surprisingly, even when the information is in response to questions posed by the U.S. Congress.

3. **Criminal cases that occur on a cruise line must be properly handled resulting in the prosecuting of those who commit such crimes.**

   Convictions of criminal cases on cruise ships rarely, if ever, result in convictions. This is easier understood by the lack of any independent organization on board to investigate and prosecute crimes. Prompt action taken by Independent Security Monitoring personnel would help remedy this issue.

   This emphasizes the real need to also introduce effective legislation by various national governments to protect their citizens, passengers and crewmembers onboard cruise lines. This need should include the publication of ACCURATE statistics to the public in the same manner that the cruise lines comply with the Vessel Sanitation Program of the Center for Disease Control and Prevention (CDC), and statistics of cruise ship illnesses. Public health inspections can be found on the CDC's public domain website of that US Federal organization.

4. **An independent Investigation organization will ensure that there is no 'conflict of interest' between the cruise line and the victims.**

   Effective cruise ship security cannot be expected serve two masters. They cannot be expected to work and be financially compensated by the cruise lines, and at the same time, also be expected to aggressively protect passengers from crimes, etc. for which the cruise line would be held legally responsible.

5. **With the added concern of terrorism, additional security is necessary to protect passengers and crewmembers.**

   In the October 16, 2006 issue of the Insurance Journal, titled, "Maritime Terrorism Risk Extends to Cruise Ships and Ferry Boats", the article indicates that cruise ships and ferry boats need more protection against terrorist attacks that could kill and injure many passengers and cause serious financial losses. This conclusion is based on a new RAND Corporation report.

   "Focusing solely on securing the container supply chain without defending other parts of the maritime environment is like bolting down the front door of a house and leaving the back door wide open", said Henry Willis, a RAND researcher and a co-author of the report. The very logic of having Sky Marshals on airlines that carry a few hundred people calls for the same protection for cruise lines with thousands of passengers at risk.

> In spite of this risk, the cruise industry was successful in lobbying Congress to give them a waiver that would have required all passengers that enter the US to have a passport in 2007. In other words, a passenger can board a cruise ship in Mexico or the Caribbean and enter this country with no passport. Any other person that enters the country on other forms of transportation is required to have a passport as of January 23, 2007.

In summary, and based on the above reasons, ICV aggressively suggests that independent security monitoring on board cruise ships is essential to protect passengers and crewmembers.

Citing concerns about their safety, many former passengers are now indicating that they will no longer take cruises as a traveling option. As a result, ICV believes that Independent Security Monitoring on ships will, in the long run, be beneficial for the cruise line industry. ICV has detailed proposals to address this matter, which may be viewed on the ICV website at www.internationalcruisevictims.org

It's time for a change!

ICV LAW ENFORCEMENT SURVEY

LAW ENFORCEMENT SURVEY

Details - Question #6

VICTIM #	QUESTION #6: Did the law enforcement agency provide you with any information regarding the investigation?
1	No. My assailant was not prosecuted, despite the assurance that they would do so. I was never notified thet they had "closed" the case.
2	No I wasn't. Even though I did not have full cooperation from my daughter, she was willing to be examined. I needed physical proof in order to criminally go after the rapist. Time was of the essence. Anyone with any brain knew that. Upon finding out about the rape and spent the next three days going back and forth to the ship's doctor trying to get him to examine my daughter. He refused.
3	In the very least, a background check should have been done on my attacker to see if there had been previous complaints against him. If there were none, I would have liked to know that, too.
4	When we discovered our son missing from their daycare, 5-6 hours had already passed and the ship was leaving port. They stood there, looking stupid. And I remember telling them to stop the ship... and they just stared blankly. No one offered to help us look for him, so we split up and searched on our own. It was then that we knew we were not in a safe environment... and we never let our kids out of our sight after that moment.
5	We reserve comment.
6	I would have to reply no to all of your questions. Our situation is minor compared to those I have read about, but having said that, all acts of negligence by the cruise ship industry are inexcusable and it is high time they became accountable.
7	The FBI appeared to take whatever information the Cruise Line provided, without question and without any follow-up to investigate the mattter for themselves. We have received limited information concerning their investigation.
8	We never heard from the cruise line. The FBI, in an ongoing investigation does not share information.
9	None.
10	Not really. While they seemed to rule the case an accident very quickly, they were impossible to reach and when finally reached they would not give any info about the case beyond than it was ruled accidental.
11	No. Unable to share details at this time due to potential litigation.
12	No, I was not satisfied at all. In my case they had a rape kit, my testimony, my clothes and the assailants name.
13	No response.
14	They did not keep the ship in the Key West Port in order to wait for the passenger that assaulted me to re-board. He was not questioned by another FBI Agent until the next day, 2 days after he had sexually assaulted me.
15	The U.S. Department made the decision to not prosecute the day the ship docked back in port, only fiva days after the incident had happened.
16	Never told what had happened.
17	Their hands were tied, because it was so long after the assault. (NOTE: Victim didn't come forward sooner, because shw was threathened with death of her entire family.) The cruise ship should have notifed the FBI, when inappropriate contact by the employee was made with a 12-year old.
18	I asked them if they used dogs in the search and they said, "NO". I asked them if they reviewed video tape (there are 500 video monitors in the disco, where Jim was last seen) and they said, NO". My opinion is that they went on the ship with the preconveived notion that Jim's friend had murdered him. They interrogated him for 3 hours without his parents. When it was proven that his friend was with others the entire time, they just gave up and left the ship.
19	They have not even interviewed any of the witnesses at this time.
20	We had to locate a police office ourselves at the New Orleans Airport, the day of the incident. We were told to return to California and handle matters from home.
21	There are still people not questioned, as far as passengers and some crew members. There is definitely evidence not looked at yet which would more than likely tell us who was responsible for Annette's death. I have not been told everything as far as what they are looking at, the reason why, what they have to look at in evidence, (complete list), or any contact with me outside of "still under investigation" People have lied about time frames, drinks and she was also seen 15 to 20 minutes before incident talking with crew member, where is the videos? Just an example!!!
22	The FBI was answering questions that we asked the cruise line about policies etc. They are US employees not cruise staff.
23	Because of the jurisdictional issues (international), territorial conflicts arose which led to a real lack of any action at all. No one could decide who was in charge so no one was! Our case was handled by both Mexico and the FBI. Mexico has been very helpful an extremely compassionate- everything our country's FBI agency has not!! What's wrong with this picture!
24	The FBI denied my case only five days after the crime occurred, the same day the ship returned to port.
25	Ignored, ignored, ignored.
26	A Coroner's Inquiry into the case was convened December 12, 2006 (13 months later!). Only Donald and Winifred showed up since as they had neglected to call any witnesses from the catamaran. It was rescheduled for January 9, 2007. but was not held. It is now scheduled for February 19, 2007. If the judge decides that there was a death the family can get documentation needed for a death certificate. If he decides that it was due to negligence, a trial may be called to determine blame.
Comment #	**OTHER COMMENTS**
1	I know that victims and their families run the risk of sounding paranoid, since our anger and resentment runs so deeply from lack of justice. I am glad I'm not the only one who thinks the FBI is up to something. I put a lot of credit in my instincts. I have suspicions, just between you and me, that the FBI is accepting bribes on behalf of the cruise line. That is a theory that would be very difficult to prove, however.

ATTORNEY GENERAL JANET RENO PRESS CONFERENCE JULY 21, 1999

ATTORNEY GENERAL JANET RENO PRESS CONFERENCE ON ENVIRONMENTAL CRIMES BY ROYAL CARIBBEAN CRUISES LTD.

JULY 21, 1999

CONFERENCE ROOM B

U.S. DEPARTMENT OF JUSTICE

950 PENNSYLVANIA AVENUE N.W.

WASHINGTON, D.C.

ATTORNEY GENERAL RENO: Good morning. Our ports and coastlines are polluted, and that's why this administration has been so committed in protecting our oceans and prosecuting companies that pollute them. Five years ago we encountered one such company that demonstrated a disregard for our nation's waters. Ironically, that company, Royal Caribbean Cruise polluted the very environment on which it's business relies. Today I am pleased to announce the Sixth District criminal plea agreement with Royal Caribbean. It will sound like a fog horn to the entire maritime industry. As we speak the Justice Department prosecutors are

filing a plea agreement in six different cities, Anchorage, San Juan, Saint Thomas, Miami, L.A., and New York City. Under the terms of the plea Royal Caribbean will pay 18 million dollars in criminal fines, the largest criminal penalty ever assessed against a cruise line. We first became aware of the conduct of Royal Caribbean in 1994 when the U.S. Coast Guard, during a pro-active operation, detected a Royal Caribbean Cruise Liner dumping oil off the coast of Puerto Rico. For engaging in these acts, grand juries in Miami and San Juan indicted Royal Caribbean, not only for conspiring to dump the waste, but for also trying to conceal that conduct from the Coast Guard.

It worked like this; The company's cruise ships were rigged with secret bypass pipes. Engineers on the ships used the pipes to dump their bilge waste overboard, often in the darkness of night.

And to make matters worse, the company routinely falsified the ship's logs so much so that it's own employees referred to the logs with a Norwegian term meaning Fairy Tale Book. In an effort to avoid responsibility, Royal Caribbean argued with it's Norwegian and Liberian Flagships, they were immune from prosecution in this country. The two ports in Miami and in San Juan rejected that argument. As a result in that first case, Royal Caribbean pled guilty in June of 1998, and was sentenced to pay a nine million dollar criminal fine. But at the time of this first plea we advised the company that the plea would only

involve the specific cases under consideration and that our investigation would be continued. Royal Caribbean gambled we would not learn more about illegal conduct, it gambled and it lost, for since that time our investigation has uncovered dumping on a scale far greater than previously acknowledged. It has revealed additional instances of dumping oily bilge waste, falsification of records and the illegal disposal of hazardous chemicals. What's more, this dumping and lying occurred not only in Miami and in San Juan, but also in four other U.S. ports on both coasts. They dumped everywhere. At sea, in port, and in sensitive environmental areas, even in the shadow of the company's executive suites, they didn't care.

Today the company is agreeing to plead guilty a second time. Under the plea, it will pay 18 million dollars in criminal fines, bringing the total amount of criminal fines to $27 million. Additionally, the company must cooperate with our continuing investigation of individuals responsible for the violations and operate under a court supervised environmental compliance plan during a five year probation period. The fine is based in part on the ill-gotten gains that the Royal Caribbean pocketed from it's illicit conduct and it should send a message to the entire cruise ship industry, that illegal dumping does not pay. Today's case would not have been brought without the hard work and cooperative effort of many agencies, and the United States Attorneys from all six districts. Today, I am joined by representatives from those agencies including Admiral James Carr, the Vice Commandant from the U.S. Coast Guard, Deputy Assistant Director, Ted Jackson, of the F.B.I., Assistant Attorney General Lois Shippard and Steve Solo, Chief of the Environmental Crimes Section. I also want to acknowledge the fine work the EPA did in this matter. They have a significance conference underway, and could not be here, I understand.

Finally, these cases would not have been brought without the efforts of the six U.S. Attorneys Offices which filed these cases. We're joined by representatives of those offices as well. I now invite Admiral Carr. Thank you, Admiral, for being with us today.

ADMIRAL CARR: Well, thank you, Madame Attorney General. Today's action against Royal Caribbean Cruise Lines is vitally important to all of us who are dedicated to protecting our

nation's waters from environmental harm. Many agencies worked together with the Department of Justice and with the U.S. Attorneys from around the nation to develop this case. Among those who have been involved in this excellent cooperative effort are representatives from the Coast Guard, the F.B.I., the EPA, their Criminal Investigation Division, and the Department of Transportation Inspector General's Office. The Coast Guard has played a key role in development of the case from it's inception. The focus on the Royal Caribbean Cruise Lines began back in October of 1994, when Coast Guard aircraft observed oil being discharged from an RCCL vessel off Puerto Rico. From that time forward, until today, personnel from Coast Guard Marine Safety Offices and Coast Guard Investigative Service have worked tirelessly to uncover the full extent of RCCL's violations of environmental laws and regulations. This heavy involvement reflects the Coast Guard's commitment to it's fundamental roles as a maritime law enforcement agency, as a steward of the marine environment. There's another aspect of this case, however,

which is of particular concern to the Coast Guard. As indicated in the charges today, during the course of the investigation the Coast Guard was lied to and presented with false records, including falsified oil record books. This type of behavior is particularly damaging to other Coast Guard efforts to work with responsible members of the maritime industry to improve marine safety and to protect the marine environment. The Coast Guard must be able to rely upon honesty and mutual trust if cooperative efforts with vessel owners and operators, are to succeed. They should not take their ships and intentionally pollute our environment, operate outside the law and undermine the entire regulatory system. The prosecution of Royal Caribbean Cruise Lines should serve as a dramatic reminder of the consequences of criminal behavior, it should also improve compliance and play an important role in our continuing efforts to protect our nation's waters and the marine environment. The Coast guard has been pleased to be a part of this effort.

ATTORNEY GENERAL RENO: Thank you, Admiral. And I would also like to -- I understand Mr. Domico --Michael Wood, from EPA.

ATTORNEY GENERAL RENO: Mr. Domico is the Director at EPA's Criminal Investigation Division and we are delighted to have you here today.

MR. DOMICO: Thank you.

PRESS: General Reno, Why didn't these folks learn their lessons the first time; you fined them $9 million and you put them all the way through indictment before they plead. Why didn't they 'fess up then and say we're continuing to do this? Did they ever open their books to you and say, come on board and see what else is happening?

ATTORNEY GENERAL RENO: Steve.

MR. ROLO: RCCL in the first plea agreement, RCCL did not choose or elect to cooperate with the government and we made clear to them, as the Attorney General mentioned at that time, as a result, we would continue our investigation, which we did. And ultimately, as you may recall, they were again, indicted in Los Angeles, which has wound up in this agreement as well. And ultimately decided to come back to the government and now have agreed to fully cooperate and turn over, as you say, what they know.

PRESS: So in addition to the 1994 indictments, indictments the onset of indictments, in these pleas the others, the others are just pleas before that?

MR. ROLO: '96. That's correct.

PRESS: 1996, right.

PRESS: Are their any individuals -- this apparently is a fleetline practice, but just looking at the -- doesn't see any individuals named in these indictments. Are you targeting any company officials?

MR. ROLO: I can't comment on that. However, I can say that two individuals as you know, were charged in the earlier indictment, and what we have obtained today, for the first time, is the company's full cooperation in obtaining all the information we need on individuals and their conduct and the government's investigation is continuing.

PRESS: What level of individual -- I mean, are we talking about high level officers of the company that know about this dumping?

MR. ROLO: I can't comment on that. As a condition of probation the company will be implementing a comprehensive environmental compliance program specific to the approval of the Coast Guard and in addition, subject to oversight by the agencies and by the U.S. District Courts. So any violation in fact, of this environmental compliance plan would constitute a violation of probation by the company.

PRESS: I thought there was a similar plan for the earlier plea agreement?

MR. ROLO: That's right.

PRESS: Well, did you then bring any charges against them for violating that earlier plan, or take any action against them for violating the earlier agreement?

MR. ROLO: Actually, the earlier agreement was just -- in commenting, they were just sentenced in June and their first report was just made to the District Court in Miami. What we're doing now is making this applicable in every district where they're pleading except they're under the supervision in each of those districts, as well as Miami.

PRESS: But then the question about you know, how they did it.

MR. ROLO: If I could share for one second with you is this chart, as the Attorney General noted they had installed illegal bypass pipes in their ships and in fact, this is the bypass pipe that was in the Sovereign of the Seas. At the time that the Admiral noted that the Coast Guard saw the oil slick behind the Sovereign of the Seas, and boarded that ship in San Juan this was the condition of the oil water separator in the engine room at the time it was boarded. And I am pointing to with your permission, that pipe where the Attorney General is running her finger. During the ship's return to Miami, when they knew they were again to be boarded by the Coast Guard, that pipe was sliced into pieces, put into plastic bags, and thrown into a dumpster. When the ship was boarded again by the Coast Guard four days later there is no pipe, the bypass pipe was removed prior to it's return and then discarded in a dumpster in Miami. That was how they affected the dumping.

PRESS: What was the extent of the damage and how much it is going to cost for the administration to make efforts to repair that damage?

MR. ROLO: Well, that's a good question. It won't cost the administration anything. It's going to cost the Royal Caribbean a

considerable amount of money to -- in fact, what they have done already is replace what were inadequate oil water separators on all their vessels with newer equipment that is sufficient to handle the amount of flow that goes through the ship.

PRESS: I have a question. Any sense of how much and the amount of illegal material that was dumped; and secondly, a sense of if this is a industry wide problem and a sense of how much dumping that may have occurred?

MR. ROLO: And I think it answers in part something with what you were getting at. Of course, it's hard to know exactly, since in fact this was done secretly. Sometimes at night, to evade actually our knowledge and inaccurate and no accurate records were kept, but we can take some lesson from how they're operating now. In terms of the amounts of material that are being

properly handled. For example, whereas, in the past they off-loaded and paid for the proper disposal of almost no wastewater, oily contaminated waste water from the ships, that they now pay for the proper disposal of as much as 100,000 gallons of such waste water from certain ships every year. And that gives you some idea of the quantities involved that may have been improperly discharged and the kind of costs that they were avoiding. In addition, the oily water separators that they were not operating -- the cost of a set of membranes, which are actually housed in these tubes, the cost of a set of those membranes is about $10,000. Prior to the government's investigation they changed those membranes zero to one time per year. Since the government's investigation, the membranes were replaces five to ten times per year, until they finally fully replaced that system, the membrane system with a different system that is actually more effective.

PRESS: So how much were they trying to save?

MR. ROLO: I can't give you an aggregate figure. But you know, they were trying to save money even at the time that they were making a significant amount of money by selling themselves as eco-tourists. You know, I think it's worth noting that at the same time that their ships were sailing into the inland passage of Alaska, one of the most sensitive and beautiful eco-systems in our nation, their crew members were wearing buttons that said, "Save

the waves." That's what they were wearing above deck. Below deck, business as usual was going on and oily contaminated bilge water was being dumped overboard.

PRESS: You said the investigation was on-going are you focusing solely on Royal caribbean or on any other cruise lines?

MR. ROLO: I can't comment.

PRESS: When you are talking a little bit about the details of how this most recent dumping and falsification of records was discovered, not prior to '98, you know, what lead up to the '98 thing, but in this case, just in the last year or so, how was this discovered?

MR. ROLO: Well, if you're referring to the one in '98 --

PRESS: I'm referring to the one that lead to the agreement today.

MR. ROLO: Well --

PRESS: Since, they knew they were under the spotlight you obviously had a chance to go through some of their records, what did they do in the last year or year in a half that lead to

today's and how did you discover?

MR. ROLO: Well, we had a continuing grand jury investigation is the most I can say at this point, in which we obtained testimony from various individuals about their operations.

PRESS: So it involved the cooperation of some employees?

MR. ROLO: I really can't comment.

PRESS: How many dumpings?

MR. ROLO: There were several. They were throughout the country.

PRESS: New York, L.A., Virgin Islands, Alaska?

MR. ROLO: Yes. I think it's safe to say that all the six jurisdictions have been conducting investigations. Well, it's a goal, as the Attorney General said, is to make it not a problem. I mean, what we have I think done today is put obviously RCCL on notice and the entire industry on notice that we are out there looking and we will keep looking to make sure this kind of behavior doesn't continue.

ATTORNEY GENERAL RENO: That's really the message, that we will -- people have questions about the enforcement about what is required. We want to work with them. If they are honest and straightforward and we want to deal with them in good faith. We expect the laws to be enforced. We want to do everything that we can to see that that happens. If people flim-flam us, they should expect the consequences. And the message is our waters are far more fragile than people give credit for and we have got to stop messing with them up if we want to preserve the way life for our children and our grandchildren.

PRESS: One more question. Could you expand on the other types of chemicals, other than oil bilge water that was dumped into the water. Was there photo chemicals?

MR. ROLO: Yes. Well, these ships are floating cities and they contain many of the amenities of a city, including dry cleaning operations, photographic development facilities and even print shops. And as you know, those are the kind of facilities on land that produce various kinds of hazardous materials, hazardous chemical materials. Prochlorethelene, acetone, poliolene, andother solvents. These are the

kinds of materials that would find their way into grey water, which is essentially the water from bath and shower and sinks and then being discharged overboard, not only at sea, but in every port, into which RCCL sailed their ships.

PRESS: Why did they dump in ports instead of out at sea; it seems a good way to get caught?

MR. ROLO: They dumped everywhere. I think the Attorney General said that they simple dumped everywhere. They dumped wherever they wanted.

PRESS: How do you explain that? I mean, why would somebody dump so close to humanity?

MR. ROLO: Yeah. I guess you would have to ask them to explain that.

PRESS: On a slightly different subject, there's a civil suit going on now in Miami concerning rapes on board. Is the Justice Department looking into whether any crimes were committed, whether this is outside of the country or anything else concerning allegations of rape onboard?

ATTORNEY GENERAL RENO: We cannot comment on that at this time.

PRESS: Last question.

PRESS: Ms. Reno, do you have anything to say publicly now about the passing of John Kennedy, his wife, and his sister?

ATTORNEY GENERAL RENO: It is a very sad time for this nation. They were all three wonderful young people, with wonderful futures. John Kennedy framed this half of the century for us and I think all of America's heart goes out to both of the families and so many of us just remember him standing there that day. Thank you, very much.

ROYAL CARIBBEAN INTERNAL E-MAILS

MR Hotel Director/MR/RCLShip@RCLSHIP
09/24/2004 02:58 AM

To: Katy Yazicyan/RM/MIA/RCL@RCL
cc: MR Master/MR/RCLShip@RCLShip, MR Staff Captain/MR/RCLShip@RCLShip
bcc:
Subject: Re: Fw: Merrian Cerver - Missing Guest Investigation

Please see my responses below

Best Regards,

Christos Hadjipetris
Hotel Director
M/V Mercury
Tel:Office 7331 Cel.7831
email: mr_hoteldirector@celebrity-cruises.com
Katy Yazicyan@RCL

Katy Yazicyan@RCL
09/23/2004 10:17 PM

To: MR Staff Captain/MR/RCLShip@RCLShip, MR Hotel Director/MR/RCLShip@RCLShip
cc: MR Master/MR/RCLShip@RCLShip
Subject: Fw: Merrian Carver - Missing Guest Investigation

Hi...I tried calling but the line is always busy..I read all the statements...I need clarification on the following:

1. have you checked her onboard account...did she make any purchases? No purchases onboard Did she open one with a credit card? No credit card information in DTS therefore guest would be paying in cash If so what is the number and was any charges ever applied to it.

2. Can I please have her Seapass data with photo. Already sent

3. Did you check the surveillance cameras? the security is working on it

4. Please ask again the cabin attendant as I need to know if the times he saw her she was wearing the "blue dress" and "sandals". On embarkation day she was wearing the blue dress and sandals. The next morning (when he saw her))she was wearing only the blouse she had under the dress (he could see her underwear) In other words, was this the only clothing he ever saw her wearing? Yes she had nothing else with her according to the attendant (did not even use the bathrobes) If that is the case, noone thought it was suspicious that the only clothing she had with her were the clothing on her back..and that if it was left hanging in the closet that means she went around in public with her bra and panties? The attendant was reporting to his supervisor that the whole story was suspicious. The supervisor did not think it was suspicious (pls see his statement) . Was the dress found hanging in the closet? The dress was left in the closet as well as the sandals. The 2 handbags were left on the bed side table Where are the belongings now..please ask Guest Relations what was done with the clothing, and jewelry, how, when and where. On the last day the attendant asked his supervisor what to do with the clothes and personal belongings left behind. He told him to put everything in a bag and deliver it to the housekeeping locker. The stateroom attendant put in a Celebrity bag the dress, the sandals, the 2 small bags, some cosmetics items and a brown envelope (visible in the picture). He put the money ($106 and some loose coins) in an envelope along with the watch. The belongings were brought to the guest relations by the supervisor (asst chief h/k) and were treated as "left behind items". The Lead GRO went through the items one by one. She put the money in another envelope and secured it at the GRD since cash and very valuable items are not send as lost and found (they are still here in the envelope). She went through the rest of the items and send to the office as "lost and found" one of the small bags, the brown envelope and the watch. The other bag containing cosmetics, the dress and the sandals were discarded

should have gone to Guest Relations why

what picture

19

Best Regards,

Christos Hadjipetris
Hotel Director
M/V Mercury
Tel:Office 7331 Cel.7831
email: mr_hoteldirector@celebrity-cruises.com

----- Forwarded by MR Hotel Director/MR/RCLShip on 09/29/2004 10:01 PM -----

MR Chief Concierge
09/30/2004 04:12 AM

To: MR Hotel Director/MR/RCLShip@RCLShip
cc:
Subject: Report

For each CFM's those three questions were asked:

1) If they received in the past any strange outside calls (regarding a guest that sailed with us approximately a month ago)
2)If they received any outside calls, asking to speak to someone from the Housekeeping Department or the attendant of that room
3) If any one received an outside calls asking to speak directly with the S/A Domingo Monteiro.

Please take note that for all of them the answers were negatives.

Guest Relations Team:	Telephonist	Concierge
Anna Briskman	Jennifer Graham	Janet David
John Young	Leslin Jones	
Jeanine Duminy	Berenice thomas	Event Coordinator
Marcus Regenburg	Violy Jonson	Uma Samithyotin
Channa Suitella		
Angela White		

Housekeeping Departement:
S/A: Domingos Monteiro
Chief HSKP: Christos Karadinas
ASST HSKP: Babis Eleftheriadis

Kind Regards,
Marie-Noel B.Levesque
Chief Concierge
mr_chiefconcierge@celebrity.com
Celebrity Cruises
Ext: Office 7694, Mobile 7833

---- Forwarded by Katy Yaziciyan/RM/MIA/RCL on 09/30/2004 01:32 PM ----

Katy Yaziciyan/RM/MIA/RCL
09/30/2004 01:32 PM

To MR Hotel Director/MR/RCLShip@RCLSHIP
Anthony Papageorgiou/HO/MIA/CCI@RCL, Austin Martin/RM/MIA/RCL@RCL, Captain Zissis Koskinas/MO/MIA/RCL@RCL, Jacques
cc Wulffaert/MK/MIA/CCI@RCL, MR Master/MR/RCLShip@RCLShip, MR Staff Captain/MR/RCLShip@RCLShip, Pamela Powell/RM/MIA/RCL@RCL
Subject Re: Fw: Report

Thanks Christos....I will keep you posted as to possible FBI investigation.
Thks again and make it a great day!
Katy
Katy Yaziciyan
Manager, Guest Claims
Risk Management Department
Royal Caribbean International/Celebrity Cruises
Direct Line: 305-982-2655
Direct Fax: 305-982-2228
Email: kyaziciy@rccl.com
MR Hotel Director/MR/RCLShip@RCLSHIP

MR Hotel Director/MR/RCLShip@RCL SHIP
09/30/2004 02:31 PM

To Katy Yaziciyan/RM/MIA/RCL@RCL
Anthony Papageorgiou/HO/MIA/CCI@RCL, Austin Martin/RM/MIA/RCL@RCL, Captain Zissis Koskinas/MO/MIA/RCL@RCL, Jacques
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Subject Re: Fw: Report

Katy,
I spoke to Domingos for the 3rd time and he confirmed once again that he did not speak with anybody. He says he understands the seriousness of the situation and is aware of the company's rules and regulations regarding confidentiality. He's been with the company for 14 years.

Thank you and i will be waiting to hear from you for further action

Best Regards,

Christos Hadjipetris
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M/V Mercury
Tel:Office 7331 Cel.7831
email: mr_hoteldirector@celebrity-cruises.com
Katy Yaziciyan@RCL

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email: mr_hoteldirector@celebrity-cruises.com
Katy Yaziciyan@RCL

MR Hotel Director/MR/RCLShip@RCLSHIP
09/24/2004 02:58 AM

To Katy Yaziciyan/RM/MIA/RCL@RCL
cc MR Master/MR/RCLShip@RCLShip, MR Staff Captain/MR/RCLShip@RCLShip
bcc
Subject Re: Fw: Merrian Carver - Missing Guest Investigation

Please see my responses below

Best Regards,

Christos Hadjipetris
Hotel Director
M/V Mercury
Tel:Office 7331 Cel.7831
email: mr_hoteldirector@celebrity-cruises.com
Katy Yaziciyan@RCL

Katy Yaziciyan@RCL
09/23/2004 10:17 PM

To: MR Staff Captain/MR/RCLShip@RCLShip, MR Hotel Director/MR/RCLShip@RCLShip
cc: MR Master/MR/RCLShip@RCLShip
Subject: Fw: Merrian Carver - Missing Guest Investigation

Hi...I tried calling but the line is always busy..I read all the statements...I need clarification on the following:

1. have you checked her onboard account...did she make any purchases? No purchases onboard Did she open one with a credit card? No credit card information in DTS therefore guest would be paying in cash if so what is the number and was any charges ever applied to it.

2. Can I please have her Seapass data with photo. Already sent

3. Did you check the surveillance cameras? the security is working on it

4. Please ask again the cabin attendant as I need to know if the times he saw her she was wearing the "blue dress" and "sandals". On embarkation day she was wearing the blue dress and sandals. The next morning (when he saw her))she was wearing only the blouse she had under the dress (he could see her underwear) In other words, was this the only clothing he ever saw her wearing? Yes she had nothing else with her according to the attendant (did not even use the bathrobes) If that is the case, noone thought it was suspicious that the only clothing she had with her were the clothing on her back..and that if it was left hanging in the closet that means she went around in public with her bra and panties? The attendant was reporting to his supervisor that the whole story was suspicious. The supervisor did not think it was suspicious (pls see his statement). Was the dress found hanging in the closet? The dress was left in the closet as well as the sandals. The 2 handbags were left on the bed side table Where are the belongings now..please ask Guest Relations what was done with the clothing, and jewelry, how, when and where. On the last day the attendant asked his supervisor what to do with the clothes and personal belongings left behind. He told him to put everything in a bag and deliver it to the housekeeping locker. The stateroom attendant put in a Celebrity bag the dress, the sandals, the 2 small bags, some cosmetics items and a brown envelope (visible in the picture). He put the money ($106 and some loose coins) in an envelope along with the watch. The belongings were brought to the guest relations by the supervisor (asst chief h/k) and were treated as "left behind items". The Lead GRO went through the items one by one. She put the money in another envelope and secured it at the GRD since cash and very valuable items are not send as lost and found (they are still here in the envelope). She went through the rest of the items and send to the office as "lost and found" one of the small bags, the brown envelope and the watch. The other bag containing cosmetics, the dress and the sandals were discarded

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Kind Regards,
Marie-Noel B.Levesque
Chief Concierge
mr_chiefconcierge@celebrity.com
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Ext: Office 7694, Mobile 7833

STATEMENT OF

TERRY DALE

PRESIDENT & CEO
CRUISE LINES INTERNATIONAL ASSOCIATION
910 SE 17th STREET, 4th FLOOR
FT. LAUDERDALE, FL 33315
(305) 224-2201

ON

CRIME AGAINST AMERICANS ON CRUISE SHIPS

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

ON

MARCH 27, 2007

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III. The Cruise Industry has Zero Tolerance for Crime

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VIII. Conclusion

IX. Attachments

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 Line International Association (CLIA). Thank you for the opportunity to present testimony on behalf of our membership.

CLIA is North America's largest cruise industry organization with a membership of 21 cruise lines, 16,500 travel agencies and 100 Executive Partners, the industry's strategic business allies. CLIA participates in the regulatory and policy development process while supporting measures that foster a safe, secure and healthy cruise ship environment. It also provides travel agent training, research and marketing communications to promote the value and desirability of cruise vacations.

Also here to support the industry today are senior executives from our travel industry partners: The American Society of Travel Agents; the National Association of Cruise Oriented Agencies; Vacation.com; and Cruise Shoppes. Together with CLIA's agency membership, this group represents millions of satisfied cruise vacationers. We thank these organizations for their support and are happy to have the travel agent community represented here today. Each of these organizations has provided written submissions to you and I would request that these submissions be included in the record of this hearing.

By way of background, in 2006, CLIA merged with the International Council of Cruise Lines (ICCL), thereby expanding both its membership and mission. CLIA is the industry's advocate on a wide variety of issues, including those involving regulatory and legislative matters.

Before I continue, I would like to offer our sincere condolences to those individuals we heard earlier today, and others who have had such an experience on a cruise ship. Nothing that I say today can take away their grief and pain. Any experience of this type, however rare, causes the industry to redouble its efforts to provide a safe vacation experience. The cruise industry seeks to do the right thing and any lessons learned will be applied to minimize the possibility of such an occurrence happening again.

Today, I am here to emphasize to the members of the Subcommittee several important facts.

Cruising is Safe

The cruise industry's highest priority is to ensure the safety and security of its passengers and crew. I am proud to say that the industry has an enviable record when it comes to safety and security. The U.S. Coast Guard, in a comprehensive report conducted in 1995, emphasized the industry's strong record when stating that passenger vessels are among the safest mode of transportation. I know of no reason for that opinion to have changed in the past decade. We take every opportunity to proactively work with our regulatory agencies in the United States and all over the world to accomplish our common goal of providing a safe and secure vacation experience.

With 12 million passengers cruising each year, the industry goes to great lengths to ensure that its passengers are safe and that they have an enjoyable vacation experience.

A cruise vessel is inherently secure because it is a controlled environment with limited access. In order to maintain this secure environment, cruise lines have established strict security procedures and access to our vessels is strictly enforced. Heightened security measures are standard for cruise ships today and include passenger screening procedures similar to those found at U.S. airports including the use of metal detectors.

Cruising is one of the most popular vacation options, in large part because of its excellent safety record and the high level of service provided on board cruise vessels. The cruise industry is committed to providing a secure environment for its passengers. We will continue to work with all appropriate federal and state agencies to ensure the safety and well-being of all passengers embarking on a cruise vacation.

The Cruise Industry Cares about its Passengers

A strong statement regarding the cruise industry's commitment to the safety and security of its passengers comes from the passengers themselves. Cruise passengers have a total satisfaction rate of 95%, including nearly 45% stating an extremely satisfying experience which is the highest satisfaction rating of any other vacation option they have experienced. In addition, the latest statistics indicate that 54% of the industry's passengers are past cruisers. These statistics are based on a 2006 MarketProfile Study[1] conducted by TNS Research on behalf of CLIA every two years. This survey asks passengers to rate their overall satisfaction with their cruise vacation, as compared to other vacation options. We believe that this is a strong indicator that an overwhelming majority of our passengers have had a safe, secure, and enjoyable cruise experience.

The Cruise Industry Has Zero Tolerance for Crime

The cruise industry takes all allegations and incidents of crime on board its vessels seriously and reports them to the proper authorities. While even one incident that occurs on a passenger vessel is one too many, the industry has a strong commitment to ensure the safety and security of all its passengers, regardless of where they may be sailing.

To further demonstrate this commitment, I am pleased to announce today a formal agreement between CLIA, the Federal Bureau of Investigation, and the U.S. Coast Guard. This agreement further clarifies reporting procedures for all serious violations of U.S. law alleged to have occurred aboard cruise ships and outlines the jurisdiction that the U.S. has over crimes committed aboard cruise vessels.

Under these agreed upon procedures, CLIA members will continue to report to the FBI incidents or allegations of all violations of U.S. law. The agreement stipulates that the reporting of all such serious incidents shall be by immediate telephonic communication.

[1] The MarketProfile Study can be found in Attachment 1.

The agreement also stipulates that telephonic report will be followed by written reports of all alleged felonies occurring on board the ship.

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 that we continue to be fully committed to bringing perpetrators of crimes on cruise ships to justice wherever and whenever they may occur.

Let me hasten to add, Mr. Chairman, that the industry is willing to work with this Committee as well as U.S. law enforcement agencies to further clarify the laws or regulations dealing with the reporting of crime aboard cruise vessels to whatever extent is needed.

A more detailed explanation of the laws and regulations governing this important matter will be provided in the testimony of Larry Kaye, Counsel to the CLIA Board of Directors.

Mr. Chairman, this is not the first time that the industry has taken steps to ensure the safety and security of its passengers. As just referenced, the 1999 Zero-Tolerance Policy for crimes stipulated that our cruise line members would report crimes involving Americans *on all voyages*, even those that do not touch a U.S. port.

In an effort to formalize this industry policy, the industry entered into discussions with FBI's Southern District in Florida. These discussions resulted in the issuance in January 2000, of an FBI Memorandum, entitled "Crimes on the High Seas - Criminal Conduct on Board Ships Upon the High Seas." This memorandum established reporting guidelines for the cruise industry to follow and defined reportable crimes for incidents aboard ships sailing to and from the United States.

We consider reviewing our security practices as an ongoing process, and in fact, every 60 days CLIA's security committee meets with a number of law enforcement agencies of the United States to ensure that our practices and procedures are appropriate, relevant, and complementary to those of the United States government. These agencies include the U.S. Coast Guard, U.S. Navy, Customs and Border Protection, the FBI, Department of Homeland Security, among others.

Again let me emphasize Mr. Chairman, that cruise ships are extremely safe. Regardless, even one unfortunate incident involving our passengers is one too many. For an industry that carries 12 million passengers annually, our security record demonstrates the importance we place on each and every passenger who chooses to take a cruise vacation.

The Industry has Comprehensive Security Measures in Place

The industry's onboard and shoreside security practices are governed by the International Ship and Port Facility Security Code (ISPS). This international instrument was adopted worldwide in 2002, and applies to all commercial vessels in international commerce. The ISPS code was patterned after U.S. Coast Guard procedures that had been adopted in 1996 for passenger vessels operating from U.S. ports. These include:

- Each vessel must have a security officer and trained security staff whose duties are solely to provide onboard security for the passengers, crew and vessel, as well as a corporate security officer. The gentlemen sitting beside me are corporate security officers for the cruise lines as well as veterans of the Federal Bureau of Investigation.

- Every crewmember has as a collateral duty and responsibility to look out for the security of the passengers and crew.

- Each cruise ship has embarkation and debarkation controls including biometric verification to ensure the integrity of the passenger and crew manifests.

- Everything and everyone coming onto the vessel is screened to protect against explosives or contraband.

- All passenger and crew manifests are electronically submitted to U.S. authorities prior to departure from and before arrival to the United States. These lists are screened against U.S. law enforcement databases.

All crewmembers employed aboard our vessels are recruited from licensed recruiting offices in their home of record. In addition they are required to obtain U.S. visas for working on vessels operating to or from the United States, and subject to the attendant U.S. background check for issuance of a visa.

Additionally, CLIA member lines have trained staff to support families and individuals during emergency situations. In the past year, many of our member lines have strengthened their guest support teams both on board and shoreside to aid in grief and trauma counseling and ensure individuals and families receive proper assistance and special arrangements. In addition, onboard security staff receive routine and comprehensive training from agencies such as the FBI in evidence collection and crime scene preservation.

CLIA and a majority of its member lines have further demonstrated their commitment to ensuring the safety and security of its passengers through onboard medical facilities. All CLIA members that have ships traveling regularly on itineraries beyond territorial waters of coastal states meet these qualifications. In 1995, CLIA and its member lines formed a Medical Facilities Working Group to develop industry-wide guidelines for the facilities, staffing, equipment and procedures in medical infirmaries on cruise ships. This industry

group worked with the American College of Emergency Physicians (ACEP), the nation's leading and largest professional organization of such specialists, representing over 20,000 practicing emergency and other physicians in the U.S. and abroad. ACEP's Section of Cruise Ship and Maritime Medicine, is specifically dedicated to training, education and research in the advancement of shipboard medical care.

In 1996, both AECP and CLIA published medical facilities guidelines. Included in these guidelines are procedures regarding 24-hour medical services and staff. Medical facility personnel are board certified or hold equivalent international certification, or have general practice and emergency or critical care experience. Personnel must also be conversant in English, possess a current valid medical license, and have three years of clinical experience, including minor surgical skills.

Statistics Demonstrate the Industry's Commitment to Safety

Dr. James Alan Fox, Ph.D., is a nationally renowned criminologist from Northwestern University who testified last year before the House Subcommittee on National Security, Emerging Threats and International Relations on the incidence of crime in the cruise industry.[2] 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 or standard is used."

In order to compare the cruise ship crime rate with that on land, Dr. Fox has annualized the cruise ship population. Passengers are assumed to average one week on board, the typical length of a cruise, while crewmembers are counted year-round. The total average passenger head count per year between 2003 and 2005 was 10,356,000. When you divide that number by 52 weeks, the annualized cruise ship passenger population during any week-long period of exposure is 199,154. Add to that the total number of crewmembers on our ships at any given time of 100,000, and the cruise industry had a total annualized ship population of 299,154.

Dr. Fox next compared, for the years 2003-2005, the average number of "forcible rapes" on land with "sexual assaults" on ships per every 100,000 people. There were on average 59 sexual assault incidents total per year in the cruise industry population of 299,154, as compared with 93,883 forcible rapes alone on land in the U.S. out of a landside population of 290,788,987. Thus the landside rate of such incidents per every 100,000 people was 32.3 as compared with 19.8 per 100,000 on cruise ships. The same analysis in the context of robbery yielded a rate of 142.5 per 100,000 on land, as compared to 1.3 for every 100,000 on cruise ships. Dr. Fox also performed the same comparison for cities and towns (called "Metropolitan Statistical Areas" or "MSAs") of the same approximate size as the cruise ship population (250,000 to 300,000 total size) to see if there was any significant difference. That comparison yielded a landside rate of 38.2 forcible rapes per 100,000 vs. 19.8 sexual assaults in the cruise industry, making the cruise industry statistics even more favorable when compared to like size MSAs.

[2] Fox's previous testimony can be found in Attachment 2.

Two points underscore these favorable comparisons. First, the category of "forcible rape" (including attempts) under the FBI definition used in the Uniform Crime Reports is much narrower than the category of ***all alleged*** "sexual assaults" in the cruise industry, which include other types of sexual offenses. Second, the Uniform Crime Reports track ***cases*** which have lead to the opening of an investigative file, whereas the cruise industry number of sexual assaults includes all ***allegations.*** Therefore, the gap between the 32.3 rate per 100,000 in the U.S. and 19.8 per 100,000 in the cruise industry is significantly understated.

When Dr. Fox compared the offense rate on land for rape and other sex crimes with the rate of all alleged sexual assaults at sea, the cruise ship rate is more than 85% lower. In other words, the rate per 100,000 in the U.S. is 146.7 vs. 19.8 in the cruise industry. The rate per 100,000 in comparable MSAs is 171.9 vs. 19.8 in the cruise industry.

I would also like to address one particular area of concern that has been raised in conjunction with this hearing. Recently, some have questioned the crime statistics that the cruise lines provided to then-Chairman Shays' Subcommittee a year ago. The cruise lines fully cooperated with Congress and their reporting was honest and accurate. Our industry stands firmly by that data.

The statistics reported to Congressman Shays' Subcommittee and those provided in unrelated, industry court cases are different. They are different because the questions that were asked were different.

Congressman Shays' Subcommittee requested data from our industry covering a specific three-year period, January 2003 through December 2005. He specifically asked for data on robberies, sexual assaults and missing persons. The term "sexual assault" does not have a uniform definition within the federal or state statutes. Since that category was not defined for us in Congressman Shays' request, we consulted with his staff and reached the conclusion that we should base our responses on the federal statutory definitions that most closely related to these terms. These definitions also most closely followed relevant state definitions and could provide meaningful statistics. This also provided statistics that could better be compared to land-based settings (although our figures are more comprehensive than those on land). The industry's written and verbal responses to Representative Shays clearly set forth not only all the information he requested but also our reliance on these federal definitions.

Disclosures made in civil litigation involving our industry have been much broader in both time and scope. In some cases the data provided in civil litigation covered many, many years – a decade perhaps. Similarly, the data provided in these court cases has included a myriad of information: allegations of sexual assaults, and lesser events such as nonconsensual touching, harassment, guests verbally pestering one another and so forth.

In examining these statistics, the Committee should also be aware that the way our industry measures such incidents exaggerates their importance when compared to land-

based figures. That is because most land-based statistics are calculated only after preliminary law enforcement investigations and the opening of an investigative file, whereas our statistics are based on allegations regardless of such law enforcement review.

For these reasons, the statistics are vastly different, and comparing these vastly different groups of information would be like comparing apples to oranges. In spite of all these issues, one fact remains steadfast, our industry reports all allegations of crime onboard our ships to the FBI. We are aware of no other industry in the United States, or elsewhere in the world, that provides such a reliable and comprehensive scale and scope of reporting to law enforcement. Similarly, we are unaware of another situation in the United States where our country's finest federal agents, working in close coordination with our best federal prosecutors, are the primary point of contact for land-based allegations of crimes like the ones we report.

The Industry has a Significant Economic Impact on the United States

Lastly, it is important to highlight the economic impact the cruise industry has on the United States. The North American cruise industry generated $32.4 billion into the U.S. economy in 2005, contributing to every state's local economy. This supported more than 330,000 jobs nationwide paying a total of $13.5 billion in wages and salaries to Americans.

U.S. ports handle approximately 75 percent of all global cruise embarkations. In 2005, more than 8.6 million cruise passengers boarded their cruise from ports in the United States. Worldwide embarkations totaled 11.5 million.

On a local level for the 30 U.S. homeport cities, or where cruise ship passengers regularly embark and disembark from their cruises, there are significant economic advantages. On average, a 2,000-passenger ship with 950 crewmembers generates approximately $258,000 in onshore spending in a U.S. homeport city. Approximately one third of cruise passengers stay one or more nights in a port city pre- or post-cruise and spend approximately $250 per visit on hotel stays, local dining and shopping.

The 2005 Cruise Industry Economic Study Executive Summary can be found in Attachment 3 and list of Executive Partners, CLIA's foremost business partners supplying good and services to the industry, in Attachment 4.

Before I conclude, I would also like to acknowledge the cruise industry's efforts to be a socially responsible partner in all areas of our business. Specifically highlighting the environment, the cruise industry has learned from its past and is now the leader of environmental practices and technologies in the worldwide maritime community. As a requirement of CLIA membership, cruise lines agree to the industry waste management practices and procedures, which meet or exceed U.S. and international laws. Our members are adopting and testing the latest technologies to reduce our environmental footprint and to be a part of the solution. The industry also is a partner with Conservation

International to protect biodiversity in top cruise destinations and promote industry practices that minimize the cruise industry's environmental impact.

Conclusion

In conclusion, Mr. Chairman, the 21 member lines of CLIA demonstrate a strong commitment to doing the right thing, of which a highest priority is ensuring the safety and security of our passengers. It is our sincere hope that we have demonstrated how seriously we take this job, and how we are constantly seeking ways to ensure the safety of our passengers. Our future depends on satisfied passengers and enjoyable vacations.

I would again like to offer my sympathies and heartfelt remorse for those people that have experienced otherwise. It is our challenge, and indeed our mandate, to reduce those incidents to as near to zero as we can, and to take action to mitigate the effects of those incidents when they do occur. We are constantly reviewing industry practices and procedures and will apply any lessons that can be learned.

I know the senior management of our industry would unanimously pledge that those goals are their highest priority.

I will be happy to answer any questions you may have.

Attachment 1

CLIA MARKET PROFILE (J133125)
TNS
February 2006

Table 13

Q1. Overall, how satisfied were you with your vacation? Would you say you were extremely satisfied, very satisfied, somewhat satisfied, not very satisfied or not at all satisfied?

** A cruise vacation or an ocean/sea voyage **

Base: All ever taken "A cruise vacation or an ocean/sea voyage" at QG

		Cruiser							Age				Income			Group type			Gender	
	Total	Total	Destination	Luxury	Premium	Contemporary	Other	Random sample	25-34	35-54	55+	65+	$40-$59K	$60K+	$80K+	Cruiser	Vacationer	Non-cruiser/non-vacationer	Male	Female
Unweighted	1150	1063	53	69	345	854	124	943	149	600	217	184	178	972	701	1150	0	0	574	576
	100%	100	100	100	100%	100	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	0%	0%	100%	100%
Weighted	1090	1023	46	57	313	817	107	891	170	580	184	156	246	843	604	1090	0	0	535	554
	100	100	100%	100%	100	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	0%	0%	100%	100%
Top 2 Box (Net)	889	859	35	59	282	692	88	722	144	460	156	129	213	675	476	889	0	0	445	443
	81.6	84.0%	75.1%	87.9%	90.4%	84.7	82.1	81.0%	84.6%	79.4%	84.6%	82.8%	86.6%	80.1%	78.8%	81.6%	0.0%	0.0%	83.2%	80.0%
Extremely satisfied (5)	488	473	19	30	167	379	54	493	85	254	98	71	112	375	256	488	0	0	237	251
	44.8	46.2	40.4%	51.5%	53.2%	46.4%	50.4	45.3%	38.6%	43.8%	53.1%	45.4%	45.6%	44.5%	42.4%	**44.8%**	0.0%	0.0%	44.3%	45.2%
Very satisfied (4)	401	386	16	21	116	313	34	319	78	206	58	58	101	300	219	401	0	0	208	193
	36.8	37.7%	34.7	36.4	37.1	38.3%	31.7	35.7	46.0%	35.6%	31.6%	37.4%	41.1%	35.6%	36.3%	**36.8%**	0.0%	0.0%	38.9%	34.8%
Somewhat satisfied (3)	142	117	10	5	31	87	15	121	22	80	22	19	21	121	89	142	0	0	65	78
	13.1	11.5%	21.1%	8.2	6.7%	10.9%	13.7	13.6%	12.7%	13.8%	12.1%	12.1%	8.7%	14.4%	14.8%	**13.1%**	0.0%	0.0%	12.1%	14.0%
Bottom 2 Box (Net)	58	47	2	2	9	36	5	49	5	40	6	8	11	47	39	58	0	0	25	33
	5.4	4.6%	3.9%	3.9%	3.9%	4.4%	4.2%	5.5%	2.7%	6.9%	3.2%	5.1%	4.7%	5.6%	6.4%	5.4%	0.0%	0.0%	4.7%	5.9%
Not very satisfied (2)	47	37	2	0	6	26	5	39	3	33	5	6	7	39	32	47	0	0	23	24
	4.3	3.6%	3.5%	0.0%	1.9	3.3	4.2%	4.3%	1.8%	5.7%	2.8%	4.0%	3.0%	4.7%	5.3%	4.3%	0.0%	0.0%	4.2%	4.4%
Not at all satisfied (1)	11	10	0	2	3	8	0	10	2	7	1	2	4	7	7	11	0	0	3	9
	1.0%	1.0%	0.0%	3.9	1.1%	1.0	0.0	1.1%	0.9%	1.2%	0.6%	1.1%	1.6%	0.8%	1.1%	1.0%	0.0%	0.0%	0.5%	1.5%
TOTAL MENTIONS	1090	1023	46	57	313	817	107	891	170	580	184	156	246	843	604	1090	0	0	535	554
	100.0	100.0	100.0%	100.0	100.0	100.0	100.0	100.0	100.0	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	0.0%	0.0%	100.0%	100.0%
Mean	4.20	4.25	4.12	4.32	4.40	4.26	4.28	4.20	4.20	4.15	4.34	4.22	4.26	4.18	4.14	4.20	0.00	0.00	4.22	4.18
Std Dev	0.89	0.87	0.86	0.93	0.78	0.86	0.86	0.91	0.75	0.94	0.84	0.89	0.86	0.91	0.93	0.90	0.00	0.00	0.86	0.94
Std Err	0.026	0.026	0.121	0.112	0.042	0.029	0.077	0.030	0.065	0.039	0.057	0.066	0.055	0.029	0.035	0.026	0.000	0.000	0.036	0.039

Attachment 2

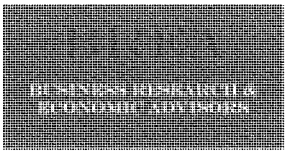
Statement on Crime aboard Cruise Ships
James Alan Fox, Ph.D.
Northeastern University
March 7, 2006

While virtually no place—on land or sea—is totally free of risk, Americans traveling aboard the major cruise lines that serve this country can rest assured of their personal safety. Clearly, it is difficult to derive a statistical matchmate for assessing the relative risk of crime aboard cruise ships given the atypical composition of passenger demographics (that is, the age, race gender and income profile of the population of passengers) and the sometimes spirited climate of cruise-ship activity. Regardless of the methodological complexities, the number of reported incidents of serious crime from cruise lines is extremely low, no matter what benchmark or standard is used.

Compared against their home communities, passengers have an appreciably lower risk of sexual assault and robbery while enjoying a vacation cruise (see table below). Based on passenger and crew counts adjusted for exposure time, the rate of sexual assault on cruise lines is—at worst—half the U.S. rate of forcible rape. For robbery, the cruise-related rate is a tiny fraction of the U.S. rate. The low levels of rape and robbery victimization, makes reasonable sense in view of the confined and highly secured environments offered on major cruise ships.

	Sexual Assault	Robbery
Offenses reported on cruise ships, 2993-2005	149	4
Annual average	49.67	1.33
Passenger count, 2003-2005	31,068,000	31,068,000
Annual average	10,356,000	10,356,000
Average passenger cruise length (days)	6.9	6.9
Annualized passenger exposure		
Annual ave passenger count X (6.9/365)	195,771	195,771
Daily crew size on cruise ships	86,035	86,035
Total anualizes person exposure	281,806	281,806
Rate of crime per 100,000	17.6	0.5
U.S. Rate per 100,000	32.2	136.7

Attachment 3



The Contribution of the North American Cruise Industry to the U.S. Economy in 2005

Prepared for:

International Council of Cruise Lines

August 2006

Executive Summary

Following a year of robust growth in 2004, the North American cruise industry experienced a more moderate rate of expansion during 2005. As indicated in **Table ES-1,** passenger embarkations at U.S. ports increased by 6.3 percent in 2005 to 8.6 million. This rate of increase was less than half the 13.9 percent increase during 2004. The slower growth in embarkations resulted in a reduced rate of growth in passenger and cruise spending. After increasing by 13.8 percent in 2004, the growth in total industry spending declined to 10 percent in 2005, and totaled $16.18 billion for the year. Because the growth in spending exceeded the growth in embarkations, global spending on a per passenger basis increased from $1,553 in 2004 to $1,667 in 2005 (see **Table ES-2**).

Table ES-1 – Economic Contribution of the North American Cruise Industry, 2001 - 2005

	2001	2002	2003	2004	2005	Average Annual Growth 2002	2003	2004	2005
U.S. Passenger Embarkations (Millions)	5.90	6.50	7.11	8.10	8.61	10.2%	9.4%	13.9%	6.3%
Direct Economic Impacts									
Passenger and Cruise Line Spending ($ Billions)*	$ 10.98	$ 11.95	$ 12.92	$ 14.70	$ 16.18	8.8%	8.1%	13.8%	10.0%
Employment	101,636	109,553	117,353	135,197	142,720	7.8%	7.1%	15.2%	5.6%
Wages and Salaries ($ Billions)	$ 3.60	$ 3.92	$ 4.29	$ 4.80	$ 5.19	11.9%	9.6%	11.9%	8.1%
Total Economic Impacts									
Total Output ($ Billions)	$ 18.60	$ 20.40	$ 25.44	$ 30.06	$ 32.43	9.7%	24.7%	18.2%	7.9%
Employment	267,762	279,112	295,077	315,830	330,346	4.2%	5.7%	7.0%	4.6%
Wages and Salaries ($ Billions)	$ 9.72	$ 10.66	$ 11.62	$ 12.42	$ 13.52	9.7%	9.0%	6.9%	8.8%

* Includes wages and salaries paid to U.S. employees of the cruise lines.

The Contribution of the North American Cruise Industry to the U.S. Economy

The expenditures by the cruise lines and their passengers and crew generated employment, income and other economic benefits throughout the U.S. economy. These economic benefits of the North American cruise industry arise from five principal sources:

- spending by cruise passengers and crew for goods and services associated with their cruise, including travel between their places of residence and the ports of embarkation and pre- and post-cruise vacation spending;
- the shoreside staffing by the cruise lines for their headquarters, marketing and tour operations;

- expenditures by the cruise lines for goods and services necessary for cruise operations, including food and beverages, fuel, hotel supplies and equipment, navigation and communication equipment and so forth;
- spending by the cruise lines for port services at U.S. ports-of-embarkation and ports-of-call; and
- expenditures by cruise lines for the maintenance and repair of vessels at U.S. shipyards, as well as capital expenditures for port terminals, office facilities and other capital equipment.

The total contribution of the cruise industry to the U.S. economy is the sum of the direct and indirect economic impacts. The direct impacts consist of the expenditures made by the cruise lines and their crew and passengers during the course of providing or taking cruises. These included cruise expenditures for headquarters operations, food and beverages provided aboard cruise ships and business services such as advertising and marketing. Additionally, cruise passengers and crew purchase a variety of goods and services including clothing, shore excursions and lodging as part of their cruise vacation or as part of a pre- or post-cruise stay. These types of expenditures are included in the direct cruise industry expenditures.

The expenditures of cruise line vendors and those businesses that provide the goods and services to passengers and crew generate the indirect impacts. For example, food processors must purchase raw foodstuffs for processing; utility services, such as electricity and water, to run equipment and process raw materials; transportation services to deliver finished products to the cruise lines or wholesalers; and insurance for property and employees.

The major economic impacts of the cruise industry during 2005 as shown in Table ES-1 were as follows:

- Cruise passenger embarkations at U.S. ports increased by 6.3 percent and totaled 8.6 million.
- The $16.2 billion in direct spending by the cruise lines and their passengers was a 10 percent increase over 2004 and generated over 142,700 direct jobs paying $5.2 billion in wages and salaries.
- The industry spent just over $8.5 billion in the core cruise travel sector, primarily transportation services and passenger and crew spending. This spending generated just under 100,800 jobs and wage income of $3.5 billion.

- The cruise lines directly employed just over 31,600 U.S. residents as shoreside staff and crew members, and paid wage income of $1.1 billion.

- Cruise passengers and crew spent $1.5 billion in non-transportation expenditures creating just under 21,200 jobs in the retail trade, restaurant and lodging industries. These jobs generated $442 million in wage income.

- Cruise lines spent another $7.6 billion for goods and services from suppliers in the United States in support of cruise operations. This spending created slightly more than 41,900 jobs in virtually all industries and generated $1.7 billion in wage income.

- Including the indirect economic impacts, the spending of the cruise lines and their crew and passengers was responsible for the generation of $32.4 billion in gross output in the United States, a 7.9 percent increase over 2004. This, in turn, generated just over 330,000 jobs throughout the country paying a total of $13.5 billion in wages and salaries.

These total economic impacts affect virtually every industry in the United States. Approximately two-thirds of the $32.4 billion in total gross output and 43 percent of the 330,000 jobs generated by the direct and indirect impacts of the cruise industry affected seven industry groups as follows:

➢ Professional & Technical Services[6]	$4.1 Billion in Output	26,691 Jobs
➢ Nondurable Goods Manufacturing	$4.0 Billion in Output	12,867 Jobs
➢ Travel Services[7]	$3.8 Billion in Output	53,095 Jobs
➢ Durable Goods Manufacturing	$2.6 Billion in Output	11,914 Jobs
➢ Financial Services[8]	$2.3 Billion in Output	14,573 Jobs
➢ Airline Transportation	$2.2 Billion in Output	9,895 Jobs
➢ Wholesale Trade	$1.6 Billion in Output	13,737 Jobs

The State of the North American Cruise Industry in 2005

As noted above, the North American cruise industry experienced a more moderate rate of expansion during 2005 relative to prior years. As indicated in **Table ES-2,** the slowdown in growth was brought about largely by the reduction in capacity expansion. In fact, during

[6] Includes such services as legal services, advertising, management consulting, engineering and architectural services and computer consulting services.

[7] Includes travel agents, ground transportation services and U.S.-based excursions.

[8] Includes banking, investment and insurance services.

2005, there was no change in the number of ships in the North American fleet as new introductions were offset by an equal number of withdrawals. The fact that the new cruise ships were larger than the retired ships allowed the lower berth capacity to increase by a modest 2.2 percent, the smallest increase since 1994.

Table ES-2 – Global Summary Statistics for the North American Cruise Industry, 2001 - 2005

	2001	2002	2003	2004	2005	Average Annual Growth 2002	2003	2004	2005
Capacity Measures									
Number of Ships	167	176	184	192	192	5.4%	4.5%	4.3%	0.0%
Lower Berths	173,846	196,694	215,405	240,401	245,755	13.1%	9.5%	11.6%	2.2%
Available Bed Days (Millions)	60.85	61.00	63.38	70.60	75.47	0.3%	3.9%	11.4%	6.9%
Global Passengers and Revenues									
Global Passengers (Millions)	8.40	9.22	9.83	10.85	11.50	9.8%	6.6%	10.3%	6.0%
Global Passenger Bed Days (Millions)	53.76	61.47	66.17	73.88	80.32	14.3%	7.6%	11.7%	8.7%
Capacity Utilization (Bed Days)	88.4%	100.8%	104.4%	104.7%	106.4%				
Gross Revenues ($ Billions)	$ 13.83	$ 14.28	$ 14.73	$ 16.85	$ 19.17	3.3%	3.2%	14.4%	13.8%
Gross Revenues per Passenger	$ 1,646	$ 1,549	$ 1,498	$ 1,553	$ 1,667	-5.9%	-3.2%	3.6%	7.3%
Gross Revenues per Passenger Cruise Day	$ 257	$ 232	$ 223	$ 228	$ 239	-9.7%	-4.2%	2.4%	4.7%

Source: Business Research & Economic Advisors and Cruise Lines International Association

As in prior years, the industry has been able to increase its occupancy rate which rose to 106.4 percent in 2005. As a consequence, passenger carryings and actual passenger bed days,[9] with respective growth rates of 6.0 percent and 8.7 percent, experienced a higher rate of growth than lower berth capacity. It should be noted that the increase in the occupancy rate is partially attributed to the large number of cancelled cruises during 2005. As a result of the extraordinary number of hurricanes during 2005, especially Hurricanes Katrina, Rita and Wilma, more than 80 cruises were cancelled. Most of the cancelled cruises occurred in New Orleans and Fort Lauderdale. While some cruise ships were redeployed from these ports, such as the *Grandeur of the Seas* which was relocated from New Orleans to Tampa, other ships, such as the *Holiday*, were taken out of service and used to house families and workers in New Orleans following Hurricane Katrina. As a consequence, some passengers rescheduled their cruises on other ships resulting in a generally higher occupancy rate among continuously operating cruise ships.

On the financial front, with demand growth outstripping supply growth, the industry was able to increase revenues per passenger by 7.3 percent. With a slight increase in the average

[9] Passenger carryings in 2005 are the number of passengers who took cruises during the year, while passenger bed days are the number of days that all berths were occupied during 2005. For example, a single passenger on a 7-day cruise represents one passenger carrying and 7 passenger bed days.

length of cruise, revenues per passenger cruise day increased by a more moderate 4.7 percent. As a result, gross global industry revenues increased by 13.8 percent during 2005 to $19.2 billion.

With the United States accounting for 75 percent of the activity of the North American cruise industry, U.S. ports have experienced similar growth in passenger embarkations. As shown in **Table ES-3**, embarkations at U.S. ports increased by 6.3 percent, totaling 8.61 million during 2005. Similarly, spending by the industry and its passengers in the United States increased by 10 percent to $16.2 billion in 2005. Expenditures by the cruise lines for wages, taxes and goods and services accounted for about 80 percent of the direct spending, while passenger and crew spending for transportation, accommodations, food and other retail accounted for the remaining 20 percent.

Table ES-3 – Operating Statistics of the North American Cruise Industry in the United States, 2001 – 2005 [10]

						Annual Percent Change			
	2001	2002	2003	2004	2005	2002	2003	2004	2005
Capacity Measures									
Number of Ships	167	176	184	192	192	5.4%	4.5%	4.3%	0.0%
Lower Berths	173,846	196,694	215,405	240,401	245,755	13.1%	9.5%	11.6%	2.2%
Carryings (Millions)									
Global Passengers	8.40	9.22	9.83	10.85	11.50	9.8%	6.6%	10.3%	6.0%
Passengers Residing in the U.S.	6.20	6.99	7.48	8.31	9.06	12.7%	7.0%	11.1%	9.0%
U.S. Embarkations	5.90	6.50	7.11	8.10	8.61	10.2%	9.4%	13.9%	6.3%
Industry Spending in U.S. ($ Billions)	**$ 9.99**	**$ 10.90**	**$ 11.85**	**$ 13.58**	**$ 14.99**	**9.1%**	**8.7%**	**14.6%**	**10.4%**
Cruise Lines	$ 8.14	$ 8.84	$ 9.49	$ 10.70	$ 11.76	8.6%	7.4%	12.7%	9.9%
Goods and Services	$ 7.34	$ 7.93	$ 8.46	$ 9.36	$ 10.11	8.0%	6.7%	10.6%	8.0%
Capital Equipment	$ 0.80	$ 0.91	$ 1.03	$ 1.34	$ 1.65	13.8%	13.2%	30.5%	22.9%
Passengers and Crew	$ 1.85	$ 2.06	$ 2.36	$ 2.88	$ 3.23	11.4%	14.6%	22.1%	12.1%
Wages & Taxes Paid by Cruise Lines	$ 0.99	$ 1.05	$ 1.07	$ 1.12	$ 1.19	6.1%	1.9%	4.3%	6.8%
Total U.S.-based Spending	$ 10.98	$ 11.95	$ 12.92	$ 14.70	$ 16.18	8.8%	8.1%	13.8%	10.0%

Source: Business Research & Economic Advisors and Cruise Lines International Association

The major characteristics of the cruise industry's activity during 2005 are as follows:

- By year-end 2005, the cruise industry's fleet had remained unchanged at 192 vessels with a combined capacity of 245,755 lower berths.[11] This was the smallest increase in the industry's capacity since 1994 and reflects the reduced rate of industry newbuilds following 9/11.

[10] ICCL's member lines accounted for approximately 62 percent of the North American industry's global fleet, 88 percent of the lower berth capacity, and 93 percent of global passengers.

[11] These capacity estimates were obtained from data published by Cruise Lines International Association (CLIA) and cruise industry survey data collected by Business Research and Economic Advisors (BREA). In an effort to provide a consistent set of industry statistics, we have utilized passenger and capacity data collected and reported by CLIA whenever possible. Thus, some of these data may differ from prior BREA reports.

- During 2005, the industry carried an estimated 11.5 million passengers on cruises around the globe. This represented a six percent increase from the previous year.

- Data published by Cruise Lines International Association (CLIA) shows that an estimated 9.1 million U.S. residents took cruise vacations throughout the world and accounted for 79 percent of the industry's global passengers.

- An estimated 8.6 million cruise passengers embarked on their cruises at U.S. ports during 2005, accounting for 75 percent of global embarkations and represented an increase of 6.3 percent from 2004. Florida, whose ports handled approximately 4.8 million embarkations, accounted for 56 percent of all U.S. cruise embarkations.

- The cruise lines and their passengers directly spent $16.2 billion on goods and services in the United States, a 10 percent increase over 2004. The cruise lines spent $13 billion while passengers and crew spent $3.2 billion.

The Contribution of the North American Cruise Industry to Individual State Economies

The economic impact of the North American cruise industry reached into every state economy. Cruise passengers came from every state and the cruise lines made purchases in support of their operations in just about every state. The principal location factors that influenced the economic impacts by state were:

- cruise lines headquarters and other facilities,
- ports-of-embarkation and ports-of-call,
- place of residence of cruise passengers, and
- place of business of cruise industry vendors.

More than 8.6 million cruise passengers began their cruises from U.S. ports in 2005. As indicated in **Table ES-4**, the top 10 U.S. cruise ports accounted for 84 percent of 2005 embarkations. This represented a decline of three percentage points from 2004 and nine percentage points from 2003. The decline primarily reflects the continued expansion of cruises at new ports, such as Jacksonville; Cape Liberty, NJ; Charleston; Norfolk; Mobile; and mid-sized ports, such as San Diego and Honolulu.

Florida remains the center of cruising in the United States, accounting for 56 percent of all U.S. embarkations. Over the past several years there has been a shift in activity in the state

with embarkations shifting from Miami to Port Everglades, Canaveral and Jacksonville. California's ports (Los Angeles, Long Beach, San Diego and San Francisco) boarded approximately 1.3 million passengers for their cruises, or 15 percent of all U.S. cruise embarkations.

Table ES-4 – U.S. Embarkations by Port, 2003 - 2005

Port	2003	2004	2005	Growth 2003	Growth 2004	Growth 2005
Miami	1,965,000	1,682,000	1,771,000	8.9%	-14.4%	5.3%
Port Everglades	1,213,000	1,324,000	1,283,000	0.9%	9.2%	-3.1%
Port Canaveral	1,089,000	1,220,000	1,234,000	5.9%	12.0%	1.1%
Los Angeles	403,000	470,000	615,000	-25.1%	16.6%	30.9%
Galveston	377,000	435,000	531,000	41.2%	15.4%	22.1%
Tampa	409,000	385,000	408,000	29.0%	-5.9%	6.0%
New York	438,000	547,000	370,000	34.4%	24.9%	-32.4%
Long Beach	272,000	367,000	363,000	N/A	34.9%	-1.1%
Seattle	158,000	285,000	337,000	33.9%	80.4%	18.2%
New Orleans	288,000	327,000	308,000	17.6%	13.5%	-5.8%
All Other Ports	666,000	1,145,000	1,476,000	1.7%	71.9%	28.9%
United States	**7,113,000**	**8,100,000**	**8,612,000**	**9.4%**	**13.9%**	**6.3%**
Top Ten Ports	**6,612,000**	**7,042,000**	**7,220,000**	**13.1%**	**6.5%**	**2.5%**
Share of the U.S.	93.0%	86.9%	83.8%			
Florida Ports	**4,676,000**	**4,724,000**	**4,843,000**	**7.5%**	**1.0%**	**2.5%**
Share of the U.S.	65.7%	58.3%	56.2%			

Source: U.S. Cruise Ports and MARAD, U.S. Department of Transportation

The major economic impacts of the cruise industry by state during 2005 as shown in **Table ES-5** were as follows:

- The economic impacts were concentrated in 10 states. These states accounted for 77 percent of the cruise industry's direct purchases in the United States and 84 percent of the total employment and income impacts.

- Florida, with $5.5 billion in direct spending and 128,042 jobs paying $4.8 billion in income, is the center of the cruise industry in the United States, accounting for more than 33 percent of the industry's direct expenditures. In addition, the state of Florida, the home of corporate or administrative offices for most of the cruise lines, accounted for almost 50 percent of the cruise lines' U.S.-based employment during 2005. This share has been falling recently as administrative employment has increased throughout the West and as the number of U.S.-resident crew has grown dramatically in Hawaii.

- California, like Florida, hosts both cruise line headquarters and ports-of-embarkation. With just under 10 percent of the industry's direct expenditures, California businesses received $1.6 billion in direct industry

spending which in turn generated 47,860 jobs paying nearly $2.2 billion in wage income.

- New York accounted for 6.4 percent of the industry's direct expenditures with $1 billion in direct spending. These expenditures generated an estimated 20,000 jobs paying $992 million in income. While New York held its rank as the third highest state in terms of direct industry purchases, the actual level of expenditures during 2005 declined as some cruise activity moved across the river to Cape Liberty in New Jersey and as the industry's overall purchase of financial services declined in New York and nationally.

- Alaska benefits from the cruise industry primarily as a destination market. Thus, it benefits from cruise passenger spending for shore excursions, pre- and post-cruise stays, food and beverages and general retail. Because of this spending, Alaska accounted for 6.1 percent of the industry's direct spending with $994 million in expenditures generating 21,389 jobs paying $792 million in wage income. Cruise passenger visits to the state increased by approximately 12 percent over 2004 and, as a consequence, direct industry purchases increased by more than 25 percent as per passenger and crew expenditures also increased.

- Since 2002, the state of Texas has been the highest growth market with embarkations at the Ports of Galveston and Houston increasing at an average annual rate of more than 30 percent. With $934 million in direct spending and 15,807 jobs paying $713 million in income, Texas accounted for just about five percent of the industry's national economic impact.

- The state of Washington is the location of cruise industry facilities with a growing port-of-embarkation in Seattle. With $562 million in direct spending and 14,082 jobs paying $624 million in income, Washington accounted for about four percent of the industry's national economic impact.

- Finally, the state of Hawaii, with its rapidly expanding destination market, has increased its share of the cruise industry's impact in the United States. Hawaii's rank rose from 15th in 2003 to 8th in 2005. During 2005, direct spending by the industry in the state reached $512 million and generated 12,222 jobs (including the U.S. crew employees of NCL America) paying $394 million in income.

- The impacts in the remaining states were primarily generated by cruise passenger spending for air travel and cruise line purchases from vendors located in each of the states.

Table ES-5 – Total Economic Impact of the North American Cruise Industry by State, 2005

State	Direct Purchases ($ Millions)	Share of the U.S.	Total Employment	Share of the U.S.	Total Income ($ Millions)	Share of the U.S.	Average Annual Wage ($1,000)
Alabama	$ 98	0.6%	1,489	0.5%	$ 50	0.4%	$ 33.8
Alaska	$ 994	6.1%	21,369	6.5%	$ 792	5.9%	$ 37.0
Arizona	$ 145	0.9%	2,097	0.6%	$ 78	0.6%	$ 37.2
Arkansas	$ 27	0.2%	291	0.1%	$ 10	0.1%	$ 34.3
California	$ 1,606	9.9%	47,860	14.5%	$ 2,155	15.9%	$ 45.0
Colorado	$ 355	2.2%	3,685	1.1%	$ 189	1.4%	$ 51.2
Connecticut	$ 84	0.5%	591	0.2%	$ 34	0.3%	$ 58.2
Delaware	$ 21	0.1%	140	0.0%	$ 7	0.0%	$ 48.1
Dist. of Columbia	$ 17	0.1%	129	0.0%	$ 10	0.1%	$ 77.2
Florida	$ 5,472	33.8%	128,042	38.8%	$ 4,772	35.3%	$ 37.3
Georgia	$ 581	3.6%	9,538	2.9%	$ 412	3.0%	$ 43.2
Hawaii	$ 512	3.2%	12,222	3.7%	$ 394	2.9%	$ 32.3
Idaho	$ 15	0.1%	160	0.0%	$ 5	0.0%	$ 33.7
Illinois	$ 368	2.3%	5,077	1.5%	$ 239	1.8%	$ 47.1
Indiana	$ 199	1.2%	2,864	0.9%	$ 127	0.9%	$ 44.3
Iowa	$ 32	0.2%	278	0.1%	$ 10	0.1%	$ 35.4
Kansas	$ 54	0.3%	3,192	1.0%	$ 108	0.8%	$ 33.9
Kentucky	$ 65	0.4%	1,261	0.4%	$ 47	0.3%	$ 37.4
Louisiana	$ 241	1.5%	4,968	1.5%	$ 161	1.2%	$ 32.5
Maine	$ 31	0.2%	412	0.1%	$ 14	0.1%	$ 32.9
Maryland	$ 112	0.7%	1,154	0.3%	$ 56	0.4%	$ 48.4
Massachusetts	$ 401	2.5%	4,305	1.3%	$ 245	1.8%	$ 57.0
Michigan	$ 196	1.2%	1,873	0.6%	$ 91	0.7%	$ 48.7
Minnesota	$ 91	0.6%	1,362	0.4%	$ 65	0.5%	$ 48.1
Mississippi	$ 33	0.2%	376	0.1%	$ 12	0.1%	$ 32.7
Missouri	$ 88	0.5%	1,238	0.4%	$ 52	0.4%	$ 42.0
Montana	$ 5	0.0%	56	0.0%	$ 2	0.0%	$ 30.3
Nebraska	$ 51	0.3%	496	0.2%	$ 27	0.2%	$ 55.9
Nevada	$ 51	0.3%	349	0.1%	$ 14	0.1%	$ 40.4
New Hampshire	$ 29	0.2%	429	0.1%	$ 17	0.1%	$ 39.0
New Jersey	$ 321	2.0%	5,032	1.5%	$ 252	1.9%	$ 50.1
New Mexico	$ 18	0.1%	507	0.2%	$ 16	0.1%	$ 31.0
New York	$ 1,042	6.4%	20,000	6.1%	$ 992	7.3%	$ 49.6
North Carolina	$ 273	1.7%	2,815	0.9%	$ 112	0.8%	$ 39.6
North Dakota	$ 9	0.1%	172	0.1%	$ 4	0.0%	$ 25.9
Ohio	$ 154	1.0%	1,695	0.5%	$ 72	0.5%	$ 42.4
Oklahoma	$ 30	0.2%	365	0.1%	$ 13	0.1%	$ 36.7
Oregon	$ 64	0.4%	1,664	0.5%	$ 55	0.4%	$ 33.2
Pennsylvania	$ 348	2.2%	4,811	1.5%	$ 211	1.6%	$ 43.8
Rhode Island	$ 26	0.2%	237	0.1%	$ 9	0.1%	$ 36.2
South Carolina	$ 70	0.4%	1,033	0.3%	$ 34	0.3%	$ 33.0
South Dakota	$ 6	0.0%	56	0.0%	$ 2	0.0%	$ 30.5
Tennessee	$ 69	0.4%	746	0.2%	$ 31	0.2%	$ 41.4
Texas	$ 934	5.8%	15,807	4.8%	$ 713	5.3%	$ 45.1
Utah	$ 35	0.2%	455	0.1%	$ 17	0.1%	$ 37.0
Vermont	$ 5	0.0%	42	0.0%	$ 2	0.0%	$ 37.2
Virginia	$ 176	1.1%	2,718	0.8%	$ 134	1.0%	$ 49.1
Washington	$ 562	3.5%	14,082	4.3%	$ 624	4.6%	$ 44.3
West Virginia	$ 8	0.0%	88	0.0%	$ 3	0.0%	$ 31.7
Wisconsin	$ 52	0.3%	672	0.2%	$ 26	0.2%	$ 38.4
Wyoming	$ 3	0.0%	28	0.0%	$ 1	0.0%	$ 33.0
U. S. Total	$ 16,180		330,346		$ 13,516		$ 40.9

Attachment 4

CLIA EXECUTIVE PARTNERS
Charter Executive Partners Noted in Bold and Italics

3M Marine
Amadeus North America LLC
American Bureau of Shipping (ABS)
American Guard Services, Inc.
Avendra
Barwil Unitor Ships Service
Bellegrove Medical Supply
The Berkely Group
Board of Commissioners of the Port of New Orleans
Business Research & Economic Advisors (BREA)
Callenberg Engineering Inc.
Campbell & Malafy
Cargill Food Distribution Co.
Chamber of Commerce and Industry of South Corsica (CCIACS)
The Coca-Cola Company
Ecolab Inc.
Fidelio Cruise Software Inc.
Fincantieri-Cantieri Navali Italiani S.p.A.
Fowler White Burnett P.A.
Freeport Harbour Company
Fujifilm USA Inc.
Gard
Halifax Port Authority
Hamilton, Miller & Birthisel LLP
Hamworthy Water Systems LTD
Hill, Betts & Nash LLP
The Image Group
International Paint LLC
Jacksonville Port Authority
Jotun Paints, Inc.
Kaye, Rose & Partners, LLP
The Kezia Group
Lau, Lane, Pieper, Conley & McCreadie, P.A.
Lloyd's Register North America, Inc.
Maine Port Authority
Maltzman Foreman, PA
Maritime Telecommunications Network, Inc./SeaMobile Enterprises *
Marseille-Provence Cruise Club
Marsh Ltd.
Maryland Port Administration
Mase & Lara, P.A.

Massachusetts Port Authority
McAlpin & Conroy, P.A.
McRoberts Maritime Security, Inc.
McIntosh, Sawran, Peltz & Cartaya, PA
MEIKO Marine
Metro Cruise Services LLC
MEYER WERFT GmbH
MHG Services, Inc.
Michael Stapleton Associates (MSA)
Montreal Port Authority
NYCruise
On-Board Movies
P&O Ports North America
Port Canaveral
Port Everglades
Port of Galveston
Port of Houston Authority
The Port of Los Angeles
Port of Miami
The Port of Philadelphia and Camden, a Department of DRPA of PA & NJ
Port of San Diego
Port of San Francisco
Port of Seattle
Shanghai International Port Group, LTD.
Québec Port Authority
RINA S.P.A.
Royal Marine Insurance Group (RMIG)
Rodriguez, Aronson & Essington, P.A.
Seatrade Cruise Shipping Convention/CMP Princeton Inc.
Steamship Insurance Management Services Limited (SIMSL)
Tampa Port Authority
Teakdecking Systems, Inc.
Thordon Bearings Inc.
UK P&I Club
Unisource Worldwide, Inc.
Universal Marine Medical Supply
Vickers Oils
Vitality Foodservice, Inc.
Wärtsilä
Wireless Maritime Services, LLP

TESTIMONY OF LAURIE DISHMAN
BEFORE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

"Crimes Against Americans On Cruise Ships"

HEARING SCHEDULED
Tuesday, March 27, 2007 -- 10:00 a.m.
Rayburn House Office Building
Room # 2167

Laurie Dishman
5331 Carmen Way
Sacramento, California 95822

Tel. No. (916) 731-8142

Statement of Laurie Dishman - Sacramento, California

Hello, I would like to thank the Chairman, the Committee and my Congresswoman, Doris Matsui, for inviting me to testify today. Although this is a difficult process, it is important for me to share my experiences of the last year, since my cruise on a Royal Caribbean cruise ship.

I am 36 years old and was born and raised in Sacramento, CA. I have a close family - a very loving mother and father, two sisters, and a brother. My father is here today; the rest of my family, including my mom, are at work and unfortunately, can't be here.

I am employed as a Food Service Manager for Raley's Superstores in Northern California. I have been with Raley's for 18 years. My job is very important to me. I supervise approximately thirty-five employees. Everyday, I work very hard to have my colleagues give world class service to each and every customer who walks into our store.

In February 2006, I took a break from work to take a cruise. My best friend Michelle and I wanted to celebrate 30 years of friendship. We decided to go to Disneyland and then sail on a Royal Caribbean cruise to the Mexican Riviera, so we could also celebrate my birthday on the cruise ship.

On February 21, 2006, a Royal Caribbean security guard raped me in my cabin. I woke up with soreness around my neck and throat. To my horror, there were ligature marks on my neck. My tampon was impacted into me during the rape while I was unconscious. I felt humiliated. I could not believe what had happened.

I later learned that the "security guard" was actually a janitor. He was just "filling in" for security in the lounges to check I.D.s because there were not enough security personnel on board. I learned that there are only two or three legitimate security guards and a supervisor on duty at night, and it is impossible for them to patrol the entire ship. I also learned that the janitor had an

employee history which included lying, falsification of records, insubordination, and anger management problems. Yet, he was assigned to work in the lounge "checking I.D.s." Even worse, he was assigned to work with another janitor whose background included lying, falsification of records, and drinking during working hours. Witnesses observed these two men drinking beer in the lounge before the rape. We have also learned that Royal Caribbean bartenders knowingly served other alcohol to the crew member who raped me, even though he was wearing a security badge.

Michelle called the purser's desk shortly after 9:00 a.m., when I awoke, to report what had happened. We needed help, but we were afraid of security personnel showing up because I had been raped by a security guard.

A security officer appeared in our cabin, together with another man, who I understood was the head purser. They sat on the bed where the rape occurred. We told them what happened, but they insisted that we prepare written statements and sign them. They left without either taking us to the infirmary or securing the cabin. The security officer returned, and told us we had to complete the statements before we could go to the doctor.

After noon (12:00 p.m.), the security officer took us to the ship infirmary. The ship doctor told us to take two large garbage bags and go back to the cabin and collect evidence of the rape. Michelle and I went and gathered what we thought they needed. We tried to preserve hair and other evidence by carefully folding the sheets and the pillow case and placing them into the bags. It was horrible to do this. Michelle and I felt humiliated carrying the bags in the public hallways and into the elevator with the security officer watching us. When we returned to the infirmary, we watched as the nurses took everything out of the trash bags, unfolding the sheets in the process, and put everything into other bags. It was painful to watch this.

The ship doctor performed the rape kit and examined my neck. After the doctor visit, we were returned to the cabin. I felt afraid to be in the cabin. Michelle took me to a corner of the pool/solarium area, and put a towel around me.

I wore sunglasses hoping no one would recognize me. I wanted to go home. There was no security to protect me; although, quite frankly, I would have been frightened to have another Royal Caribbean "security" man around me. I just wanted to go home and see my parents.

Michelle kept asking for a new cabin as the day wore on. We were finally given another cabin late in the day, and were told to take some of our personal items from the cabin. Late that same day the security officer said that he would lock the cabin so that no one could get in.

I identified the rapist by a photograph. Michelle and I met with the officers, all men, in an office. We were told that I had three options: (1) getting off the ship the next morning at port in Cabo and reporting the crime to the Mexican police, or (2) staying on the ship and talking to the FBI at the end of the cruise, or (3) flying back to Los Angeles and reporting it to the FBI. I wanted to go home because I felt afraid. The officer told us that the crew member was told to stay on his floor, and that they would respond if he came back to passenger decks. This made me even more afraid. He was never arrested, or "placed in the brig," or had a guard assigned to him during the cruise.

The following morning, the cruise line arranged for us to fly back to Los Angeles. The FBI interviewed us. They photographed my neck to document the bruises. When the cruise ship returned to port on February 26, 2006, the FBI agents boarded the ship. The FBI file which we eventually obtained (70% of which is missing) indicates that 10 agents boarded the ship. The FBI file indicates that they inspected my cabin early in the morning, as well as the assailant crew member's cabin (which remained unsecured the entire cruise). The FBI eventually interviewed the crew member at noon. It is my understanding that he denied ever going into my cabin. The FBI did not arrest the crew member and he continued to work on the ship. He sailed with the ship when it left San Pedro/L.A. on February 26th with a new group of passengers to prey upon!

My FBI victim's specialist later informed me in a letter that the FBI/DOJ decided to decline prosecution of my case on February 26, 2006, the same day

that the cruise ship returned to port. A copy is attached. They never even tested my blood to see if there were date rape drugs in it. The FBI agent who called me said that there was not enough evidence and that it was a "he-said/she-said" case. We have requested my blood sample and photographs of my injuries, filed a FOIA request and called and written to the FBI, but the FBI will not cooperate. We can't obtain my blood sample to test it, or the photographs of the bruises around my throat, or the statements of the rapist, etc.

I later learned that the cruise line lawyers met with the assailant after they boarded the cruise ship on February 26, 2006. They boarded the ship shortly after 7:00 a.m. The FBI did not interview the assailant until noon. The cruise line lawyers continued to meet with him the next day when they took his statement for three hours. Unfortunately, the cruise line refuses to provide us with any of his statements because they were taken, according to the cruise line, to defend themselves in any lawsuit I might file. This seems strange because the last thing I was thinking about was a lawsuit.

I also recently learned that on February 28, 2006, two days after the ship returned to port, the crew member was terminated after he changed his story. After meeting with the defense lawyers, he characterized the incident as a consensual encounter. Only then did the Captain of the ship finally place the rapist "in isolation" and terminate him. They flew him back to Trinidad.

At this point, we don't know when the FBI learned that he changed his story. The FBI refuses to provide us with most of their file materials, and we are still trying to piece things together. But what we did learn was that on March 3, 2006, five days after the FBI left the ship and three days after the crew member was terminated, the FBI agent decided to request a polygraph of the assailant. Unfortunately, by that time, the crew member was safely back in his home country courtesy of the cruise line. Did the cruise line tell the FBI this was happening? No one will tell us at this point. But if the FBI had performed the polygraph in a timely manner, on February 26th, they would know that this is not a "he-said/she-said" case at all - they would then know that it is a "he-lied" case. Instead, both the FBI and the cruise line subjected other women passengers on the next cruise to the danger posed by this rapist.

I requested meetings with the FBI and the DOJ. I went by myself, which was very hard because I had to return to Los Angeles where this nightmare began. They told me that there were no witnesses and not enough evidence, but they really didn't want to talk about the evidence which did exist. They said if he were to rape someone again my case could be used against him. I asked for the name of the crew member, his address, whether he had been terminated and, if so, where he was. The FBI told me that this information was confidential. I learned nothing in meeting with the FBI/DOJ.

Thomas O'Brien, the senior federal prosecutor in Los Angeles, was present during the FBI/DOJ meeting. He also said that there was not enough evidence to criminally prosecute the crew member. I told him that I am your best evidence. I asked him whether the Los Angeles FBI ever had a successful investigation into a crime on a Royal Caribbean cruise ship which led to jail time. He said that he was not prepared for that question. Everyone in the room either looked down or looked at each other and shrugged their shoulders. I am still waiting for an answer to whether any criminal on a Royal Caribbean cruise ship has been convicted of a sexual assault. The answer to that question should explain why there is no justice in my case, and why I am here today speaking on this topic.

The nicest thing that I can say about the meeting is that Mr. O'Brien encouraged me to seek justice in a civil case, and to pursue this with Congress. Here I am!

My experiences with this cruise line since the crime have been just as awful as my experiences on the cruise ship.

Within a week of the cruise, I received a telephone call from a woman from the cruise line. She did not identify the department she worked in. I intuitively was not comfortable at this point in speaking with her. I later learned that she works for "risk management" settling claims of crime and accident victims and requiring the victims to sign confidentiality agreements. I am so glad that I didn't talk to her at length. Instead, I asked her to communicate through my FBI victim's specialist. I never heard from her again.

I retained a maritime lawyer who wrote many letters to the cruise line starting in the third week of March 2006. He requested my medical records, information regarding the crew member, and information about whether the crew member had any type of sexually transmitted diseases or HIV/AIDS. He also requested that the cruise line keep all tapes from all ship security cameras. The cruise line provided no information, even though multiple letters were sent to the President of the cruise line, Adam Goldstein, and to "risk management."

I later read a transcript of the hearing on cruise ship safety in mid March 2006 where Royal Caribbean promised under oath to Congressman Christopher Shays that they would cooperate with victims and provide information. Did they forget about my crime a few weeks earlier?

In June, the cruise line lawyers contacted my lawyer and, in the first conversation, offered to make a settlement offer provided that I sign a confidentiality agreement. My attorney understood my goal was to obtain information and justice and refused the offer. The cruise line still did not produce any information.

The only things I received from Royal Caribbean were solicitations to buy another cruise. The first communication was an e-mail from the marketing department:

> Dear Laurie:
>
> Welcome home and thank you again, for sailing with Royal Caribbean International. ***The great thing about a Royal Caribbean cruise is that no two days are ever alike. It's a new adventure every day . . .***

The next letter was from the president, Adam Goldstein:

> Dear Laurie:
>
> On behalf of the staff and crew of *Vision of the Seas,* I'd like to thank you for sailing with us ***and giving us the opportunity to send you home with an experience to remember***. With over 100 ports of call worldwide, we pride ourselves on bringing you adventure around

every corner.

You can expect just as many memorable experiences on your next Royal Carribean cruise vacation . . .

My attorney insisted that these letters stop. Shortly thereafter, I received another one from a senior Vice President soliciting me to buy another cruise for "***another amazing vacation adventure . . .*** "

My attorney had two more conversations with the cruise line lawyers asking them to provide the requested information. The cruise line ignored the requests and again offered to make a settlement offer with a confidentiality agreement prohibiting me from mentioning the crime to anyone again.

By July/August of last year, I was fed up. I proceeded with a civil lawsuit to obtain the answers which the cruise line refused to voluntarily provide. By this time, I had met and/or corresponded with my Congresswoman and Senator and/or their staff. Since then, I have also met with other members of Congress and the Judiciary and Commerce committees and their staff, and I greatly appreciate their time and concern.

I have also taken my cause to the newspapers and television, because the public needs to know about the issue of cruise ship crime and the way this cruise line responds to crimes. The public also needs to know that the FBI will not prosecute crimes in most cases, nor will they be square with you.

The cruise line has not been happy that I didn't agree to a confidential settlement and then disappear. This is how they treated me:

On August 1, 2006, my Congresswoman wrote a letter to President Goldstein at the cruise line requesting the information I had been seeking. At this point, I had received nothing but solicitations. The response by the cruise line was to attack me and attempt to dupe my Congresswoman. First, the cruise line lawyers sent my medical records (which they had since February) to us in mid-

August, together with my statement and the assailant's personnel file.

Thereafter, Royal Caribbean issued a press statement from their Director of Corporate Communications, Michael Sheehan, claiming that they "immediately"

* notified the FBI,
* provided medical attention,
* sealed off the cabin, and
* then provided me with information.

These statements are false. In truth:

* the cruise line delayed notifying the FBI (verbally) until either later that evening or the following morning. The officers were still offering to put me off in Cabo as an option late in the day. The FBI did not receive written notice until the following morning.

* the cruise line delayed medical treatment until after I completed the statements demanded by security and after I was sent back to the cabin to gather evidence.

* the cruise line delayed sealing my cabin until late afternoon that day and only after the officers sat on the bed, after we were required to collect evidence, and after we left the cabin late that day to go to another cabin.

* the only "information" (my medical records, statements and the assailant's personnel file) was sent shortly before the cruise line's press statement.

On August 21, the cruise line's Vice President of Government Relations, Joe Fox, wrote a mean-spirited letter to my Congresswoman which placed me in a false light. He claimed that I reported the crime on February 23rd, which is not true

because I reported it on February 21. His claims that they "immediately" reported the crime, provided medical treatment, and sealed the cabin were a re-hash of the false press statement. It is ironic that Mr. Fox would write such a letter. I subsequently learned that he was the one who sent the letter to the Congressional hearing representing that there were 66 sexual assaults on the Royal Caribbean ships for the period 2003 - through 2005. Recently, the LA Times reported that, in actuality, there were several hundred sexual crimes during this time period.

Also, very disturbing was an article which was published on August 24 in a cruise newspaper, Cruise News Daily, which made fun of my search for justice. Its tone was disrespectful. I could not imagine how anyone could be so mean to a rape victim. My lawyer suspected that the cruise line planted the story to embarrass me. He sent a request to Royal Caribbean to produce copies of e-mails between the cruise newspaper and the cruise line. Royal Caribbean objected. The Court ordered the documents to be produced. The cruise line delayed, and my lawyer filed another motion. Finally, the cruise line produced some of the e-mails. Here is a part of the exchange between the editor of Cruise News Daily and Royal Caribbean Corporate Communication Director, Michael Sheehan, on August 17, 2006:

Cruise News Daily: "**I really want to nail this woman - and the ICV [International Cruise Victims].**"

Royal Caribbean: "**Let's see what we can do tomorrow!!!!!!!!!!!**"

A copy is attached.

Shortly after this email exchange and an "interview" with Mr. Sheehan, the cruise newspaper published an article mocking me, based on the misleading information from Royal Caribbean.

I also just recently learned that the tapes of the security cameras were

allegedly "re-used" and taped over, even though the security officer acknowledged that they were important evidence and were not to be removed from the security office.

There is something terribly wrong with this cruise line. Three guards to patrol an entire ship? Janitors masquerading as security guards and drinking in the lounge? CCTV tapes conveniently "re-used?" Cruise line lawyers meeting with the assailant, and his story changes? The cruise line sends the assailant home, and three days later the FBI wants to do a polygraph test? "Risk management" keeping my medical records and information about the crime for six months until my Congresswoman intervened? A President of the cruise line who refuses to respond to requests for information for months? No convictions for rape in four decades? A Director of Corporate Communications of a major corporation maliciously plotting to "nail" a victim and a victim's organization?

During this one year journey, I have not seen any sign that the cruise line acknowledges the crime against me by their employee, or crimes against women in general on its ships. This is not to mention the dismal performance of the FBI and the lack of prosecutions and convictions.

I also heard that a senior FBI agent (no. 3 at the Bureau), Mr. Bald, joined this cruise line last June after being with the FBI for 29 years. I heard that he is a very nice man. But let's get real. Why would you expect things to change at the cruise line by hiring a senior agent from the same bureau whose investigations never convicted a single Royal Caribbean sexual predator during his entire FBI tenure? Mr. Bald was with the FBI when they mis-handled my case. Was he hired to improve security? Or to maintain the status quo, which has prejudiced crime victims for too, too long?

The cruise line controls the scene of the crime, the security, the security tapes, the witnesses, the evidence, the ship doctors, the victim's medical records, and the criminals themselves. Often, as in my case, the defense attorneys have access to witnesses even before the FBI. The law firm which is defending the cruise line in my case touts on its web page (www.mflegal.com) the ability to

immediately send it's "emergency response team" to the ships to represent the cruise line's interests and "to ensure management knows exactly what has transpired and what needs to be done." The cruise line lawyers also promise to "handle and resolve claims on the scene before they become inflamed and lead to costly litigation."

Who was looking out for my interests on the cruise ship following the crime? Who will look out for the interests of the next victim on a cruise ship?

We need your help in protecting the rights of victims of crime on cruise ships.

These are things that I, Laurie Dishman, would like to see happen to prevent crimes from happening out at sea, and to protect future crime victims from cruise line harassment:

To Prevent Crimes Against Passengers:

* **Increased number of security guards.** The cruise ship I was on had only three guards working at night to police a small city of around 3,000. Janitors should not be permitted to masquerade as security guards.
* **Closed Circuit Television ("CCTV") cameras in all lounges, foyers, elevators, stairwells, and crew and passenger hallways.** My store has cameras everywhere - why can't the cruise ships?
* **Trained security personnel actually monitoring the CCTV.** The conspicuous placement and monitoring of the CCTV should be a deterrent. Security guards also can be dispatched to the scene if a crime is occurring or if crew members are observed drinking alcohol, harassing women, or sneaking into the passenger areas.
* **Peep holes and chain locks for the doors.** All hotels have them - why not cruise ships?

* **Background check on employees which cross reference whether they have been fired by other cruise lines.** Otherwise, the criminals go home for a little bit and then show up on another ship.

* **The presence of U.S. Marshals or independent U.S. security personnel on the cruise ships.** Increasing the number of cruise security personnel alone will not eliminate the problem. There must be independent Federal or State law enforcement officials on the ships. Nothing will really get better with the fox guarding the hen house.

To Protect the Passengers After They Have Been Victimized:

* **CCTV must be preserved as evidence rather than destroyed, "lost," or "re-used" by the cruise line, which is the usual case.** (In my case, I asked about surveillance tapes while on the ship. My attorney requested the tapes many times. The security officer later testified that he labeled the tapes "confidential - do not remove." The cruise line claims that neither me, my cabin mate, nor the security guard were seen on 160 cameras - impossible! Eight months later the cruise line defense lawyers now claim that the tapes were allegedly "re-used." How convenient!)

* **Placing the accused crew member in the brig until he has been interviewed by law enforcement.** (In my case, the crew member carried out his normal activities until the ship returned to port. He had five days to talk with other crew members and the cruise line lawyers to work up an alibi.)

* **A woman counselor/nurse must be available for woman who are assaulted.** Women should not be forced to repeat their story to male officers over and over again in the middle of the ocean.

* **A 1-800 number provided by RAINN (The Rape, Abuse, and Incest National Network which runs a sexual assault hotline to help victims and send rapists to jail) so that victims can learn of their rights and be professionally counseled.** (It is frightening to be at sea surrounded by male officers who are looking out for their own crew and not the victim!)

* **An emergency telephone number for the U.S. consulate for all ports of**

call on the itinerary.

* **A 1-800 number to the FBI.**
* **A 1-800 number to the local police at the home port (Miami, Los Angeles, etc.) if the FBI doesn't respond.**
* **A law permitting state law enforcement to investigate ship crimes, and local prosecutors to put the crew members in jail, because the FBI has such a poor record.**
* **A law prohibiting the cruise line's lawyers from boarding the cruise ship and coaching the assailant crew members before the FBI completes its investigation.** (In my case, the cruise line lawyers boarded the ship shortly after 7:00 a.m. when the ship returned to port. They continued to meet with the crew member for several days thereafter. The crew member later changed his story from "I never went into the cabin" to the usual defense of "it was a consensual relationship.")
* **A law applying HIPAA (the Health Insurance Portability & Accountability Act) to cruise ship doctors and nurses.** (In my case, the cruise line defense lawyers interviewed the doctor and, together with "risk management," reviewed my medical records without my approval and without having me execute HIPAA authorizations. The cruise line is now claiming that the neck injury and ligature marks I sustained during the rape are just "hickeys" - a term I have not heard since 7th grade! The cruise line should not be able to review a victim's medical records and place pressure on ship doctors to change their medical opinions.)
* **A requirement that the cruise line provide all victims with a copy of their medical records when they disembark the ship.** (In my case, it was only after my lawyer filed a law suit and my Congresswoman intervened that the cruise line provided me with my medical records. It is unconscionable that a rape victim should have to go through this ordeal just to obtain her own medical records.)
* **A law requiring the FBI to release a victim's blood samples, photographs of injuries and other similar evidence to the victim.** Whose side is the FBI on? The cruise lines and criminals have more rights.
* **A Passenger "Bill of Rights," setting forth the above rights, which should be provided to each passenger before they board the cruise ship.**

In closing, I would like to mention Mr. Ken Carver, President of International Cruise Victims, who lost his daughter on a cruise ship owned by Royal Caribbean, and then battled their delay and cover-up. Thank you Ken for your courage and leadership!

Thank you again to this Committee for allowing me the honor of appearing in our Nation's Capitol. A special thank you to my Congresswoman, Doris Matsui, and her staff, who listened to me, and have made this most important hearing happen.

U.S. Department of Justice
Federal Bureau of Investigation
FBI - Los Angeles
Suite 1700, FOB
11000 Wilshire Boulevard
Los Angeles, CA 90024
Phone: (310) 996-3529
Fax: (310) 996-3564

April 11, 2006

Laurie Dishman
5331 Carmen Way
Sacramento, CA 95822

Re: Case Number: 45-LA-243958

Dear Laurie Dishman:

Your name was referred to the FBI's Victim Assistance Program as being a possible victim of a federal crime. We appreciate your assistance and cooperation while we are investigating this case. We would like to make you aware of the victim services that may be available to you and to answer any questions you may have regarding the criminal justice process throughout the investigation. Our program is part of the FBI's effort to ensure the victims are treated with respect and are provided information about their rights under federal law. These rights include notification of the status of the case. The enclosed brochures provide information about the FBI's Victim Assistance Program, resources and instructions for accessing the Victim Notification System (VNS). VNS is designed to provide you with information regarding the status of your case.

This letter is to provide you with updates to the case by which you were previously referred to the FBI's Victim Assistance Program. On February 26, 2006, we were informed by the United States Attorney's Office that they had declined your case for prosecution.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at WWW.Notify.USDOJ.GOV or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number (VIN) '1341282' and Personal Identification Number (PIN) '4211' anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is Dishman.

If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,

Sergio Mendez
Victim Specialist

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 06-15089 CA 04

LAURIE DISHMAN,

Plaintiff,

vs.

ROYAL CARIBBEAN CRUISES, LTD.,
A Liberian Corporation

Defendants.
_____/

DEFENDANT, ROYAL CARIBBEAN CRUISES, RESPONSE TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION PURSUANT TO COURT ORDER

Defendant, ROYAL CARIBBEAN CRUISES LTD., by and through their undersigned counsel, and pursuant to the Court's January 30, 2007 Order, hereby serve their Response to Plaintiff's Second Request for Production and specifically requests numbers 1 and 2, and would state as follows:

REQUEST FOR PRODUCTION NO. 1:

Copies of the e-mails, facsimiles, and/or letters received by Defendant (including but not limited to Lynn Martenstein, Michael Sheehan, and Linda Katz) from Alan Wilson and/or Cruise News Daily and/or www.cruisenewsdaily regarding plaintiff.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Attached.

REQUEST FOR PRODUCTION NO. 2:

Copies of the e-mails, facsimiles, and/or letters sent by Defendant (including but not limited to Lynn Martenstein, Michael Sheehan, and Linda Katz) to Alan Wilson and/or Cruise News Daily and/or www.cruisenewsdaily regarding plaintiff.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Attached.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true copy of the foregoing was served via facsimile and U.S. Mail to: James M. Walker, Walker & O'Neill, P.A., Plaza 57, 7301 SW 57th Court, Suite 430, Miami Florida, 33143, on this 16th day of February, 2007.

MALTZMAN FOREMAN, P.A.
Attorneys for Defendant, NCL
One Biscayne Tower, Suite 2300
2 South Biscayne Boulevard
Miami, Florida 33131
Telephone: (305) 358-6555/Fax: (305) 374-9077

By: _____
AMANDA L. JACOBS
Florida Bar No. 0846031
DARREN W. FRIEDMAN
Florida Bar No. 0146765

Michael Sheehan/CRPCM/MIA/RCL
08/17/2006 07:55 PM

To "Alan Wilson-CND" <awilson@cruisenewsdaily.com>
cc
bcc
Subject Re: Dishman request

Let's see what we can do tomorrow!!!!!!!!!

If you don't hear from me first - call me by 11 a.m.

Michael J. Sheehan
Director, Corporate Communications
Royal Caribbean Cruises Ltd.
Phone: 305-539-6572 Fax: 305-536-0140
E-mail: msheehan@rccl.com

"Alan Wilson-CND" <awilson@cruisenewsdaily.com>

"Alan Wilson-CND" <awilson@cruisenewsdaily.com>
08/17/2006 07:48 PM

To MSheehan@rccl.com
cc
Subject Re: Dishman request

Can you get it Friday? I held up the story again. I realized I wanted something else from the FBI on dates too. I really want to nail this woman - and the ICV.

Subject: Re: Dishman request
To: "Alan Wilson-CND" <awilson@cruisenewsdaily.com>
From: MSheehan@rccl.com
Date sent: Thu, 17 Aug 2006 19:36:34 -0400

> I just can't say - and everyone else - the smart ones -
> are gone now.
> Sorry!!!!!!!!
>
> Michael J. Sheehan
> Director, Corporate Communications
> Royal Caribbean Cruises Ltd.
> Phone: 305-539-6572 Fax: 305-536-0140
> E-mail: msheehan@rccl.com
>
>
>
>
>
> "Alan Wilson-CND"
> <awilson@cruisene
> wsdaily.com>
> To

Michael Sheehan/CRPCM/MIA/RCL
08/14/2006 05:48 PM

To "Alan Wilson-CND" <awilson@cruisenewsdaily.com>
cc
bcc
Subject Re: Laurie Dishman

I don't think I got the question. I'm wading through e-mails and have to get to voice mails. Let's talk tomorrow.

It's good to be back - (I think.....?????)

Michael J. Sheehan
Director, Corporate Communications
Royal Caribbean Cruises Ltd.
Phone: 305-539-6572 Fax: 305-536-0140
E-mail: msheehan@rccl.com

"Alan Wilson-CND" <awilson@cruisenewsdaily.com>

"Alan Wilson-CND" <awilson@cruisenewsdaily.com>
08/14/2006 10:46 AM

To msheehan@rccl.com
cc
Subject Laurie Dishman

Welcome back,

Did Lynn leave you my questions about Laurie Dishman?
I'd like to get that story wrapped up today or tomorrow
if we can.

Thanks

Alan

02/13/2007 TUE 15:25 [TX/RX NO 7669]

Michael Sheehan/CRPCM/MIA/RCL
08/14/2006 05:07 PM

To "Alan Wilson-CND" <awilson@cruisenewsdaily.com>
cc
bcc
Subject Re: Laurie Dishman

I think I have the story - and yes - I need to change my message!!

Michael J. Sheehan
Director, Corporate Communications
Royal Caribbean Cruises Ltd.
Phone: 305-539-6572 Fax: 305-536-0140
E-mail: msheehan@rccl.com

"Alan Wilson-CND" <awilson@cruisenewsdaily.com>

"Alan Wilson-CND" <awilson@cruisenewsdaily.com>
08/14/2006 05:51 PM

To MSheehan@rccl.com
cc
Subject Re: Laurie Dishman

Do you know her story or do I need to send you that too?

I left you a voicemail a few minutes ago. You need to change your message to say you aren't gone anymore.

Subject: Re: Laurie Dishman
To: "Alan Wilson-CND" <awilson@cruisenewsdaily.com>
From: MSheehan@rccl.com
Date sent: Mon, 14 Aug 2006 17:48:15 -0400

> I don't think I got the question. I'm wading through
> e-mails and have to
> get to voice mails. Let's talk tomorrow.
>
> It's good to be back - (I think.....?????)
>
> Michael J. Sheehan
> Director, Corporate Communications
> Royal Caribbean Cruises Ltd.
> Phone: 305-539-6572 Fax: 305-536-0140
> E-mail: msheehan@rccl.com
>
>
>
>
>
> "Alan Wilson-CND"

JAN-25-1996 22:17 P.03/09

02/13/2007 TUE 15:25 [TX/RX NO 7668]

Michael Sheehan/CRPCM/MIA/RCL
08/16/2006 05:33 PM

To "Alan Wilson-CND" <awilson@cruisenewsdaily.com>
cc
bcc
Subject Re: Let's talk about Laurie Dishman

Here's our statement - sorry its so late in the day!!

Royal Caribbean Statement

On February 23, 2006, a female guest onboard *Vision of the Seas* alleged that a male crew member sexually assaulted her. Royal Caribbean immediately notified the FBI, provided medical assistance to the alleged victim, sealed the stateroom in question, and provided the FBI with all information requested. Royal Caribbean also assisted the alleged victim and her female traveling companion in departing the ship at the next port, as they requested.

On February 26, when docked in Los Angeles, 10 FBI agents boarded the ship and conducted a full investigation, including interviews of all parties involved and potential witnesses. Based on that investigation, no arrests were made and no one was charged with any crimes.

The company has also provided the alleged victim with additional requested information.

######

Michael J. Sheehan
Director, Corporate Communications
Royal Caribbean Cruises Ltd.
Phone: 305-539-6572 Fax: 305-536-0140
E-mail: msheehan@rccl.com
"Alan Wilson-CND" <awilson@cruisenewsdaily.com>

"Alan Wilson-CND" <awilson@cruisenewsdaily.com>
08/15/2006 02:18 PM

To msheehan@rccl.com
cc
Subject Let's talk about Laurie Dishman

Give me a call. I'm here for the duration now.

Alan
941-388-9317

Michael Sheehan/CRPCM/MIA/RCL
08/17/2006 07:38 PM

To "Alan Wilson-CND" <awilson@cruisenewsdaily.com>
cc
bcc
Subject Re: Dishman request

I just can't say - and everyone else - the smart ones - are gone now. Sorry!!!!!!!

Michael J. Sheehan
Director, Corporate Communications
Royal Caribbean Cruises Ltd.
Phone: 305-539-6572 Fax: 305-536-0140
E-mail: msheehan@rccl.com

"Alan Wilson-CND" <awilson@cruisenewsdaily.com>

"Alan Wilson-CND" <awilson@cruisenewsdaily.com>
08/17/2006 01:13 PM

To msheehan@rccl.com
cc
Subject Dishman request

I want to put one more definitive nail in this story. Can you tell me when you received her request for the info and when you sent it to her? Her press release was dated Aug 8. I'd love for you to say you received the request on Aug 7.

Thanks!

Alan

02/13/2007 TUE 16:25 [TX/RX NO 7668]
TOTAL P.09

Michael Sheehan/CRPCM/MIA/RCL
08/18/2006 08:49 PM

To "Alan Wilson-CND" <awilson@cruisenewsdaily.com>
cc
bcc
Subject Re: This is your Friday Dishman reminder

I'm really sorry!!!!!!!!!!!!!!!! My day was sucked away from me by other internal company business. As you can see - I'm still here getting caught up with normal stuff - and it my birthday!!!!!!!!!!!!!!!

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

MARCH 27, 2007

Good morning Chairman Cummings, Ranking Member LaTourette, and Members of the Subcommittee. I appreciate the opportunity to be here today and address the FBI's role in investigating crimes against American Citizens traveling aboard cruise ships.

Mr. Chairman, the FBI is committed to addressing piracy and serious criminal acts of violence and is dedicated to working with our partners at every level to investigate and prosecute crimes on the high seas. We will do everything in our power to uphold our mission of protecting our fellow citizens from crime and terrorism.

Jurisdiction

First, I would like to briefly discuss where the FBI obtains its jurisdiction over crimes committed on cruise ships. The authority of the FBI to investigate criminal offenses and enforce laws of the United States on cruise ships on the high seas, or territorial waters of the United States, depends on several factors. The location of the vessel, the nationality of the perpetrator or victim, the ownership of the vessel, the points of embarkation and debarkation, and the country in which the vessel is flagged all play a role in determining whether there is federal authority to enforce the laws of the United States. The principal law under which the U.S. exercises its Special Maritime and Territorial Jurisdiction is set forth in Section 7 of Title 18 of the U.S. Code. This statute provides, in relevant part, that the U.S. has jurisdiction over crimes committed on a ship if:

(1) The ship, regardless of flag, is a U.S. - owned vessel, either whole or in part, regardless of the nationality of the victim or the perpetrator, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular state;

(2) The offense by or against a U.S. National was committed outside the jurisdiction of any nation;

(3) The crime occurred in the U.S. territorial sea (within twelve miles of the

coast), regardless of the nationality of the vessel, the victim or the perpetrator; or

(4) The victim or perpetrator is a U.S. National on any vessel during a voyage that departed from or will arrive in a U.S. port.

However, it is important to note, that when an incident occurs outside the territorial waters of the U.S., there are numerous other factors that come into play in determining the FBI's role and ability to investigate. In addition to the laws of the U.S., the laws of other sovereign nations, and international law will determine our legal authority to respond to and/or investigate the crime. As these incidents may involve the citizens or interests of other countries, the FBI's investigative efforts may implicate the sovereignty interests of other involved nations. Resolution of these questions requires consultation and coordination within the U.S. government.

The FBI has posted a number of senior-level agents in 60 Legat offices and 13 sub-offices throughout the world. Through established liaison with principal law enforcement services in designated foreign countries, the FBI's Legats are able to pursue investigative activities where permissible. The Legat's authority to conduct investigations overseas or to coordinate FBI extraterritorial teams' investigations abroad varies greatly and must be determined by each Legat on a country-by-country, case-by-case basis. The Legats coordinate closely with the Department of Justice's Office of International Affairs, which provides assistance

in international criminal matters to U.S. and foreign investigators, prosecutors and judicial authorities, primarily in the area of international extradition of fugitives and evidence gathering, and with the Department of State.

Extraterritorial Response

When a Legat has made a determination to respond to a crime on the high seas incident involving U.S. citizens and/or interests occurring outside of the U.S. territorial waters, the Legats role in the investigation will vary depending on the host country and the FBI's resources in the area. The United States cannot board a foreign flag vessel on the high seas to enforce U.S. criminal laws without the consent of the flag state, except for a limited number of recognized universal offenses. In cases involving suspected criminal activity directed at or aboard a foreign flag vessel on the high seas, international coordination and cooperation is required to board the vessel at sea, investigate the facts, collect evidence, and sort out the jurisdiction of various States with interests in the matter. Normally, the FBI will attempt to board the vessel before it docks or shortly after, ensuring access to all passengers with an emphasis on protection of life and preservation of evidence, as well as securing the crime scene. In some circumstances, the Legat may request the vessel to dock in the next port of call where relations with a host country or the availability of U.S. resources will better serve the investigation.

FBI personnel or other regional U.S. government entities may conduct the crime scene investigation or the Legat may coordinate with the host country law enforcement to conduct the crime scene investigation. The Legat will make this decision based on concurrence from the host country, known skill level and resources of local law enforcement and available U.S. resources. When viable, the FBI will examine, note and arrange for the proper care of all evidence associated with the incident.

After all crime scene and witness/victim/suspect interviews have been completed, the FBI will obtain the itinerary of the vessel so, if necessary, the vessel and crew can be located at a later date. Prior to disembarking of passengers/crew notices of contact information for the FBI will be provided for passengers/crew should they have any pertinent information regarding the incident after their departure. In some cases, individual letters may be sent to passenger/crew asking for any information concerning the incident. Throughout the investigation, the United States Attorneys Office is kept apprized of the facts of the investigation to obtain a prosecutive opinion.

Extraterritorial Arrest

If a foreign national is indicted for a crime committed on the high seas in violation of U.S. law, but is not located in U.S. territory, the FBI will pursue a

logical fugitive investigation to locate and apprehend the subject as the FBI would with any FBI fugitive. Working in coordination through the FBI's extensive Legal Attache network and liaison with foreign local law enforcement, attempts will be made to locate the fugitive. If the fugitive is located in a foreign country, the FBI and Department of Justice prosecutors, working in coordination with the Office of International Affairs, and U.S. State Department, will make every effort to secure the fugitive's return to face justice in the United States.

Violations Constituting Crimes on the High Seas

The FBI traditionally focuses its investigative efforts on specified serious crimes for which penalties are provided for under Title 18 when the crimes are committed within the special maritime and territorial jurisdiction of the United States. These specified crimes include: Assault, Murder, Attempt to Commit Murder or Manslaughter, Kidnapping, Sexual Abuse, Robbery and Theft (as defined in Title 18, Sections 113, 1111, 1112, 1113, 1201, 242, 2111, and 661).

Crime Statistics

I would like to provide a brief summary of trends of crimes on the high seas that the FBI has responded to and investigated over the last five years. Incidents on board ships, when investigated by the FBI, are documented by the FBI through investigative files in the Crimes on the High Seas classification. These case reports

would document investigative activities of FBI personnel in the U.S. and FBI Legal Attache personnel stationed abroad. The following trends are based on these statistics.

From FY 2002 though February of 2007, the FBI opened 258 cases of crime on the high seas, or approximately 50 cases being opened annually. Of these 258 cases, 184 or 71% occurred on cruise ships. The remaining cases involved private vessels, commercial ships and oil platforms. Of the 184 cases that occurred aboard a cruise ship, 84 or 46% involved employees as suspects.

Sexual assault and physical assaults on cruise ships were the leading crime reported to and investigated by the FBI on the high seas over the last five years at 55% and 22% respectively.

Most of the sexual assaults on cruise ships took place in private cabins and over half were alcohol-related incidents. Employees were identified as suspects in 37% of the cases, and 65% of those employees (24) were not U.S. citizens. Employee on employee assaults made up approximately 2% or two of the total cases opened. Fifty-nine percent or 60 of the sexual assault cases from FY 2002 to February 2007 were not prosecuted, and the typical reasons for prosecutive declinations were lack of evidence, indications that the act was consensual, and/or contradictory victim/witness/subject statements.

Physical assaults were the second most frequent crime upon the high seas with 53 cases opened. The majority of physical assault cases were on cruise ships, 40 cases, as compared to other commercial vessels, 13 cases. Physical assaults took place in a myriad of locations, to include bars and casinos, shared cabins, ship decks, and crew member facilities. These cases were predominantly confrontations between adult males. Only one case involved an employee as a subject, and two cases involved employees as victims. The majority of the physical assault cases were domestic disputes and a high percentage were alcohol-related incidents.

Missing persons on cruise ships comprised only 12 or 5% of cases opened during this period. Missing person cases were more sporadic in nature, and did not appear to have any significant pattern. There were slightly more cases opened on cruise ships and private vessels, than fishing vessels and other commercial crafts. It is difficult to draw any conclusions from these cases due to the inability to locate bodies in all of these cases. Using eyewitness testimony, investigators were able to surmise that alcohol was known to be involved in at least 42% or five of these cases. Investigations were typically closed with indications of suicide or accident; however, in about 25% or four cases, foul play was suspected. Missing person cases yielded no prosecutions over this period of time, and none of the victims were minors.

Thirteen death investigation cases on cruise ships were opened during this five-year period, compared with 14 death investigations involving other vessels such as commercial ships or oil platforms. Two of the 13 cruise ship death investigations appear to be homicides with the subject in one of the cases pleading guilty. The remaining investigation is still active. Of the 14 death investigations involving vessels other than cruise ships, four appear to be homicides. The remaining deaths were either determined to be suicides, accidents or natural causes.

The FBI's field offices in Miami, Los Angeles, Houston, Tampa and New Orleans have the largest volume of crimes on the high seas cases, due to their large and active ports, and the number of ships that arrive in and depart from these ports.

Reporting

In accordance with federal regulations contained in Part 120 of Title 33 of the Code of Federal Regulations (CFR), passenger vessels covered by regulation must report to the FBI each breach of security, unlawful act, or threat of an unlawful act against passenger vessels or any person aboard when such acts or threat occurs in a place subject to the jurisdiction of the United States. Over the past several months, the FBI has been engaged in discussions with the Cruise Lines International Association (CLIA) and the U.S. Coast Guard regarding the establishment of procedures relating to the reporting of serious violations of U.S.

law committed aboard member lines and the FBI response to such violations. This process is in addition to, but not in lieu of mandatory reporting requirements, e.g., the requirements of 46 CFR Part 4, the requirements of 33 CFR Part 120, or those requirements imposed by coastal or flag states. Further, this proposed reporting process will not replace or override any agency responsibilities and coordination requirements mandated by the Maritime Operational Threat Response Plan upon identification of a maritime threat against the United States and its interests in the maritime domain.

Under these proposed procedures, CLIA members will telephonically contact the nearest FBI field office or Legat office as soon as possible to report any of the following incidents involving serious violations of U.S. law: homicide, suspicious death, missing U.S. National, kidnapping, assault with serious bodily injury, sexual assaults (as defined in Title 18 U.S.C. 2241, 2242, 2243, and 2244 (a) (c)), firing or tampering with vessels, and theft greater than $10,000. If CLIA members are unable to contact the FBI Legat, they will contact the FBI field office located closest to their security office. After telephonic contact, CLIA members will follow-up with a standardized written report. CLIA members will submit reports to the USCG National Command Center either via facsimile or e-mail. The USCG will then promptly forward the reports to appropriate federal investigative agencies,

when not the FBI.

Incidents not falling into one of the above categories, and, therefore, not requiring immediate attention by the FBI, may be e-mailed or faxed to the local FBI field office or FBI Legat; for example, theft greater than $1,000 but less than $10,000.

If criminal activity aboard a CLIA member vessel does not meet the above reporting criteria, CLIA members may report the incident to the proper state or local law enforcement authority and/or, if applicable, to foreign law enforcement. The decision to continue and/or conduct additional investigation of crimes within the jurisdiction of state or local law enforcement will be at the sole discretion of the respective state or local agency.

Currently, we only track the number of cases opened. However, we have established a system to compile all reports received by the Cruise Lines.

I spoke about some of the challenges we face when investigating these cases to include jurisdictional and extraterritorial matters. Other challenges we encounter when working these cases include; delay in victim reporting, lack of details surrounding the alleged incident due to alcohol consumption, response time, crime scene preservation and insufficient evidence.

Training

Training has been provided by the FBI's Miami Division Evidence Response Team (ERT) to the Staff Captains and Security Managers, on an annual basis, for approximately three years, to Carnival Cruise Lines and Royal Caribbean. The FBI's Tampa Division recently provided training for the Disney Cruise Lines. It is anticipated that FBI training will be provided to Princess Cruise Lines in the near future. The training consists of crime scene preservation, a general overview of counterterrorism from a maritime perspective and basic interviewing techniques.

The FBI's ERT Unit has recently provided training presentations to numerous cruise lines on ways to best secure and protect crime scene evidence until law enforcement arrives. The FBI is preparing a universal PowerPoint presentation for evidence preservation that will be made available to the cruise line industry in the near future.

Victim/Witness Support

The FBI's Office for Victim Assistance (OVA) may provide assistance to U.S. citizens who are victims of crimes on board cruise ships and other sea vessels when the FBI is reviewing an incident or conducting an investigation. The assistance of the FBI may be the only help provided to these victims if no one is ever charged with the crime. The OVA may become involved with families when

a loved one commits suicide or dies accidentally on board ship. These deaths may not be the result of a crime but the families are still deeply impacted and may have a more difficult time finding help and services since the death occurred outside the United States. The OVA's assistance consists primarily of providing information and locating counseling and other types of assistance in the victim's or family's home communities. In some cases, OVA staff has helped families deal with the legal issues associated with the death of a loved one when the remains are not recovered and the death occurs outside the United States. The OVA staff has participated in meetings between victims of cruise ship crimes and FBI officials. In addition, the OVA worked with the National Transportation Safety Board to provide training and information to an employee hired by Royal Caribbean to develop a guest care program that includes victim and disaster assistance.

Chairman Cummings and members of the Subcommittee, thank you again for the opportunity to testify today. The FBI is committed to working with our partners at every level to investigate and prosecute crimes on the high seas.

I am happy to answer any questions you may have.

Statement of
John H. (Jack) Hickey*
Hickey Law Firm, P.A.
1401 Brickell Avenue
Suite 510
Miami, Florida 33131
P: 305.371.8000
F: 305.371.3542
E: hickey@hickeylawfirm.com
W: www.hickeylawfirm.com

For
The United States House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Coast Guard and Maritime Transportation
Hearing on
March 27, 2007

*Board Certified Civil Trial Lawyer
by The Florida Bar and by the National Board of Trial Advocacy

Thank you Congressman Cummings for inviting me to speak before the Subcommittee on Coast Guard and Maritime Transportation. I am honored.

For 27 years, I have practiced maritime law in the cruise ship capital of the world, Miami, Florida. For the first 17 years of my career, I represented the major cruise lines, as well as railroads, insurance companies, and big corporations. For the last 10 years, I have been on the other side. I now represent passengers and crew members in their claims for personal injuries and sexual assaults against cruise lines.

I am Board Certified as a Civil Trial Lawyer by both The Florida Bar and the National Board of Trial Advocacy. I have been honored to serve as the President of the Dade County Bar Association (the largest voluntary bar association in the state of Florida) and am an active lecturer in fields related to personal injury and maritime law. I have been recognized in the fields of personal injury and maritime law by Florida Trend Magazine, Super Lawyers, and The South Florida Legal Guide. A copy of my C.V. is attached hereto as **Exhibit 1.**

The cruise lines rely on and market to Americans. According to the cruise line supported trade association, Cruise Lines International Association, in 2005 11,180,000 people took cruises, almost 90% of whom (9,671,000) were from North America.

The passengers I represent are people from all across our country. My clients are young and old, rich and poor. They all have one thing in common. They were severely injured either by the negligence of the cruise lines or by a sexual act of one of the cruise lines' unsupervised, under trained, and overworked personnel.

This paper will briefly discuss some of the issues regarding the safety and security of passengers on board cruise ships the overwhelming percentage of whom are your constituents. These issues arise when these passengers, your constituents, seek justice in our courts.

THE ISSUES

Most claims brought by a passenger or crewmember against a cruise line are governed by **maritime law**. **The passenger or crew member seeking justice against the cruise lines is met with more obstacles than in any other area of the law**. This is

true because of the power wielded by the cruise lines over the accident or crime scene, over the evidence, and over the witnesses. This is also true because of strange twists of some federal legislation (namely the Death on the High Seas Act) (DOHSA) and some recent court opinions some of which run counter to maritime concepts which have been established for hundreds of years and others which run counter to reality.

THE HYPOTHETICAL

The obstacles meeting the passengers and crew members can be best illustrated in **hypothetical**. My comments and description of a real life case are in brackets. Let us imagine this:

RoyalCarn Cruise Line schedules a cruise of one of its ships to sail from a port right outside of Rome, Italy, to Ft. Lauderdale, Florida. [This would be a typical trans-Atlantic cruise which occurs when the ships are repositioned between Europe and the U.S. depending on the season]. The ship, the Fantasy of the Seas, is a typical late model cruise ship carrying approximately 3500 passengers and 1400 crewmembers. [This is a typical size of the later model ships. The earlier models have capacities of approximately 2000 passengers and 800 crewmwmbers. Those crewmembers can be divided into two departments or areas: marine department which encompasses the navigational crew, engineers, and deck personnel. The second is the hotel department. This includes the waiters, assistant waiters, maitre d's, housekeeping staff, front desk staff (pursers) and everyone associated with the restaurant, bar, and club business. **All of these crewmembers are responsible for the safety and security of the 3500 passengers**].

Lisa Smith is a passenger on board the Fantasy of the Seas. Lisa 35 years old and is from Des Moines, Iowa. She is on the cruise with her husband of 10 years, Bill. Bill Smith is a computer programmer and Lisa is a school teacher. Lisa is petite and pretty. This is the first time this couple has been outside the United States. They wanted to go on a cruise because they wanted to see Europe but wanted to feel safe and secure. RoyalCarn markets this concept of safety and security through its advertising and on-line literature. [When Carnival advertises itself as "the fun ships" in its literature it says, for example, "There's nothing as carefree and fun-filled as a cruise vacation". Carnival also

says **"A Carnival cruise is more than just a vacation. It's an attitude. It's a spirit to be yourself fun that no other cruise line can offer. From the inviting décor to the friendly staff, you will feel the difference right away**"; Royal Caribbean advertises on-line and in its literature about its "Gold Anchor service". In their literature they say:

> Amazing ports of call, exciting adventures and spectacular ships are certainly great reasons to cruise, but the one thing that keeps people coming back again and again to Royal Caribbean is our friendly and personal service. In fact, the feedback we hear all the time is **"It just feels like family". A server who remembers your daughter's teddy bears's name. The bartender who remembers the extra olive. The housekeeper who reminds you of your dinner reservation time. The Adventure Ocean youth staff member who becomes a pen pal with your kids. The Royal Caribbean family – there's nothing like it.**

(Emphaisis added). Attached hereto as composite **Exhibit 2** is a copy of a sample of the Carnival and Royal Caribbean literature].

Bill and Lisa are on board the Fantasy of the Seas to celebrate their 10th wedding anniversary. Even though RoyalCarn serves wine, beer and liquor in its many restaurants, at the pool bars, in the discos and nightclubs, and just about anywhere on the ship, Bill and Lisa are not much for drinking. However, they celebrate their anniversary with a bottle of champagne in the restaurant. Lisa drinks too much. She gets up from the table and is extremely tipsy. In fact, she is slurring her words. She says she is not feeling well, excuses herself and goes back to the room leaving Bill at the table.

The head waiter, Soliman, observes this. He is from India and is about 26 years old. He is married but has been away from his wife and family for over four months. Royalcarn used a hiring agent in India- not a cruise line employee- to find this head waiter and to "verify" his background. While on board, Soliman has been working 7 days a week, morning, noon, and night for a total of about 14 hours a day.

When Soliman sees Lisa go back to her room, he meets up with her in a hallway. He realizes that she is not able to walk steadily and that she is drunk. Soliman escorts Lisa back to her room. When she opens the door to the cabin, Soliman pulls off Lisa's clothes and rapes her. He leaves the cabin shortly after that. Lisa later wakes up but does

not remember exactly what happened. There are no witnesses, but she knows she was raped. [This scenario with different names actually happened onboard a cruise ship. The head waiter still works for the cruise line we are advised].

Maria Casa is 43 years old and is a single mother of two children, 5 and 7. She is recently divorced. **Maria's mother, Beatriz**, feels sorry for Maria and in order to get her out of her blues from the divorce pays for the two of them to go on this cruise. Beatriz knows that Maria is very attractive and has her whole life ahead of her.

On the third night out, when the ship is at sea, Maria goes by herself to the casino. There, she attracts the attention of an officer on board the ship. The officer tries to chat with Maria who is not interested. The officer pushes forward with his advances.
Finally the officer invites Maria out onto a landing outside the casino to look at the ocean. Maria agrees. She goes out to the landing. The officer again makes advances on Maria, this time trying to kiss her. Maria strikes back by slapping him in the face. The officer is from Italy and doesn't take kindly to American women asserting themselves. He strikes her back, but harder. This draws blood from Maria's lip and nose, blood which drips onto the floor of the landing. Maria tries to strike back and again blows are exchanged and in the heat of the fight the officer manages to stand his ground but pushes Maria off the landing and into the ocean. Maria can swim but not well. She is no match for four foot seas in the middle of the Atlantic. After being beaten a couple of times in the head and bleeding and struggling in four foot seas, she lives only a few minutes before she collapses from exhaustion and drowns. [This is loosely based on the case of Annette Mizener of Waukesha, Wisconsin. She went missing off of the Carnival Pride on December 4, 2004. Her purse and a glass of champaigne were found on the landing; the security video camera for the landing was mysteriously disabled or somehow not working on that night. This and numerous other disappearances are described at www.cruisebruise.com and at www.cruisejunkie.com].

There is a security camera trained on the landing. This camera, as all cameras on board, is "monitored" in a central security room. In that room, there are numerous monitors with different views of the ship.

A security officer, **Tony Calderon from the Philippines**, is supposed to monitor those cameras. Unfortunately, Mr. Calderon was sleeping at the time. Mr. Calderon has

been on board the ship for more than 5 months. A month before, Mr. Calderon had broken up a scuffle between crewmembers and broke his hand. The ships' doctor diagnosed this as a sprain and told him to live with it. Mr. Calderon has chronic pain in his hand. He wanted to live with it because he knew that if he complained and demanded to be sent off the ship, even if the cruise line got him a doctor, they would fire him and send him home. Mr. Calderon cannot have this because he sends home money from his salary for his wife, 5 children, mother and uncle who live with him.

Because of the chronic pain in his hand, Mr. Calderon does not sleep through the night. He takes pain medication. Because of the lack of sleep and the pain medication, he finds himself napping at various times during his shift. Unfortunately, he was napping when this incident took place and was unable to break up the scuffle on the landing.

The next day, Maria's mother, Beatriz, reports that Maria is missing. Scratches are found on the officer who escorted Maria out to the landing. Blood is found on the landing. The blood, however, is cleaned up by cleaners at 6:30 a.m. the next day. In fact, the entire landing is cleaned up. There had been a wine glass and purse on the landing. That was cleaned and taken away. [The cleansing of the crime scene is taken from the George Smith honeymooner disappearance case which happened on a Royal Caribbean ship off the coast of Turkey on July 5, 2005].

Before any outside authorities are notified, the cruise line notifies its claims department in Miami of these two incidents. The claims department in turn notifies its P&I Club (maritime insurance company) in London. London and Miami authorize a maritime defense lawyer out of Miami to fly to the next port to interview witnesses. [This is standard procedure now for the cruise lines and did occur in the George smith case as well].

Beatriz, Maria Casa's 58 year old mother, is beside herself when Maria is not found the next day. No one is telling her any details. This ship's security officer, in charge of investigations, has told her nothing. The security officer tells her he has law enforcement experience. In fact, the officer, Charles Cheshire, is a retired police officer from a small town in northern England. [This is now typical of the head of security on ships; All of the other security personnel typically are from the Phillipines].

After a day of worrying and not being given details, Beatriz starts to have pains in her chest and suffers from indigestion. This goes on for approximately 2 days. Maria goes to the ship's doctor as the ship is still out at sea. Beatriz feels comfortable with this doctor because the cruise lines calls these people "the ship's doctor" and requires that they wear the white officer's uniform. Beatriz felt comfortable also because the cruise line literature mentioned that they have a doctor onboard for medical care; and the cruise line did not say anywhere that the cruise experience is reserved only for the young and athletic. [In fact, most cruise line passengers are American and are middle aged or older. Shipboard medical personnel are rarely U.S. trained. They have limited experience and resources. The cruise lines maintain that they are not responsible for the medical errors of the doctors].

Beatriz complains of the symptoms. The doctor says that she has an upset stomach and gives her Prilosec. Beatriz goes back to her cabin. The very next day, Beatriz suffers from a massive heart attack and suffers oxygen deprivation to her brain. As a result of this, Beatriz ends up in a wheelchair for the rest of her life.

The Fantasy of the Seas on its way to Ft. Lauderdale makes a stop in Nassau, the Bahamas. The excursions to destinations on these ports of call, according to Royalcarn, are a part of the cruise experience. It markets these excursions in all of its literature, on-line and in television and radio advertising. Also, Royalcarn represents in its literature that it "monitors" and "continuaously reviews" it excursions. [This is actually the wording used by Royal Caribbean in some of its literature. This is meant as a reason why the passenger should sign up for the excursion on the ship as opposed to getting off the ship in a port and getting an excursion there. The excursions are sold on board at an excursion desk. The passenger pays for the excursion through his or her onboard account. He settles the onboard account at the end of the cruise with his credit card. In fact, though, the cruise line typically takes 35% of the price of the excursion and lets some local company with little or no supervision or "monitoring"—and no training from the cruise line-- run the excursion].

Fred and Ethel Mertz, two 72 year old retirees from New York City, take the beach excursion. The cruise line hires a boat to take passengers off the ship to the island. A driver of the excursion takes the couple to a remote beach where they are robbed at

gunpoint and beaten. Both Fred and Ethel suffer severe injuries. [This is loosely based on numerous cases. What the lines do not tell Fred and Ethel is that the line does not supervise these excursions and hardly screens the operators].

While leaving Nassau, the ship develops a fire in the stern. The fire rages through one deck of the ship. The ship calls for a life boat drill. The life boats are manned by crew members.

Life boat Number 3 on the port side is manned by the Croatian **First Officer on board, Frederick Baklava**. [Fire is the worst kind of shipboard disaster; they have ocurred on cruise ships in the past].

The only problem is that Baklava is nowhere to be found. A year before, Baklava was climbing down a latter which his superior officer said was to be utilized to enter fast rescue boats for security exercises around the port. Unbeknownst to Baklava, however, the ladder was broken. While climbing down this fixed vertical ladder, Baklava fell backward into the boat he was entering. He severely hurt his back. Baklava had problems ever since. The cruise line sent him to doctors. Some doctors said that Baklava had a herniated disc. Others said that he did not. The cruise lines chose to believe the doctors who said there was no herniated disc. Even if the disc was only bulging, all agreed that Bakalva did not meet the physical requirements of a crewmember, the ability to lift up to 50 pounds. However, the cruise line sent him back on board the ship. [This paragraph is more than loosely based on a real life case].

Baklava came upon the fire. When he went to lift a fire extinguisher, a pain shot through his back and he had to drop the fire extinguisher. As a result of the fire in that part of the ship, 3 people died.

Baklava then headed to his life boat. He got into the life boat with another crewmember that was assisting him. The other crewmember was not trained on a lifeboat, however. In fact, just one month before, that same lifeboat was put out of service after the crew complained to the officer in charge of the drill that the handle on the throttle had come off. At that same time, the crew complained that some of the others of the crew were not trained to operate the lifting mechanism for the boat. Nothing changed.

On the day of this fire, the other crewmember hit a lever near the cockpit thinking that it needed to be locked. In fact, the lever was to release the boat and should have been locked if it was operating correctly. In any event, no one should ever touch the lever when the boat is dangling 90 feet in the air by its cables. The lifeboat, with Baklava, the other crewmember, and 4 other passengers, fell 90 feet from the side of the ship into the water below. The fiberglass lifeboat was severely damaged in this high impact crash. All people on board were severely injured.

[On September 7, 2004, a life boat on the Royal Caribbean ship Empress of the Seas during a lifeboat drill fell from the side of the ship, approximately 60 to 90 feet, with 8 cremembers onboard. The 30 foot fiberglass boat broke apart on impact with the water. At least five of the men were severely injured. A similar incident had happened approximately one year before. The other facts in this paragraph, with the exception of the fire, actually happened].

That was the second time in as many years that that happened. However, no crewmember was willing to blow the whistle on the cruise line for not properly training people and not properly maintaining the equipment for these lifeboats. They knew that if the reported this to anyone, the crewmember would be fired and sent back to his native country, never to be hired again.

THE LAW ALLOWS THE CRUISE LINES TO ESCAPE JUSTICE.

Here are the issues:

A. Lisa Smith – RAPE CASE

The problem in this type of case, as in all cases against cruise lines, is that cruise lines control the crime scene or the accident scene, the evidence, and the witnesses. Typically, the cruise line has sanitized or covered up the crime scene and shuttled witnesses back to their home countries. The cruise lines through their trade industry groups, boast that not one of their employees has been convicted of criminal sexual assault. That is because if there is any fear of true prosecution, in other words, if there is any physical evidence, against the individual, the individual is immediately sent home.

To make sure that the cruise line is covered for any potential civil action, the cruise line flies an attorney to the ship immediately after the rape occurs. These are

insurance defense attorneys. They are there not to help the victim and not to assist the FBI, but to protect the cruise line's civil liability. In other words, an adversarial position is taken immediately and the victim of the rape is either on board the ship, controlled by the cruise line, or put off in an unfamiliar, foreign port.

The cruise lines have a long history, continuing to this day, of failing to properly disclose the incidents of sexual assaults, sexual batteries and similar incidents. 1999 was the year in which the light started to shine on the infection. In that year, in a sexual assault case brought by a passenger, a judge in Miami ordered that Carnival Cruise Line reveal statistics about sexual assaults. At first, Carnival disclosed approximately 62 incidents. In a later update, Carnival revealed 103.

Also that year, Royal Caribbean commissioned a report from Kay Krohne of the Krohne Connection, a well known consultant to corporations on sexual harassment and assault issues. In a 16 page report, Krohne found, among other things, that "improper activity occurs frequently aboard ships but goes unreported and/or unpunished". Specific recommendations were made to the cruise line. The cruise line admits even recently in sworn testimony that only some of those recommendations were implemented. In fact, in a deposition of Martine Pasquet, the director of Fleet Employee Relations and Performance for Royal Caribbean International, taken on July 13, 2006, Ms. Pasquet testified that even though she is the person in charge of all of the sexual harassment and assault training of the personnel on all of the Royal Caribbean ships, she did not know that in the past there were studies about these problems.

The cruise lines use "hiring partners", people in third world countries to bring prospective crew members to them for a fee per crewmwmber to do the hiring and screening. The cruise line gets involved only in the "training and monitoring". Part of the monitoring is by video and by a manual where it is suggested that the cruise line review the definitions of sexual assault and battery and other policies for only 10 minutes. Attached hereto as **Exhibit 3** is a copy of pages of 15-17 of the New Employee Orientation of Royal Caribbean Cruise Line.

The other problem is determining the incidence of sexual assault, battery and other incidents. It seems that every time the cruise lines report these incidents, they arrive at a different number. The cruise line has a data base of its sexual assaults, rapes,

and batteries. See, e.g., page 34 of the deposition of Pamela Powel (Manager of Guest Claims who has worked for Royal Caribbean for 18 years) taken on February 7, 2007, a copy of which is attached hereto as **Exhibit 4**.

The cruise lines however never produce their databases. They produce some attorney generated document which is based on some narrow, self-chosen definition of "sexual assault", "sexual battery", or other phrase.

When reporting to the Congressional subcommittee organized by Congressman Shays, Royal Caribbean provided a list of sexual assaults or batteries onboard its ships for 2003 through 2005. A copy of the list is attached hereto as **Exhibit 5**. The number was 66. However, in sworn answers to interrogatories recently filed in Miami, Florida, Royal Caribbean said for a 3 year period they had an incidence of sexual assault or battery for only 17. A copy of the sworn interrogatory answers is attached hereto as **Exhibit 6**. The cruise line defines assault in such a way as to be a criminal assault, not necessarily that which could be considered a civil violation or certainly a problem.

B. Maria Casa – ASSAULT – WRONGFUL DEATH

Maria Casa drowned in international waters. The first challenge is to prove liability on the cruise line. The crime scene had been "cleaned up". Thus, the physical evidence has been all but destroyed. The problem with any cruise ship is that the scene of the crime of the accident (a) moves constantly and (b) is under the complete control of the cruise line. Why is the ship under their complete control? Because the cruise lines flag, that is, register, their vessels in foreign countries. Virtually all cruise ships are foreign flagged. That is to take advantage of lax regulation and little or no taxation in the flag state. These flag states typically are Panama and the Bahamas. The registration fees of these cruise lines and ships are a crucial part of the Panamanian and Bahamian economies. Further, the cruise lines add tens of millions of dollars of revenue each year to the economy of the Bahamas by bringing American tourists to their shores. These countries are not about to "crack down" on crime on ships, preserving accident scenes, investigating accidents or any other aspect of the necessities of civil criminal justice.

Maria's family, however, has an even larger hurdle. That is, the death on the high seas act (DOHSA), 46 USC, § 761 et seq. DOHSA allows recovery generally only for

non-economic damages. That is, neither Maria's mother, Beatriz, nor any of her children or family will be able to recover for their pain and suffering from the loss of their mother. The only pain and suffering allowed is the pre-death pain and suffering. Here, Maria died within minutes. Further, as in many of these cases, there is no proof that Maria had lived for any period of time. Because Maria was not a provider for her children, they recover nothing as a result of her death. In other words, there is no justice for the death of Maria and for the loss suffered by her family.

C. Tony Calderon- Philippino Seaman – DENIAL OF MEDICAL CARE AND RIGHT TO SUE

Tony Calderon may also be out of luck. Once he got onboard the ship, he found out the reality. In reality, Tony found that he is subject to a collective bargaining agreement, the Philippino version of which is referred to as the POEA. This is an agreement which he had never signed. However, under this agreement this cruise line has chosen to enforce a foreign arbitration clause. That is a clause which erases Tony's rights to sue for denial of his medical care under the Jones Act and other maritime doctrines. Under this clause, the seaman is forced to arbitrate and to do so in this case in the Philipines.

From the very beginning of American civilization, courts have protected seaman whom the courts have described as "unprotected and in need of counsel; because they are thoughtless and require indulgence; because they are credulous and complying; and are easily overreached. They are emphatically the wards of admiralty." In the 1920's, Congress adopted the Jones Act, formerly 46 USC Sec. 688 and codified on October 6, 2006 as 46 USC Sec. 3010. The Jones Act codified the right of seaman which have been recognized for centuries. It has been described as follows:

> The protection of seaman, who, as a class, are poor, friendless and improvident, from the hazards of illness and abandonment while ill in foreign ports; the inducement to masters and owners to protect the safety and health of seaman while in the service; and maintenance of a merchant marine for commercial service in maritime defense of the nation by inducing the men to accept employment in an arduous and perilous service. Admiralty

> courts have been liberal in interpreting this duty for the benefit and protection of seaman who are its wards.

Vaughan v. Atkinson, 369 US 527, 531-532 (1962), citing to *Harden v. Gordon*, 141 F. Cas. 480, 485 (C.C.D. ME 1823).

Yet, contrary to language in the Jones Act and language in the Federal Arbitration Act, 9 USC Sec. 1 et seq., the Eleventh Circuit Court of Appeals recently has held that foreign seaman, specifically Philippinos in regard to their POEA, are prohibited from filing suit in the United States to enforce their rights. *Bautista v. Star Cruises*, 396 F.3d 1289 (11th Cir. 2005). The *Bautista* case arose out of the **Norwegian Cruise Line boiler blow up at the Port of Miami**. In this case the engine room employees were burned to death and others suffered severe and permanent burn injuries.

One of the Jones Act remedies available to the seaman if enforced in the U.S. courts is the employer/cruise line's failure to provide prompt and adequate medical care. Without this method of enforcement of these rights, the cruise line is free to fire and send back the seamen to his home country rather than provide this case. The civil justice system in third world countries such as the Philippines affords neither justice nor full compensation to these seaman.

D. Beatriz Casa – MEDICAL MALPRACTICE

Maria's mother, Beatriz, also may be out of luck. She clearly is the victim of medical malpractice. She was onboard the ship and went to the only available physician, the ships physician. The ship advertised that it had a physician. The older cruisers liked the sound of that in the literature. The ship's physician misdiagnosed her heart attack as indigestion. If he had promptly diagnosed the heart condition he could have administered aspirin, nitroglycerin, and oxygen. He also would have monitored Beatriz in the infirmary if he had the instrumentation to do that. If he did not, he could have recommended that Beatriz get off at the nearest port or take and air ambulance to the nearest medical center. Instead, the ship's physician mislead Beatriz into a false sense of security, misdiagnosed her ailment and caused her severe and permanent injury. In this area, courts have afford protection for the cruise lines above the safety and security of the 11 million people in 2005 who took cruises. In *Carnival Corp. v. Carlisle*, ___ So.2d

____ (Fla. 2007), the Supreme Court of Florida held that the cruise line should not be held vicariously liable for the negligent acts of its physicians because the majority of federal maritime cases held that. In *Carlilse*, the ship's physician assured the parents of 14 year old Elizabeth Carlisle that her abdominal pains were not appendicitis. In fact, the minor child had appendicitis, and because of the delay in treatment, the appendix ruptured. That resulted in the removal of the appendix and as a result of the rupture and subsequent infection, the minor was rendered sterile. This decision is in concert with a recent Federal decision, *Barbara Walsh v. NCL (Bahamas) Ltd.*, 2006 US District Court lexis 92996 (S.D. Fla. 2006).

E. Fred and Ethel Mertz- THEIR EXCURSION CASE

Fred and Ethel if the cruise lines have their way also will be out of luck. The cruise lines market these excursions on TV and radio, in newpapers on their websites. The excursions are a part of the cruise experience. Plus, the cruise lines make various representations in its literature about the excursions, and how you the passenger should choose this excursion marketed by the line as the one which is safe and reliable. Further, the passenger pays for the excursion on the ship. Yet, when contacted about a claim or even a complaint in regard to an excursion, the cruise lines hide behind the concept that the excursion company is an independent contractor. Courts have been reluctant to hold that the cruise lines and the excursions are partners although the relationship does appear to be that in some instances. Liabiliity depends on the representations, expressed or impoied, by the line about the excursion and how the line screens it and monitors it.

F. Frederick Baklava – DENIAL OF JONES ACT CLAIM AND DENIAL OF MEDICAL CARE

Baklava, through the new foreign arbitration clause in his contract, has been denied his right to assert a Jones Act claim. He has also been denied medical care.

Even though the life boat fell a year ago in a similar mishap but involving no injuries, Baklava did not report this. He would have been fired and sent back to his country. Also, he dares not to protest his medical care of the doctors. Now that his rights to bring a lawsuit and enforce his Jones Act rights in the United States have been erased,

the cruise line is free to deny his medical care and send him back to his home country with impunity.

Why should you care about Tony Calderon, the security officer from the Philippines or about Frederick Baklava, the first officer from Croatia? They affect the safety and security of the passengers onboard their ships. Here are the facts:

- Approximately 90% of the passengers on cruise vessels for the US based cruise lines are US citizens.
- The cruise ship is and isolated body on the water where cruise passengers can not get off and go back home easily.
- The passengers rely on the cruise line to take care of their food preparation, their health, and their security.
- The passengers have an interest in having crew who are healthy, and comfortable with reporting their health problems.
- Recently, there have been a rash of reports of extremely contagious cases of Norovirus and other infectious diseases. Passengers and crew have gotten extremely sick for days, and there have been some deaths and aggravation of health issues, as a result of these outbreaks. These outbreaks always involve the crew as well as the passengers.
- Crew members are responsible for the safety and security issues onboard. If the crew are working in a sick or injured condition, then they cannot fulfill their duties. Further outbreaks of disease from the sick crewmember handling food may easily result.
- There have been fires in recent years resulting in injuries and potential disasters on cruise ships. Fire is the most treacherous and potentially disastrous condition on any ship. It is crucial that all crew members be in top shape in order to deal with a fire emergency.
- Crew members are responsible for the lifeboat drills and for supervising passengers getting into lifeboats if there is a fire or other event which requires abandoning ship. Crewmembers are also responsible for fire patrol and for putting out fires. For that reason, in their job description, all of them have to be

able to lift up to 50 pounds. Crew have to be physically fit and able to carry people who are injured, to carry and use a fire extinguisher to assist passengers some of whom may need to be carried onto life boats. The crew members subject to this requirement include the hotel staff, that is, waiters, busboys and dishwashers. If a crewmember is sick or injured because they have not reported an illness or injury (out of fear of retaliation, etc.) these operations can be compromised and the safety and security of the passengers can be compromised.

RECOMMENDED SOLUTIONS

Congress should consider amending the Death on the High Seas Act so that victims of a cruise ship's negligence are treated the same as victims of commercial aviation accidents. Lead by the Pennsylvania delegation during the 106th Congress, legislation was enacted to broaden the remedy available under the Death on the High Seas Act (DOHSA) to families who lost a loved one in commercial aviation accidents. Inspired by the families of 16 high school students from Montoursville, PA, who were left without a remedy when TWA 800 crashed into the Atlantic Ocean, Congress amended DOHSA to include compensation for loss of care, comfort, and companionship. Now is the time to establish parity for all victims who die at sea. If you lose a loved one at sea, it shouldn't matter whether that loved one was a passenger on a plane or on a boat, your family should be able to bring a cause of action if the death was due to negligence. For maritime accidents, the DOHSA only permits recovery for pecuniary losses, such as lost wages and burial costs. The statute fails to recognize real losses, like the death of a child or a stay-at-home mother, even in cases involving gross negligence or willful misconduct.

Senior citizens are particularly vulnerable to a cruise ship's negligence. Cruise lines market to older Americans as a safe way to travel. If a senior citizen is assaulted in her cabin and left to die, the only remedy a spouse has under the DOHSA is burial expenses. Congress should amend the DOHSA so that all victims who die in international waters have an adequate remedy.

Congress should consider requiring the cruise lines to preserve crime scene evidence. All too often, cruise line management orders the cleaning crew or maintenance staff to scrub a potential crime scene clean. Before any official report or investigation can occur, blood, clothing and other physical and trace evidence is destroyed. The cruise industry should be required to preserve crime scene and potential crime scene evidence until appropriate authorities can investigate the matter.

Congress should consider creating a central data base to collect information about crime on cruise ships. Incredibly, cruise lines are not required to report crimes occurring on board to any authority. While the FBI has jurisdiction over crimes occurring in international waters, they are often not notified. And the public has no way of knowing of a particular cruise line's safety record. Since a cruise ship is a self-contained entity, cruise lines can provide a false sense of security to their passengers. The data collected should be available to the public. A knowledgeable consumer can make better choices about how to spend his or her vacation dollars.

Congress should consider providing whistleblower protection for cruise line employees who report crimes. While cruise lines cater primarily to U.S. passengers, their workers are predominately from third world countries. These workers are sent home at a moment's notice if they are even perceived as not following management's orders. They know that if they even question management's practices, they will be on the first plane back to the Philippines or other country of origin. Any cruise ship employee who reports a crime should have protection to ensure his or her job security.

Congress should consider amending the Federal Arbitration Act to make it even clearer that the Act does not apply to actions brought by seaman under the Jones Act or for other maritime remedies. This would be in the conformity with the original intent both of the Federal Arbitration Act and the Jones Act.

EXHIBIT 1

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■

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■

BACKGROUND:

Jack is a trial attorney. Since 1980, he has been trying personal injury and wrongful death cases in the areas of admiralty and maritime, railroad, medical malpractice, product liability, and general liability. Jack is Board Certified as a Civil Trial Lawyer by The Florida Bar and by the National Board of Trial Advocacy (NBTA). The NBTA is the only national certification program for trial attorneys and is accredited by the American Bar Association. Hickey is rated A/V by Martindale-Hubbell (the international listing of attorneys) and listed in Who's Who in America, Who's Who in American Law, and Who's Who in Emerging Leaders in America. He has been chosen by other lawyers as a: "Top Lawyer in South Florida" in the areas of personal injury and maritime in the *South Florida Legal Guide (2004, 2005, 2006, 2007);* "Legal Elite" in *Florida Trend Magazine* (2006, 2007); and Superlawyer in the area of personal injury in Superlawyers.com (2006, 2007).

He is a Past President of the Dade County Bar Association (2003 – 2004), a Lifetime Member of the Florida Council of Bar Association Presidents, a Fellow and Lifetime Member of The Florida Bar Foundation, and a Sustaining Member of the Association of Trial Lawyers of America.

Jack was born in Miami and is conversant in Spanish. For the first 16 years of his career, he represented cruise lines, railroads, and other self-insured Defendants as well as insurance companies. Ten years ago, Jack made the transition to representing plaintiffs, and is a member of the Million Dollar Forum based on the cases in which he has obtained settlements or verdicts in excess of $1 Million. He started his career at Smathers & Thompson and went on to Hornsby & Whisenand, where he became a partner. In 1988, Jack and The Honorable Gary R. Jones founded Hickey & Jones, P.A. In 1999, Judge Jones left and became a Federal Magistrate in the Middle District of Florida, and the firm changed its name to Hickey Law Firm, P.A.

EDUCATION AND BAR ADMISSIONS:

- B.A., **Florida State University** (1976 ***magna cum laude***), ***Phi Beta Kappa***;
- J.D., **Duke University** (1980)
- Admitted to The Florida Bar: 1980
- Board Certified by The Florida Bar as a Civil Trial Lawyer (1990 – present)
- Admissions to Federal Courts: All three Federal District Courts in Florida: Southern (including the trial bar); Middle; and Northern; Federal Circuit Courts for the Fifth and Eleventh Circuits; Supreme Court of the United States.

BAR ACTIVITIES AND HONORS:

DADE COUNTY BAR ASSOCIATION:

- **President** (2003 - 2004)
- **President- Elect** (2002 - 2003)
- **Vice President** (2001 - 2002)
- **Secretary** (2000 - 2001)
- **Treasurer** (1999 - 2000)
- **Executive Committee** (1999 - 2004)
- **Executive Committee** (1991 - 1992)
- **Board of Directors** (Elected 1996 - 1999)

- **Board of Directors** (Elected 1990 - 1993)
- **Chair**, Membership Committee (2001 - 2002)
- **Chair**, Professional Arbitration Sub-Committee (1998 - 1999; 1995 - 1997; 1987 - 1990)
- **Chair**, Civil Litigation Committee (1992 - 1993)
- **Chair**, Banking and Corporate Litigation Committee (1991 - 1992)
- **Chair**, Commercial and Financial Transactions Litigation Committee (1990 -1992)
- **Chair**, Banking Law Committee (1990 - 1991)

- Recipient of **Certificate of Merit "In Recognition and Appreciation for Outstanding and Constructive Service to The Bar, The Bench, and The Public"** (1987; 1988; 1989; 1990; 1991; 1992 [two]; 1993 [two]; 2001 [two]; and 2002 [four])

- 11th Circuit Ad Hoc Trial Practices Committee (Appointed 1993-2001)

DADE COUNTY BAR ASSOCIATION, YOUNG LAWYERS SECTION:

- Board of Directors (Elected 1984-1986)
- Executive Committee (1985-1986)
- Co-Chair, Luncheon and Speakers Committee (1985-1986)
- Chair, Sports Committee (1984-1985)

- Recipient of Certificate of Merit "In Recognition and Appreciation for Outstanding and Constructive Service to The Bar, The Bench, and The Public" (1985)

THE FLORIDA BAR:

- **Chair**, Admiralty Law Committee (2000-2001)
- **Chair**, 11th Circuit Fee Arbitration Committee (1991-1993)
- **Chair**, Grievance Committee 11-L (1986-1989)
- Member, Grievance Committee 11-L (1996-1999)
- Member, Judicial Evaluation Committee (1983-1985)
- **Board Certified as a Civil Trial Lawyer** (1990-Present)
- Recipient of **Certificate for "Meritorious Public Service in Recognition and Appreciation of Meritorious Service to the Public and the Legal Profession in Florida"** (1989, 1999, and 2001)

FLORIDA COUNCIL OF BAR ASSOCIATION PRESIDENTS

- Recipient of **Certificate "In recognition of your dedicated leadership to the members of your legal community during your service as President"** (2004)

CIVIC AND OTHER RELATED ACTIVITIES:

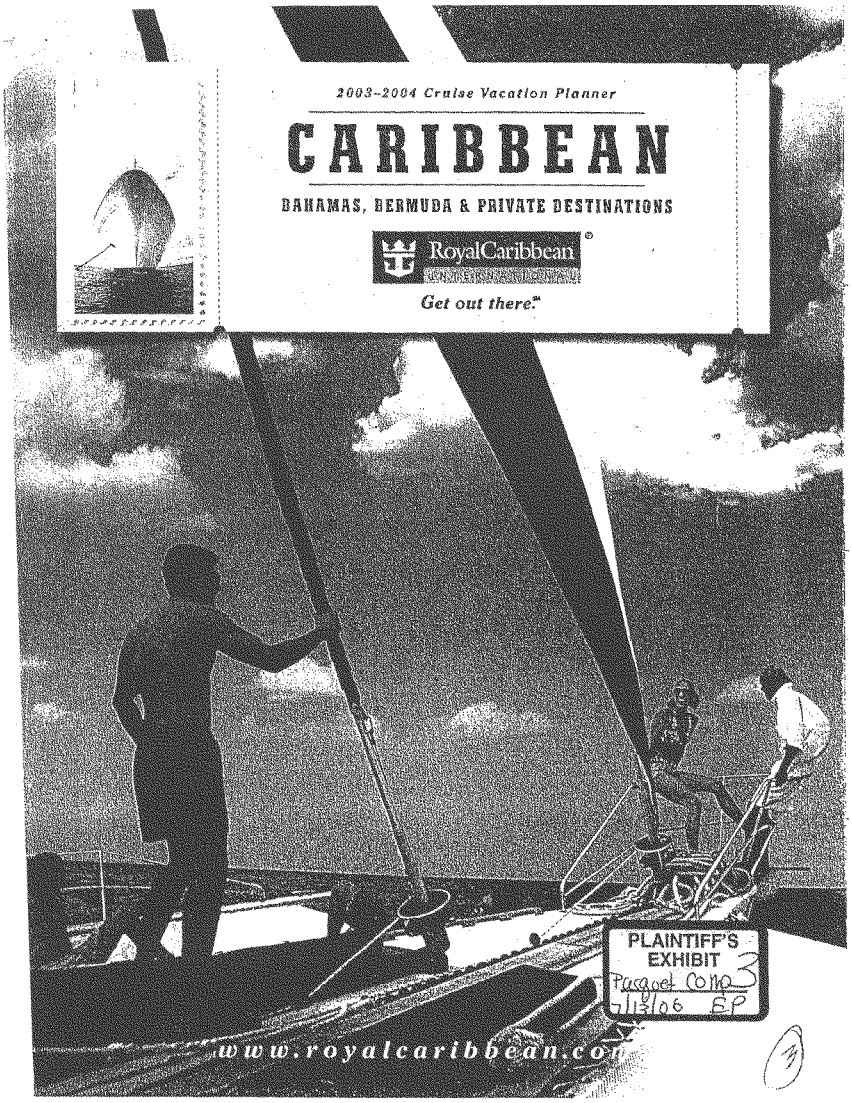
- Duke University Alumni Advisory Committee (Interviewing prospective undergraduates for Duke University; 1984-Present)
- Big Brothers and Big Sisters of Dade County, Florida, Committee of 100 (1998-Present)
- Board of Directors of the Marine Counsel (1997-1999)
- The Propeller Club of the Port of Miami
- The Vizcayans
- Coral Gables Chamber of Commerce
- Maritime Law Association of the United States (Proctor Member)
- American Bar Association
- Florida Association of Women Lawyers
- Association of Trial Lawyers of America
- Academy of Florida Trial Lawyers

- Florida Admiralty Trial Lawyers Association
- Dade County Trial Lawyers Association

ARTICLES AND LECTURES:

- **Presenter**: "Masters of the Courtroom", sponsored by the Dade County Trial Lawyers Association in conjunction with the University of Miami School of Law (October 2003)
- **Author**: "Evolving Standards of Jones Act Negligence"; paper prepared for lecture to be given at Association of Trial Lawyers of America Annual Convention at Atlanta, Georgia (July 2002)
- **Lecturer**: "Alternative Theories of Liability in Slip and Fall Cases" at the Association of Trial Lawyers of America Annual Convention, Montreal, Canada (August 2001)
- **Author**: "Slip and Falls: Alternative Theories of Liability", TRIAL Magazine (April 2001)
- **Author**: "In Defense of the Stevedore", P & I International (Winter 1996-1997)
- **Lecturer**: "Cruising in the 90s; Defense of Cruise Lines, Crew and Passenger Claims" The Florida Bar (1994; and preparation of paper in connection therewith)
- **Lecturer**: "Defending Flood Insurance Claims" at the National Flood Insurance Conferences at the invitation of the Federal Emergency Management Agency (Columbus, Ohio 1991; Scottsdale, Arizona 1992; Orlando, Florida 1993)
- **Author**: "Credit Agreements Required in Writing; the New Statute of Frauds in Florida", The Florida Bar Journal (June 1990)
- **Lecturer**: "Securities Litigation" Florida Institute of CPAs (1990)
- **Lecturer**: "Securities Litigation" American Institute of CPAs in Blacksburg, Virginia (1990)
- **Lecturer**: "Securities Litigation" International Association of Financial Planners (1989)
- **Lecturer**: "The Mechanics of Court" at The Florida Bar Bridge the Gap Seminars (1983, 1984, and 1985)

EXHIBIT 2


2003–2004 Cruise Vacation Planner
CARIBBEAN
BAHAMAS, BERMUDA & PRIVATE DESTINATIONS
RoyalCaribbean
Get out there.
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PLAINTIFF'S
EXHIBIT
3

THE CARIBBEAN IS OUR MIDDLE NAME.

Paradise is an understatement. Nowhere else in the world will you find an endless array of islands whose sole purpose is to bring people unadulterated bliss and contentment. Sun-kissed beaches. Turquoise waters. Beautiful bright blue skies. Adventure galore. That's the Caribbean. And who better to go on this amazing journey with than the people who know it best – Royal Caribbean International.® We'll show you everything these extraordinary islands have to offer. The infinite beauty. The endless adventure. It's an experience that's truly unforgettable. So what are you waiting for? *Get out there.*™

THE ROYAL ADVANTAGE

We are the gurus of all things Caribbean. Whether it's the Bahamas, Bermuda, or any one of the numerous islands in the Caribbean, there's no one who knows the territory better. We're the leaders to this destination for a reason. Combine our state-of-the-art fleet of ships with unprecedented service, endless vacation options onboard and shoreside, and our unmatched level of expertise, and you'll soon understand that there's no better choice for a Caribbean vacation than Royal Caribbean.

THE INDUSTRY'S BEST SHIPS

Come see the Caribbean aboard the best ships in the industry. These nautical wonders have it all. Filled with a rock-climbing wall, a miniature golf course, an ice-skating rink and basketball court, the Voyager-class ships *Adventure of the Seas*,™ *Explorer of the Seas*,® *Mariner of the Seas*,™ *Navigator of the Seas*,™ and *Voyager of the Seas*® are the largest and most innovative afloat. If it's open space you're after, check out the Radiance class. *Brilliance of the Seas*™ and *Radiance of the Seas*™ contain an unbelievable amount of glass and open space – not to mention windows and balconies. Regardless of which ship you're on, rest assured, your experience will be nothing short of spectacular.

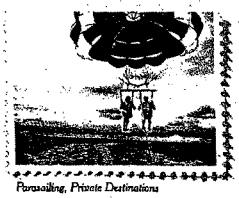
GOLD ANCHOR SERVICE

Amazing ports of call, exciting adventures and spectacular ships are certainly great reasons to cruise, but the one thing that keeps people coming back again and again to Royal Caribbean is our friendly and personal service. In fact, the feedback we hear all the time is, "It just feels like family." A server who remembers your daughter's teddy bear's name. The bartender who remembers the extra olive. The housekeeper who reminds you of your dinner reservation time. The Adventure Ocean™ youth staff member who becomes a pen pal with your kids. The Royal Caribbean family – there's nothing like it.

WWW.ROYALCARIBBEAN.COM

Welcome to the virtual world of cruising. Understandably, there's nothing that can take the place of actual sand between your toes and real, live waves breaking at your feet. However, a visit to our Web site can provide you with valuable insight into the world of cruising and answer many of the questions you might have. It's a great opportunity to check out our fleet, take a virtual tour of the ships, and preview all the ports and exciting shore excursions that await you.

Onboard Basketball



Parasailing, Private Destinations

Gold Anchor Service

EXHIBIT 3

New Employee Orientation
Harassment, Assault, Guest Interaction and Crime Policy

Suggested Agenda (10 minutes)

1. Open the meeting by explaining the purpose.

   "The purpose of this policy is to keep you, other employees and our guests safe. It gives you clear guidelines for what is acceptable and unacceptable on our ship."

2. Tell them why you think this is so important.

3. Review the key points about the policy:

   - What is sexual harassment? (Give an example)

     _____

     _____

   - What is sexual assault or battery? (Give an example)

     _____

     _____

   - What are 'inappropriate guest relations?' (Give an example)

     _____

     _____

- What is crime? (Give an example)

_____

_____

4. Ask for any questions about the four definitions.

5. Explain possible consequences for being found guilty of violating any part of the policy or falsely accusing someone else.

6. Explain the guidelines for reporting policy violations:

   - No retaliation or punishment for reporting.
   - Employees can report to their immediate manager or any other manager.
   - All reports will be investigated and taken seriously.

7. Explain next steps:

   - Where to go for help or questions.
   - What follow-up training they will receive.

8. Ask for any questions. Thank them for taking this seriously and making your ship safe.

Follow-Up Training
Harassment, Assault, Guest Interaction and Crime Policy

Suggested Agenda (10 minutes)

1. Open the meeting by explaining the purpose.

   "The purpose of this meeting is to review our policy on harassment, assault, guest relations and crime. This is your opportunity to ask questions and discuss how this is working."

2. Conduct a review by asking volunteers to tell you:

   - *"What is sexual harassment?"*
   - *"What is sexual assault or battery?"*
   - *"What are 'inappropriate' guest relations?"*
   - *"What is crime?"*

   Make sure volunteers give correct answers.

3. Ask one or more of the following questions and lead a discussion about responses:

   - *"Which part of this policy has been the most difficult to follow on the job?"*
   - *"Has anyone been in a situation where they've been approached by a guest in a sexual way? How did you handle it?"*
   - *"How do you feel about working closely with other employees? Have you been in a situation where you weren't sure whether you were 'harassing' someone or not? What was the situation? Where do you think you 'cross the line?"*
   - *"What would you do if you felt that you were being harassed, assaulted or approached in a sexual way by a guest?"*

4. Remind employees of where to go for help or with questions about this policy.

5. Thank participants for their time and helping to make the ship safer for everyone.

Your Notes

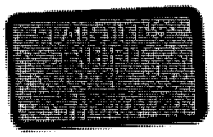


EXHIBIT 4

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 05-21062 CA 10

ORIGINAL

JANE DOE,

Plaintiff,

vs.

ROYAL CARIBBEAN CRUISES, LTD.,
a/k/a ROYAL CARIBBEAN CRUISES, LTD.,
a Liberian Corporation, d/b/a ROYAL
CARIBBEAN CRUISE LINE and d/b/a
ROYAL CARIBBEAN INTERNATIONAL

Defendant.

VIDEOTAPED DEPOSITION OF A CORPORATION
PURSUANT TO F.R.C.P 1.310(b)(6)

taken before Estelle Pregen, Court Reporter and Notary Public in and for the State of Florida at Large, at 1401 Brickell Avenue, Suite 510, Miami, Florida, on Wednesday, February 7, 2007, commencing at 1:10 p.m., pursuant to Notice of Taking Deposition.

1 So our defense counsel would know
2 best.
3 Q. Okay. Does anybody at the cruise line
4 keep track of the various lists of -- well, strike
5 that.
6 Does the cruise line keep track of the
7 various sexual assaults or rapes or sexual batteries
8 that occur on cruise ships?
9 A. We keep track of the claims of
10 occurrences, yes.
11 Q. When you say "the claims of
12 occurrences," do you keep track only if a claim is
13 made, quote, unquote?
14 In other words, that there's either a
15 lawsuit or claim and a demand for money damages, or do
16 you keep track of when somebody alleges it?
17 A. When someone alleges it, we keep track
18 of it.
19 Q. Okay. And how do you keep track of
20 it?
21 A. Both in a -- a paper file and also in
22 an incident database.
23 Q. Okay. The paper file -- what do you
24 mean in a paper file? You mean just --
25 A. The hard copy file.

EXHIBIT 5

Table A(2)

ROYAL CARIBBEAN INTERNATIONAL
REPORT OF ALLEGED SEXUAL ASSAULTS FROM 2003 THROUGH 2005

CREW CLAIMANTS

Date of Alleged Occurrence	Name of Ship	Nature of Allegation*	Accused	Reported to U.S. Authorities Yes/No	Outcome	Settlement Confidential Yes/No
06/05/2003	Legend of the Seas	Sexual act	Crew	Yes	Arrested – charges dropped No claim made	
10/07/2003	Sovereign of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
10/10/2003	Explorer of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
11/01/2003	Empress of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
12/01/2003	Brilliance of the Seas	Sexual contact	Crew	Yes	No criminal charges Claim resolved without legal action.	Yes
01/05/2004	Vision of the Seas	Sexual act	Crew	No – Non U.S. citizens. Reported to Mexican & Bahamian Authorities	Arrested then released. Civil claim pending	
01/12/2004	Enchantment of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
01/19/2004	Monarch of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
05/05/2004	Brilliance of the Seas	Sexual contact	Crew	Yes	No criminal charges No claim made	
06/30/2004	Sovereign of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
08/01/2004	Serenade of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
10/24/2004	Voyager of the Seas	Sexual act	Crew	Yes	No criminal charges Claim resolved without legal action.	No

PLAINTIFF'S EXHIBIT

* Out of discretion, we have omitted the specific details of the allegations. If you would like those details, please contact us.

Date of Alleged Occurrence	Name of Ship	Nature of Allegation*	Accused	Reported to U.S. Authorities Yes/No	Outcome	Settlement Confidential Yes/No
12/28/2004	Vision of the Seas	Sexual contact	Crew	No – Non U.S. citizens. Reported to Mexican Authorities.	No criminal charges No claim made	
04/25/2005	Explorer of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
07/27/2005	Explorer of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
08/04/2005	Legend of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
08/07/2005	Voyager of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	

GUEST CLAIMANTS

Date of Alleged Occurrence	Name of Ship	Nature of Allegation*	Accused	Reported to U.S. Authorities Yes/No	Outcome	Settlement Confidential Yes/No
1/10/2003	Monarch of the Seas	Sexual act	Guest	Yes	No criminal charges Claimant rescinded claim of rape	
02/21/2003	Voyager of the Seas	Sexual act	Guest	Yes	No criminal charges Claim resolved without legal action.	Yes
3/22/2003	Sovereign of the Seas	Sexual act	Crew	Yes	Arrested in Brevard County, Florida No claim made	
4/26/2003	Grandeur of the Seas	Sexual act	Guest	Yes	No criminal charges No claim made	
7/11/2003	Sovereign of the Seas	Sexual contact	Crew	Yes	No criminal charges No claim made	
7/15/2003	Rhapsody of the Seas	Sexual act	Crew	Yes	No criminal charges Civil claim pending	
7/16/2003	Vision of the Seas	Sexual act	Guest	Yes	Arrested in Alaska No claim made	
07/18/2003	Majesty of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	

* Out of discretion, we have omitted the specific details of the allegations. If you would like those details, please contact us.

Date of Alleged Occurrence	Name of Ship	Nature of Allegation*	Accused	Reported to U.S. Authorities Yes/No	Outcome	Settlement Confidential Yes/No
07/21/2003	Rhapsody of the Seas	Sexual contact	Guest	Yes	Arrest made. Prosecution led to misdeamor conviction. Civil claim pending	
7/28/2003	Explorer of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
8/10/2003	Voyager of the Seas	Sexual act	Crew	Yes	No criminal charges Civil claim pending	
10/18/2003	Voyager of the Seas	Sexual contact	Crew	Yes	No criminal charges No claim made	
11/22/2003	Explorer of the Seas	Sexual contact	Crew	No – Not reported on ship	No claim made	
12/17/2003	Brilliance of the Seas	Sexual contact	Crew	Yes	No criminal charges Civil claim pending	
12/17/2003	Vision of the Seas	Sexual act	Crew	Yes	No criminal charges Civil claim settled	Yes
1/16/2004	Rhapsody of the Seas	Sexual contact	Crew	Yes	No criminal charges No claim made	
2/25/2004	Explorer of the Seas	Sexual contact	Crew	Yes	No criminal charges No claim made	
2/26/2004	Mariner of the Seas	Sexual act	Guest	Yes	No criminal charges No claim made	
3/21/2004	Voyager of the Seas	Sexual act	Crew	Yes	No criminal charges Claim resolved without legal action.	Yes
06/11/2004	Legend of the Seas	Sexual contact	Guest	Yes	No criminal charges No claim made	
6/12/2004	Navigator of the Seas	Sexual act	Unknown	Yes	No criminal charges No claim made	
6/14/2004	Explorer of the Seas	Sexual act	Crew	Yes	No criminal charges Guest rescinded allegation	
7/20/2004	Grandeur of the Seas	Sexual act	Guest	No – Not reported onboard. Reported to local authorities in hometown who contacted FBI	Criminal investigation ongoing Civil claim pending	

Date of Alleged Occurrence	Name of Ship	Nature of Allegation	Accused	Reported to U.S. Authorities Yes/No	Outcome	Settlement Confidential Yes/No
8/2/2004	Legend of the Seas	Sexual act	Guest	Yes	No criminal charges No claim made	
8/21/2004	Navigator of the Seas	Sexual act	Guest	No – Not reported onboard. Guest later contacted FBI.	Unknown if arrest made No claim made	
8/30/2004	Monarch of the Seas	Sexual act	Contractor	Yes	No criminal charges No claim made	
11/8/2004	Majesty of the Seas	Sexual contact	Crew	Yes	No criminal charges Civil claim pending	
11/18/2004	Voyager of the Seas	Sexual act	Crew	No-Not reported onboard. Guest is non-U.S. citizen who reported to police at home.	No criminal charges No claim made	
12/21/2004	Enchantment of the Seas	Sexual act	Guest	Yes	No criminal charges No claim made	
12/28/2004	Radiance of the Seas	Sexual act	Guest	Yes	No criminal charges No claim made	
1/1/2005	Adventure of the Seas	Sexual contact	Guest	Yes	No criminal charges No claim made	
2/28/2005	Majesty of the Seas	Sexual contact	Crew	Yes	No criminal charges No claim made	
3/25/2005	Voyager of the Seas	Sexual act	Guest	Yes	No criminal charges No claim made	
6/8/2005	Monarch of the Seas	Sexual act	Guest	Yes	No criminal charges No claim made	
6/10/2005	Grandeur of the Seas	Sexual act	Crew	Yes	No criminal charges Guest rescinded allegation	
7/7/2005	Brilliance of the Seas	Sexual act	Guest	Yes	Criminal investigation ongoing. No claim made	
7/16/2005	Monarch of the Seas	Sexual contact	Guest	Yes	No criminal charges No claim made	
7/21/2005	Voyager of the Seas	Sexual act	Guest	Yes	No criminal charges No claim made	

Date of Alleged Occurrence	Name of Ship	Nature of Allegation*	Accused	Reported to U.S. Authorities Yes/No	Outcome	Settlement Confidential Yes/No
7/22/2005	Navigator of the Seas	Sexual contact	Crew	Yes	No criminal charges No claim made	
8/13/2005	Empress of the Seas	Sexual contact	Crew	Yes	No criminal charges No claim made	
8/20/2005	Navigator of the Seas	Sexual act	Crew	Yes	No criminal charges Claim pending	
8/21/2005	Sovereign of the Seas	Sexual act	Guest	Yes	No criminal charges No claim made	
8/30/2005	Adventure of the Seas	Sexual act	Crew	No – Guest and accused are non U.S. citizens. Reported to local authorities.	No criminal charges Claim pending	
09/06/2005	Mariner of the Seas	Sexual act	Crew	Yes	No criminal charges No claim made	
9/19/2005	Navigator of the Seas	Sexual act	Contractor	Yes	No criminal charges No claim made	
10/14/2005	Enchantment of the Seas	Sexual contact	Guest	Yes	No criminal charges No claim made	
11/11/2005	Monarch of the Seas	Sexual contact	Crew	Yes	No criminal charges No claim made	
11/25/2005	Adventure of the Seas	Sexual act	Guest	Yes	No criminal charges No claim made	
11/27/2005	Rhapsody of the Seas	Sexual contact	Guest	Yes	No criminal charges No claim made	

EXHIBIT 6

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

JANE DOE,

Plaintiff,

GENERAL JURISDICTION DIVISION
CASE NO.: 05-21062 CA 10

v.

ROYAL CARIBBEAN CRUISES LTD., a/k/a
ROYAL CARIBBEAN CRUISES LTD., A LIBERIAN
CORPORATION, d/b/a ROYAL CARIBBEAN
CRUISE LINE and d/b/a ROYAL CARIBBEAN
INTERNATIONAL

Defendant.
_____/

1/19/07

NOTICE OF SERVICE OF DEFENDANT'S ANSWERS TO PLAINTIFF'S SECOND SET OF INTERROGATORIES PURSUANT TO THE COURT'S AUGUST 1, 2006 ORDER

Defendant, ROYAL CARIBBEAN CRUISES LTD., ("RCL"), by and through the undersigned counsel, and pursuant to Rule 1.340, Fla. R. Civ. P., hereby notifies the Court and all parties hereto that its Answers to Plaintiff's Second Set of Interrogatories Pursuant to the Court's August 1, 2006 Order have been served via facsimile and U.S. Mail on: John H. Hickey, Esq. Hickey Law Firm, P.A., 1401 Brickell Avenue, Suite 510, Miami, Florida 33131 on this 19th day of January, 2007.

MALTZMAN FOREMAN, P.A.
Attorneys for Defendants
One Biscayne Tower - Suite 2300
2 South Biscayne Boulevard
Miami, Florida 33131
Tel: (305) 358-6555 / Fax (305) 374-9077

By:_____
DARREN W. FRIEDMAN
Florida Bar No. 014676
JEFFREY N. ANDERSON
Florida Bar No. 0359490

DEFENDANT'S ANSWERS TO PLAINTIFF'S SECOND SET OF INTERROGATORIES PURSUANT TO THE COURT'S AUGUST 1, 2006 ORDER

INTERROGATORY NO. 1:

In the last five years, have the Defendants received notice of any sexual assaults, sexual batteries, or rapes by any crew member against either a crew member or passenger on any of its ships other than the sip on which the incidents in this case occurred?

If so, for each such notice provide the following:

a. Full name, address, and telephone number of each and every attorney if any who represents each person providing such notice or claim;

b. Full name, title and current location and address of the crew member allegedly to have committed such act;

c. Description and dates of the acts or alleged acts;

d. Full style, name of court, and case number of every suit filed in reference to such acts.

RESPONSE TO INTERROGATORY NO. 1

Pursuant to the Court's August 1st, 2006 Order, this interrogatory was limited to information for the past three years. Additionally, the Court sustained Defendant's objection as to subsection (a), therefore, Defendant is not required to disclose the name, address and telephone number of individuals making claims or providing notice. Further, the Court limited the response to Royal Caribbean Cruise Ltd.'s vessels. At the time of filing its response, Defendant believes the information provided is accurate, however it reserves the right to amend same.

This answer addresses claims that were made against the Defendant for sexual assault/batteries which are defined as follows:

(1) Sexual Assault identifies claims against the company where the individual alleged that another crewmember touched an intimate body part without the individual's consent.
(2) Sexual Battery identifies claims against company where the individual alleged that another crewmember penetrated an intimate body part (these include claims of unwanted oral sex).

Allegations of sexual assault/touching, sexual battery, or rape by any crew member against a crewmember– Fleet Wide – 11/9/01 – 11/9/04

1. Date: December 31, 2002

Crewmember alleged to have committed act: Michael Bennet, Review Cast, P.O. Box 99, Cross City, Florida 32628.
Description: Crewmember alleges he was sexually battered by another crewmember in crew cabin.
No Attorney or court case.

2. Date: August 1, 2004
Crewmember who allegedly committed act: Francis Barboza, First Housekeeper, H NO 1F Cacnamoddi Cuncolim, Salcette-Goa, India 403703
Description: Crewmember alleges that she was sexually assaulted by another crewmember.
No Attorney or court case.

3. Date: October 7, 2003
Crewmember alleged to have committed act: Evaldas Pusinskas, Stage Staff, Baltrimu Vlg., Skuodo Dstr, Lithuania, LT5670.
Description: Crewmember alleges she was sexually assaulted by another crewmember in a crew cabin.
No Attorney or court case.

4. Date: January 5, 2004
Crewmember alleged to have committed act: Security Officer Ramil Cortez, 16 Macarag St West Tapinag, Olangapo City, Phillippines.
Description: Crewmember alleges she was sexually assaulted by another crewmember in a crew cabin.
Attorney for Plaintiff: Luis A. Perez, Esq.
LAW OFFICES OF LUIS A. PEREZ, P.A.
New World Tower, Suite 2800
100 North Biscayne Blvd.
Miami, Florida 33132
(305) 577-0063
Court Case: Jane Doe v. Royal Caribbean Cruises, Ltd.; 11th Judicial Circuit Court, Miami-Dade County, Florida; case number 04-012461 CA 11.

5. Date: October 24, 2004
Crewmember alleged to have committed act: Casino Dealer Hamilton Nixumalo, 33 Royal Palms Western Bypass, Northgate Extension, Sharrowlea, Burbury, South Africa 2162.
Description: Crewmember alleges she was sexually assaulted by another crewmember in crew cabin.
No Attorney or court case.

6. Date: January 12, 2004
Crewmember alleged to have committed act: Terry Nancoo, Working Chef, Pipiol Road, Cantaro Village, Upper Santa Cruz, Trinidad and Tobago.
Description: Crewmember alleges she was sexually assaulted by another crewmember in crew cabin.
No Attorney or court case.

7. Date: October 10, 2003

Crewmember alleged to have committed act: Ricardo Mata, Head Facilities Cleaner, 2 Wharton Trace Los, Charos, Palo Seco, Trinidad.
Description: Crewmember alleges she was sexually assaulted by another crewmember in a crew cabin.
No Attorney or court case.

8. Date: June 5, 2003
Crewmember alleged to have committed act: Gerald Kugler, Food & Bar Manager, Friedrichsdorf 83, Nuekirchen, Austria, 5145.
Description: Crewmember alleges she was sexually assaulted by another crewmember in a crew cabin.
No Attorney or court case.

9. Date: January 19, 2004
Crewmember alleged to have committed act: Elwin Charles, Bar Server, currently onboard Sovereign of the Seas.
Description: Crewmember alleges she was sexually assaulted by another crewmember in a crew cabin.
No Attorney or court case.

10. Date: January 14, 2004
Crewmember alleged to have committed act: Craig Gibson, Carpet Maintenance Technician, Chepstowe District, Skibo P.O., Portland, Jamaica.
Description: Crewmember alleges she was sexually assaulted by another crewmember in a crew cabin, but later stated it was consensual.
No Attorney or court case.

11. Date: November 1, 2003
Crewmember alleged to have committed act: Brad Butcher, Stage Staff, 31 Edinburgh Drive, Bethania 4205, Brisbane Qld, Australia.
Description: Crewmember alleges she was sexually assaulted by another crewmember in crew cabin.
No Attorney or court case.

12. Date: December 18, 2002
Crewmember alleged to have committed act: Wilford Vainwright Casanova, State Room Attendant, Barrio Tres Cruces, Bluefields, Nicaragua.
Description: Crewmember alleges she was sexually assaulted by another crewmember in a crew cabin.

Attorney:	John M. Abramson Abramson & Magidson, P.A. 930 North Krome Avenue, Suite 2A Homestead, Florida 33030 (305) 248-2886
Court Case:	Plaintiff v. Royal Caribbean Cruises Ltd., A Liberian Corporation; 11th Judicial Circuit Court, Miami-Dade County, Florida; case number 04-17961 CA 03.

13. Date: June 30, 2004
Crewmember alleged to have committed act: Mario Velde, Chief Engineer, P.O. Box 252, 4298 Torvastad, Norway.
Description: Crewmember alleges she was sexually assaulted by another crewmember in crew cabin.
No Attorney or court case.

14. Date: September 1, 2002
Crewmember alleged to have committed act: Abraham Sambola, Bellman, Barrio Terrazas Del Mar, Limon, Costa Rica; Marlon Chollette, Waiter, Pto Limom, Limon, Costa Rica 7300-660; Jose Vargas, Assistant waiter, Bella Vista 25 Mts West, Costa Rica.
Description: Crewmember alleges she was sexually assaulted by three crewmembers in crew cabin.
No Attorney or court case.

15. Date: August 7, 2004
Crewmember alleged to have committed act: Cheryl Ann Baluyut, Spa Salon Attendant, address unknown.
Description: Crewmember alleges she was sexually assaulted by a subordinate in crew cabin.
No Attorney or court case.

16. Date: December 1, 2003
Crewmember alleged to have committed act: Mogens Thomsen, Ship's Doctor, Kyrkatan 16, SE 282 31, Tyringe, Sweden.
Description: Crewmember alleges she was sexually assaulted by another crewmember.
Attorney: Jim Walker
Walker & O'Neil, P.A.
Dadeland Centre, Suite 1602
Miami, Florida 33156
(305) 995-5300
No court case.

17. Date: May 5, 2004
Crewmember alleged to have committed act: Carlos Miranda, Casino dealer, San Jose, Ciudad Colon, Costa Rica.
Description: Crewmember alleges she was sexually assaulted by another crew member in crew cabin.
No Attorney or court case.

I have read the foregoing Answer to Plaintiff's Second Set of Interrogatories Pursuant to the Court's August 1, 2006 Order and swear that it is true and correct to the best of my knowledge and belief.

WENDY ZEPERNICK, Manager
Crew Claims

STATE OF FLORIDA)
) ss:
COUNTY OF DADE)

BEFORE ME, the undersigned authority duly authorized by law to administer oaths and to take acknowledgments, personally appeared WENDY ZEPERNICK, who is personally known to me (or who has produced as identification), being first duly sworn on oath, deposes and says she has read the Plaintiff's Second Set of Interrogatories Pursuant to the Court's August 1, 2006 Order and that same are true and correct to the best of his/her information and belief.

SWORN TO AND SUBSCRIBED before me this 19th day of January, 2007.

NOTARY PUBLIC
STATE OF FLORIDA AT LARGE

MY COMMISSION EXPIRES

BEATRIZ TAILLEFER
MY COMMISSION # DD 154602
EXPIRES: February 1, 2007
Bonded Thru Notary Public Underwriters

U. S. Department of Homeland Security

United States Coast Guard

Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-092
Phone: (202) 245-0520
FAX: (202) 366-7124

DEPARTMENT OF HOMELAND SECURITY

U. S. COAST GUARD

STATEMENT OF

REAR ADMIRAL WAYNE JUSTICE
ASSISTANT COMMANDANT FOR RESPONSE

ON

CRUISE SHIP CRIME

BEFORE THE

COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE

SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION

U. S. HOUSE OF REPRESENTATIVES

MARCH 27, 2007

Good morning Mr. Chairman and distinguished members. I am honored to appear before you today to discuss jurisdiction and coordination of assistance in the context of crime on cruise ships, as well as interagency initiatives to address this issue. I intend to focus my remarks on briefly reviewing key aspects of the operational and legal environments in which crime on cruise ships arises, and apprising you of our progress since then in addressing this issue.

Crime on cruise ships is receiving increasing attention from Congress, the media, victims' rights groups, law enforcement, and the cruise industry. Such attention can contribute substantially to providing an even safer and more secure environment for the over eight million U.S. citizens who are cruise ship passengers each year.

Given the global, multi-national, operational, and legal structure of cruise ship operations, responsibilities for reporting, responding to, investigating, prosecuting, and adjudicating crime on cruise ships is distributed among a variety of nations, organizations, and individuals around the world. This is because the authorities and capabilities necessary to respond to and investigate allegations of crime on cruise ships often shifts depending on the nature of the crime, the nationality of alleged victims and perpetrators, and, most importantly, the location of the vessel at the time the crime is committed and reported.

While no single nation has the authority or the resources to patrol and secure the entire maritime domain, the United States continues to lead the world's efforts to achieve greater maritime security, and the U.S. Coast Guard is at the forefront of those efforts.

In considering response options of the United States to crime on cruise ships, the Coast Guard is mindful of the essential operational and legal environment in which many cruises occur. Most cruise ships operate extra-territorially (indeed, foreign travel is a large part of their appeal) and, therefore, beyond the reach of U.S. criminal jurisdiction with respect to most offenses. Central to understanding this point is the recognition that the vast majority of cruise ships are not flagged in the United States, but in foreign countries such as Panama, The Bahamas, and Liberia. When these foreign flagged vessels engage in transnational voyages on the high seas, particularly during a voyage that does not depart from or arrive in a U.S. port, the law of the Flag State, not the United States, applies in most cases.

It is a well-settled principle of international law that a vessel operating seaward of any State's territorial sea is subject to the exclusive jurisdiction of its Flag State. In today's world, many ships do not come from or have never visited the home port painted on their sterns. Instead, many shipping owners, as a means of lowering operating costs, register their vessels in countries offering competitive tax and other commercial advantages. This trend has grown over time. While it creates certain economic efficiencies for world trade, it requires the constant attention and participation of the international community to maintain and enforce global safety and security standards.

Similarly, it is equally well-settled that unless Congress provides otherwise, the criminal laws of the United States do not apply extraterritorially aboard foreign flagged vessels on the high seas. When U.S. laws do apply, there is almost always some nexus between the offense and specific U.S. interests. Even then, the United States cannot board a foreign flag vessel on the high seas to enforce those laws without the consent of the Flag State, except for a limited number of recognized universal offenses. The practical consequence of this principle is that in any case involving suspected criminal activity directed at or aboard a foreign flag vessel on the high seas,

close and immediate international cooperation is required to board the vessel at sea, investigate the facts, collect evidence, and sort out the jurisdiction of various States with interests in the matter. Fortunately for the bulk of U.S. cruise ship passengers, critical U.S. laws covering serious crimes usually extend jurisdiction if the crime is committed by or against a U.S. national and the voyage in question has a scheduled departure or arrival in the United States. In such cases, the main issue is timely access to witnesses, suspects, and evidence.

As a practical matter and consistent with these well-settled principles of international and U.S. domestic law and practice, this operational milieu allocates most criminal jurisdiction with respect to extraterritorial cruise ship crime to Flag States or coastal States, not the State of the passenger's nationality. For example, the accepted international legal framework does not support the imposition of compulsory reporting requirements by coastal States or the States of passengers for unlawful acts committed beyond their territorial jurisdiction aboard foreign flagged vessels. This same framework allocates investigative and enforcement jurisdiction to flag or other coastal States, not U.S. law enforcement agencies, with respect to criminal activity that occurs aboard foreign flagged cruise ships operating beyond the 12 mile U.S. territorial sea.

The nature of the legal environment aboard foreign flagged cruise ships should come as no surprise – as with any vacation taken in foreign territory, the responsibility for crime prevention and response lies with the sovereign of that territory, not with the sovereign of the vacationer's home country. And most vacationers focus on aspects of private security provided by the hotels and resorts they select, and may even make such selections based in part on their perception of a crime-free environment. While U.S. embassy resources in foreign countries can often assist U.S. nationals who are the victims of crime in obtaining services and working through the host State's legal system, U.S. agents rarely have jurisdiction to investigate or participate in the prosecution of such offenses. This situation may be exacerbated aboard cruise ships where there is no Embassy to provide support or assistance, and where passengers must depend on cruise line security personnel for first-responder investigative services.

The legal environment aboard foreign flagged cruise ships <u>does not mean</u> that cruise ships are or should become havens for lawlessness. While some alleged homicides, disappearances, and serious sexual crimes have garnered appropriate attention and concern, there is no data to suggest that crime on cruise ships is more prevalent or severe than in any other vacation venue. The legal environment <u>does mean</u> that prompt reporting of serious crime by cruise passengers and the cruise industry coupled with investigative cooperation among coastal and Flag States is essential to preserving cruise ship security and safety.

Prospective cruise ship passengers need to assess the level of security and safety on 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 economically competitive. As I will discuss in a moment, the Coast Guard and the Federal Bureau of Investigation (FBI), working with the Cruise Line International Association (CLIA), are completing plans for a voluntary crime reporting process that we believe will improve transparency and security, and help better inform both the discussion and response with respect to allegations regarding crime on cruise ships.

United States law enforcement agencies do have a role, albeit limited, to play in preventing, investigating, and responding to crime aboard foreign cruise ships operating beyond U.S. territorial waters. As a threshold matter, 33 C.F.R. § 120.220 is a Federal regulation that requires certain passenger vessels, including cruise ships, to report unlawful acts and related activity "that occurs in a place subject to the jurisdiction of the United States." Notably, 33 C.F.R. § 120.220 also states that "U.S.-flag vessels . . . must report each such incident that occurs in a place outside the jurisdiction of the United States."

This section applies to 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. It does not apply to ferries that hold Coast Guard Certificates of Inspection endorsed for "Lakes, Bays, and Sounds", and that transit international waters for only short periods of time, on frequent schedules.

So, while this U.S. reporting requirement applies to unlawful acts and related activity that occurs in U.S. waters aboard foreign flagged cruise ships that call in the United States, it does not require the reporting of unlawful acts and related activity aboard foreign-flag vessels located outside U.S. territorial jurisdiction. As I mentioned earlier, this regulatory approach is completely consistent with well-settled principles of international law regarding the extraterritorial application of a coastal State's domestic laws.

In limited circumstances, both international and U.S. domestic law permit the exercise of U.S. criminal jurisdiction aboard foreign flagged cruise ships operating seaward of U.S. territorial waters. The principal law under which the U.S. exercises its Special Maritime and Territorial Jurisdiction (SMTJ) is set forth in Section 7 of Title 18 of the U.S. Code. This statute provides, in relevant part, that the U.S. has jurisdiction over crimes committed on a ship if:

> (1) The ship, regardless of flag and of the nationality of the victim or the perpetrator, when such vessel is on the high seas, or any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State;
>
> (2) The ship, regardless of flag, is a U.S.-owned vessel, either whole or in part, regardless of the nationality of the victim or the perpetrator, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State;
>
> (3) The offense by or against a U.S. National was committed outside the jurisdiction of any nation; or
>
> (4) The victim or perpetrator is a U.S. national on any vessel during a voyage that departed from or will arrive in a U.S. port.

This "Special Maritime and Territorial Jurisdiction" provision is essentially a "gap filler." It was designed to ensure that if the appropriate flag or coastal State has failed to enact a law addressing a serious crime, particularly with some direct nexus to U.S. interests, that the U.S. would be in a position to enforce its law. However, much of the serious crime we've seen involving cruise ships is clearly under the jurisdiction of either a foreign coastal State or the cruise ship's Flag State, and therefore not within the jurisdiction of the United States.

While our jurisdictional capacity over crime aboard foreign flagged cruise ships may be limited, our capability to develop effective partnerships with other nations, other agencies, and industry is not nearly so constrained. Accordingly, the Coast Guard believes that developing strategic partnerships, particularly with respect to reporting and responding to serious crimes affecting U.S. nationals on foreign flagged cruise ships provides the most sensible approach to addressing recent concerns about cruise ship crime.

Working closely with the Federal Bureau of Investigation (FBI) and the Cruise Line International Association (CLIA), the Coast Guard has participated in the development of voluntary procedures relating to the reporting of serious violations of U.S. laws committed aboard cruise ships, and FBI response to such violations. Given the legal and operational environment I have described, we believe this voluntary reporting system is the most promising and viable option for improving crime reporting and investigative response in the near term. Moreover, we believe that most cruise lines will embrace the opportunity to report and improve responses to serious crimes affecting U.S. nationals, and that cruise lines that fail to participate in this process will be at a competitive disadvantage.

Under the procedures recently proposed to CLIA, CLIA members will telephonically contact the nearest FBI field office or Legal Attaché office as soon as possible to report any of the following incidents involving serious violations of U.S. law: homicide, suspicious death, missing U.S. National, kidnapping, assault with serious bodily injury, sexual assaults (as defined in 18 U.S.C. §§ 2241, 2242, and 2243), firing or tampering with vessels, and theft greater than $10,000. If CLIA members are unable to contact the FBI Legal Attaché, they will contact the FBI field office located closest to their security office.

After telephonic contact, CLIA members will follow-up with a standardized written report we've developed with FBI. CLIA members will submit reports to the U.S. Coast Guard's National Command Center, which is manned around the clock, via either via facsimile or e mail, and to the FBI via fax. The National Command Center will promptly forward the reports to appropriate federal investigative agencies, when not the FBI. The Coast Guard's function of receiving and forwarding the reports neither expands nor imposes upon the Coast Guard any investigative responsibilities. In the majority of cases, the FBI, not the Coast Guard, will be the primary investigative agency for the activity reported on the forms, and the ultimate decision to investigate or respond to the alleged serious acts will rest with the FBI or appropriate law enforcement agency. I will defer to the FBI to describe their intentions with respect to response noting that we will fully support the FBI with technical assistance and logistic support, as well as employing available Coast Guard resources and authority to preserve crimes scenes an control the movement of vessels and persons subject to the jurisdiction of the United States.

Incidents not falling into one of the above categories and, therefore, not requiring immediate attention by the FBI, may be e-mailed or faxed to the local FBI field office or Legal Attaché office. Such incidents would include theft greater than $1,000 but less than $10,000, and, certain allegations of abusive sexual contact.

The FBI will, on an annual basis, compile the information provided by the cruise lines and prepare a comprehensive report. This report (cruise line information redacted) will be provided to CLIA, and, to our knowledge, represents the first disciplined effort to gather serious crime statistics with respect to cruise ships frequented by U.S. nationals. These data will permit some analysis of trends and comparison with other maritime and tourism venues. The Coast Guard

encourages CLIA to disclose the report information to potential cruise ship passengers so that they can make informed judgments about their comparative safety and security, and so that CLIA members can take appropriate measures to reduce the potential for unlawful activity aboard their vessels.

If criminal activity aboard a CLIA vessel does not meet the above reporting criteria, CLIA members may report the incident to the proper state or local law enforcement authority. The decision to continue and/or conduct additional investigation of crimes within the jurisdiction of state or local law enforcement will be at the sole discretion of the respective state or local agency.

Narcotics matters will continue to be reported under current agreements with the Drug Enforcement Administration, Immigration and Customs Enforcement, and Customs and Border Protection.

Attacks against vessels, including piracy or terrorist attacks will continue to be reported through the Ship's Security Alert System (SSAS) and other established emergency response channels via the most expeditious means possible. Coast Guard Command Centers around the country, including the National Command Center, will continue to accept and process emergency reports regarding attacks and threats against vessels, regardless of Flag State, in accordance with the President's Maritime Operational Threat Response (MOTR) Plan, which has proven to be a huge success.

Reports of missing persons aboard cruise ships have also attracted attention, although rigorous data is sparse. When the Coast Guard command or operations center receives a report from a cruise ship of a missing person (and we receive very few such reports), several factors influence our response including the effort made to locate the person on board, evidence that the person may be in the water or have gone over the side, the location of the cruise ship, and the time elapsed since the person was last observed. We follow standard search and rescue protocols in handling cases that might involve persons currently in the water, and work closely with appropriate investigative agencies if suspicious circumstances are apparent. But, these are not frequent occurrences.

As I said earlier, the practical consequence of jurisdictional principles and finite operational resources is that in any case involving suspected serious criminal activity directed at or aboard a foreign flag vessel, including cruise ships, on the high seas, close and immediate international cooperation is required to respond. MOTR provides a clear, modern process for quickly vetting myriad U.S. interests and resource options, securing international cooperation when necessary and appropriate, and executing effective courses of action, including boarding suspect vessels at sea, investigating the facts, collecting evidence, and sorting out the jurisdiction of various States with interests in the matter. MOTR provides an effective mechanism for the U.S. approach to maritime security threats and to develop timely and tailored responses based on authorities, capabilities, competencies, and partnerships. In short, MOTR has improved the ability of the United States to bring the right assets to bear when maritime threats affect American interests anywhere in the world.

In early March, U.S. agencies used MOTR successfully to assist Japanese authorities in investigating and prosecuting a homicide involving Chinese and Vietnamese sailors aboard a Japanese flagged fishing vessel on the high seas approaching Hawaii. While there was no U.S. criminal jurisdiction over the offense, we were able to provide the necessary operating

environment and logistics support to facilitate investigation and response by the Flag State. As a result, the Government of the United States was able to assist the Government of Japan in quickly bringing an alleged murderer from the high seas to justice. We intend to use the MOTR process to garner reciprocal support from other nations when serious crimes against U.S. nationals warrant similar investigative efforts.

Those of us who have made a profession of maritime security continue to undertake significant initiatives to better protect U.S. citizens and U.S. interests throughout the maritime domain in the 21st Century. 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. We recognize the collective jurisdictional and resource limitations of the United States, but we see viable strategies to improve 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. We believe the proposed Voluntary Cruise Ship Crime Reporting Procedures are a positive step in the right direction.

Thank you for the opportunity to testify before you today. I will be happy to answer any questions you may have.

Testimony of

Lawrence W. Kaye, Esq.

Senior Partner

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Representing Cruise Line International Association

U.S. Criminal and Civil Jurisdiction and Incident Reporting in the Cruise Industry

Before the House Subcommittee on Coast Guard and Maritime Transportation

March 27, 2007

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I. INTRODUCTION

Chairman Cummings and Subcommittee members, I am pleased to be here today at the Subcommittee's invitation to testify as an expert witness concerning the legal regimes governing cruise lines in the areas of passenger security, law enforcement, crime and casualty reporting and U.S. jurisdiction.

My name is Larry Kaye and I am the Senior Partner of a leading maritime law firm Kaye, Rose & Partners, LLP, which is based in California and maintains offices in Los Angeles, San Francisco and San Diego. I and the other members of my firm, in addition to representing most of the major cruise lines operating in the United States, act as outside maritime counsel to the Cruise Line International Association ('CLIA"). For the past decade our firm has also acted as outside maritime counsel to the International Council of Cruise Lines ("ICCL") prior to the merger of the two organizations this year. CLIA is the industry trade association for the 21 leading cruise lines operating in North America. Since 1995 I have served as the Chairman of the CLIA/ICCL Executive Partner Council, representing the interests of the 100 shore based companies, ports, suppliers and service providers who transact business regularly with the leading cruise lines. I also sit on CLIA's Board of Directors.

I have been a practicing attorney for the past 29 years and began specializing in maritime law and the cruise ship industry in 1980. My partners and I have been involved in many precedent-setting court decisions in maritime cases over the years in numerous state and federal jurisdictions. I am a member in good standing of the Maritime Law Association of the United States and serve on its Cruise and Passenger Ship Committee. I have lectured at maritime law seminars that have been certified for continuing legal education credit in California and Florida, and have published several articles on cruise industry legal issues affecting operators, passengers and crew. I am also the author of Chapter II of Volume 10 of the leading legal treatise on Cruise Ships, Benedict on Admiralty, entitled "Governmental Regulation" in addition to several published articles on regulatory, legislative, and other issues involving maritime law. I have previously testified before Congress and the California State Legislature concerning issues in the cruise industry and have been consulted and retained as an expert witness in cases involving legal treatment of cruise lines, their passengers and crew.

As legal counsel to various cruise lines and to CLIA, I know that the safety of cruise passengers and crew is the highest priority to my clients. In representing this industry for over a quarter century, I have personally observed the changes over time and the increased care and concern the cruise industry has demonstrated to ensure the safety of the cruising public, regardless of where they may be sailing. As you will hear from others who are testifying today, the cruise lines are keenly aware of the adverse impact that a single criminal incident or casualty can have on an individual's life, family and loved ones.

The cruise industry is also particularly dedicated, as a matter of good business practice, to making sure perpetrators of crime on cruise ships are brought to justice. The reality is that U.S. law enforcement agencies, including the Coast Guard and FBI, not

only have jurisdiction under present laws to investigate and prosecute crimes involving Americans on cruise ships sailing on the high seas, but also are, as a matter of normal practice, routinely requested by the cruise lines to ensure American passengers are fully protected wherever they may be traveling. As a result, despite the unfortunate tragedies which inevitably occur in an industry with more than 10,000,000 patrons each year, cruise ships are an extremely safe vacation environment.

II. UNLIKE ANY COMPARABLE BUSINESSES ON LAND, FEDERAL LAW IMPOSES MANDATORY CRIME REPORTING REQUIREMENTS ON ALL CRUISE SHIPS SAILING TO OR FROM THE U.S.

Any statistical comparison between the rate of crime on cruise ships and that in hotels, resorts, theme parks, restaurants, office buildings, shopping malls, airports or aircraft readily demonstrates that cruise ships are remarkably safe. Nonetheless, in 1972 Congress passed the Ports and Waterways Safety Act, 33 U.S.C. § 1221 *et seq.*, ("PWSA"), which was amended in 1978 and 2002. The stated purpose of the PWSA was increased supervision of vessel and port operations "in order to - (1) reduce the possibility of vessel or cargo loss, or damage to life, property, or the marine environment." 33 U.S.C. § 1221 (c) (1). The PWSA directed the enactment of implementing regulations and delineated the scope of their reach. Under Section 1223 (5), entitled "Vessel Operating Requirements", the Secretary of the Coast Guard "***may require the receipt of pre-arrival messages from any vessel, destined for a port or place subject to the jurisdiction of the United States***, which the Secretary determines necessary ***for the control of the vessel and the safety of the port or the marine environment***" [Emphasis added]. "'Marine environment' means the navigable waters of the United States ***and . . . the waters and fishery resources of any area over which the United States asserts exclusive fishery management authority***." Id., § 1222 (1) [Emphasis added]. This is an express reference to the 200- mile U.S. Exclusive Economic Zone ("EEZ").

With regard to security, Section 1226 (a) provides "The Secretary may take actions ... to prevent or respond to an act of terrorism against – (1) an individual, vessel, or public or commercial structure, that is -(A) subject to the jurisdiction of the United States; ***and (B) located within or adjacent to the marine environment***." Thus, under the plain language of the PWSA, in the 200-mile EZZ or in waters adjacent to the EZZ (i.e. on the high seas), the Act allows:

> "(b) Specific authority
>
> ...the Secretary may - (1) carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of terrorism; [and] (3) dispatch properly trained and qualified armed Coast Guard personnel on vessels and public or commercial structures on ***or adjacent to waters subject to United States jurisdiction*** to deter or respond to acts of terrorism or transportation security incidents..." [Emphasis added].

Finally, Section 1227(a), entitled "Investigatory Powers", states: "The Secretary may investigate any incident, accident, or act involving the loss or destruction of, or damage to any structure subject to this chapter [i.e. a vessel destined to or from a U.S. Port], or which affects or may affect the safety...of the ports, harbors, or navigable waters of the United States." Obviously, an act of terrorism or other felony on a ship destined to or from the U.S. would qualify as such an act.

Pursuant to the directive of the PWSA, in 1996 the Coast Guard adopted Title 33 of the Code of Federal Regulations, Part 120, entitled Security of Passenger Vessels ("SPV Reporting Regulations), which established terrorism and crime reporting requirements covering every actual or suspected unlawful act against any passenger on cruise ships traveling to or from the U.S. These Regulations were amended and confirmed in 1998, 2003, and as recently as July 2006. Section 120.110 defines "unlawful act" to include any "felony under U.S. federal law, under the laws of the States where the vessel is located, or under the laws of the country in which the vessel is registered."

III. THE CRIME REPORTING REQUIREMENTS APPLY TO ALL FELONIES COMMITTED BY OR AGAINST AMERICANS ON THE HIGH SEAS OR IN FOREIGN WATERS

A. The Language of the SPV Reporting Regulations Includes Waters Outside the U.S.

The SPV Reporting Regulations state a report is required for any felony occurring "in a place subject to the jurisdiction of the United States." Id., § 120.220. That phrase is important because a place ***subject to*** U.S. jurisdiction is much broader than just US waters. As shown above, the PWSA itself, which was the enabling statute for the SPV Reporting Regulations, extended to the U.S. 200-mile EZZ and waters adjacent to the EZZ [i.e. the high seas] for vessels sailing in or out of U.S. ports. In addition to the plain language of the PWSA, the "places subject to U.S. jurisdiction" are expressly defined by Title 18 U.S.C. § 7 to include waters outside the U.S. 12- mile territorial sea, including a foreign ship on the high seas and even in foreign waters if an American is either the victim or perpetrator.

Therefore, a felony committed by or against an American during a voyage to or from the U.S., under any of the federal criminal statutes governing crimes at sea, must be reported. Under the SPV Reporting Regulations "[v]oyage means the passenger vessel's ***entire course of travel, from the first port at which the vessel embarks passengers until its return to that port*** or another port where the majority of the passengers are disembarked and terminate their voyage." 33 C.F.R. § 120.110 (emphasis added).

A central canon of statutory construction is that all words used in a statute or regulation must be given full effect. The words "subject to@ would be rendered meaningless if the drafters simply meant to say "U.S. waters". The definition of

"voyage" to include the "entire course of travel" would likewise be superfluous. By using these broader phrases the reporting regulations mirror the reach of the very U.S. criminal statutes to which they relate. Any contrary interpretation would mean the regulations in one sentence require ***all*** felonies to be reported, but in the next sentence limit the reporting only to felonies in U.S. waters. Such a narrow interpretation would also be contrary to the statutory provisions of the PWSA that extend the Coast Guard's power to the U.S. 200-mile EZZ and waters adjacent thereto. A second canon of statutory construction is that the words used are to be construed so as not to create an inherent inconsistency if another reasonable interpretation avoids it.

The only proper interpretation is that the reporting regulations for ships entering U.S. ports apply wherever and whenever the U.S. has jurisdiction over crimes on those ships. If the SPV Reporting Regulations, which encompass both terrorism and all other felonies, only applied to incidents in U.S. waters, a terrorist incident arising on a roundtrip cruise from Miami 12.5 miles at sea would not have to be reported at all. Surely no one in this day and age would agree with that proposition.

B. Longstanding Federal Legislation Extends U.S. Criminal Jurisdiction Outside U.S. Waters

The statute that actually defines the places subject to U.S. criminal jurisdiction is Title 18 U.S.C. § 7, which states:

> "The … 'special maritime and territorial jurisdiction of the United States' … includes:
> (1) ***The high seas***, any other ***waters within the admiralty and maritime jurisdiction of the United States*** and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof…;
> . . .
> (7) ***Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States***; [and]
> . . .
> (8) …***any foreign vessel 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***…" [Emphasis added].

Clearly, when an American national is involved in a crime on the high seas, and even foreign waters if the ship is sailing to or from the U.S, these are "places subject to the jurisdiction of the United States" as described in the SPV Reporting Regulations.

At least twenty statutes codified in Title 18 of the United States Code create felonies for crimes committed in this "special maritime jurisdiction" (U.S. waters for all offenses, high seas for offenses by or against Americans, and foreign waters for offenses by or against Americans on voyages to or from the U.S.). They include Abusive Sexual

Contact (18 U.S.C. § 2244), Aggravated Sexual Abuse (18 U.S.C. § 2241), Arson (18 U.S.C. § 81), Assault (18 U.S.C. § 113), Assaulting or Resisting U.S. Officers (18 U.S.C. § 111), Embezzlement or Theft (18 U.S.C. § 661), Kidnapping (18 U.S.C. § 1201), Maiming (18 U.S.C. § 114), Malicious Mischief (18 U.S.C. § 1363), Manslaughter (18 U.S.C. § 1112), Murder (18 U.S.C.§ 1111), Receiving Stolen Property (18 U.S.C. § 662), Robbery and Burglary (18 U.S.C. § 2111), Sexual Abuse (18 U.S.C. § 2242), Sexual Abuse of a Minor or Ward (18 U.S.C. § 2243), Sexual Abuse Resulting in Death (18 U.S.C. § 2245), Stowaway (18 U.S.C. § 2199), Terrorism (18 U.S.C. § 2332), and Transportation for Illegal Sexual Activity (18 U.S.C. § 2421).

A lengthy study was performed by the Congressional Research Service in 2002, entitled *Extraterritorial Application of American Criminal Law*. That study states at pages 12 and 18:

> "Congress has expressly provided for the extraterritorial application of federal criminal law most often in the context of the special maritime and territorial jurisdiction of the United States [citing 18 U.S.C. § 7].
>
> . . .
>
> . . . [A] surprising number of federal statutes may boast of either explicit or implicit extraterritorial reach. . . . The federal laws most often involve shipboard crimes."

C. <u>The Legislative History of the SPV Reporting Regulations Demonstrates They Apply to Crimes Outside U.S. Waters</u>

Any contention that cruise lines are "only" required to report felonies arising in U.S. waters is erroneous. Aside from the express language of the PWSA and SPV Reporting Regulations themselves, the legislative history shows they were originally adopted as a result of the infamous terrorist incident aboard the *Achille Lauro,* which involved the murder of a U.S. citizen on the high seas.[1] That incident did not arise in U.S waters but still occurred "in a place subject to the jurisdiction of the United States" because it involved an American and happened on the high seas. 18 U.S.C. § 7(1) and (7). Both terrorism and murder, like the 20 other crimes listed in Title 18, are felonies over which the U.S. asserts criminal jurisdiction outside U.S. waters. *See* 18 U.S.C. §

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[1] Coast Guard Navigation and Vessel Inspection Circular ("NVIC") No.3-96 states:
"<u>Background</u>. . . .In 1985, a U.S. citizen was killed during the seizure of the ACHILLE LAURO. Since then, the vulnerability of passenger vessels and associated passenger terminals to acts of terrorism has been a significant concern for the international community.
. . . Also in 1986, the International Maritime Organization published MSC/Circ. 443 "Measures To Prevent Unlawful Acts Against Passengers And Crews On Board Ships" (reference (c)). ***This document was the basis for much of the U.S. legislation and rulemaking that followed.*** In April 1987, the Coast Guard published a notice in the *Federal Register* which listed voluntary security measures based upon reference (c). Since then, the Coast Guard has observed varying degrees of implementation of these measures aboard passenger ships and at passenger terminals. This inconsistency, coupled with the rising specter of domestic terrorism, indicated that establishment of minimum ***mandatory security requirements*** was necessary. As a result, reference (a) was published on July 18, 1996." (Emphasis added)

2332 (Terrorism) and § 1111 (Murder). For these reasons, cruise lines are required to report, and routinely do report, all felonies involving Americans arising ***anywhere*** on voyages to or from the U.S. The 21 member lines of the Cruise Line International Association ("CLIA") also voluntarily report, among other crimes, felonies involving Americans ***on voyages that do not touch a U.S. port***, as part of the industry's Zero Tolerance for Crime Policy adopted in 1999.

In January 2000, the FBI itself issued a Memorandum, entitled "Crimes on the High Seas- Criminal Conduct on Board Ships Upon the High Seas", which established Guidelines for the cruise industry to follow in reporting criminal activity. That Memorandum stated: "All sexual matters, i.e. rape, attempted rape, abusive sexual contact, or sexual assault will be investigated." It even called for investigation of "kidnapping or abduction in a foreign port." The FBI could not establish guidelines for investigating crimes at sea or in foreign ports if it did not have the authority to require reports of such incidents from ships sailing to and from the U.S.

The Coast Guard likewise issued a 42-page Navigation and Vessel Inspection Circular ("NVIC") interpreting the SPV Regulations themselves in 2002. The 4-02 NVIC can be found at http://www.uscg.mil/hq/g-m/nvic/4-02.pdf. Section 3.1 of the NVIC reiterates that cruise lines must report each unlawful act against any person on board ship that occurs in a place subject to US jurisdiction. ***Significantly, that same section actually defines "place subject to U.S. jurisdiction" as the U.S. Exclusive Economic Zone, some 200 miles from the U.S. and includes the high seas. That alone is inconsistent with any interpretation that the existing regulations only apply in US territorial waters (12 miles out).***

IV. FEDERAL CRIMINAL JURISDICTION EXTENDS SPECIFICALLY TO ALLEGED SEXUAL CRIMES ON CRUISE SHIPS

Five federal statutes make it a felony to commit certain sexual acts on cruise ships on the high seas, or in foreign waters if the ship sails to or from the U.S, if an American is involved. They are 18 U.S.C. § 2241 (Aggravated Sexual Abuse); § 2242 (Sexual Abuse); § 2243 (Sexual Abuse of a Minor or Ward); § 2244 (Abusive Sexual Contact) and § 2245 (Sexual Abuse Resulting in Death). Consistent with the SPV Reporting Regulations, all of these felonies must be and are reported in the cruise industry whenever an American is involved. (They are also reported when foreign nationals are involved and the ship is sailing to or from the U.S.)

Specifically, these five statutes require reporting of any actual or attempted "sexual act" or "sexual contact"(as defined)[2] accompanied by force, threats, mental or physical incapacity or inability to consent, administering of drug, intoxicant or other

[2] These terms are defined in 18 U.S.C. § 2246. A "sexual act" is any contact between the genitals, or penis and anus or mouth, or mouth and vulva; or intentional touching, not through clothing, of the genitals of a minor under age 16. "Sexual contact" is intentional touching, directly or through clothing, of the genitals, anus, groin, breast, inner thigh or buttocks of another.

substance, or with a minor. In 2006 Section 2244 (b) ("Abusive Sexual Contact) was amended by Congress to make it a felony to "knowingly engage in sexual contact with another person without that other person's permission" ***even in the absence*** of force, threats, intoxication, etc, and not involving a minor. Previously such unwanted touching of an adult, standing alone, was a misdemeanor and not required to be reported under the SPV Reporting Regulations (although such incidents were still routinely reported as part of the industry's Zero Tolerance Policy). Thus, effective in 2006, non-consensual, intentional touching of the buttocks, inner thigh, groin, breast, genitals or anus on a cruise ship, even through the clothing, is a felony punishable by up to two years in jail and ***must*** be reported.

V. NUMEROUS COURT CASES HAVE UPHELD EXTRATERRITORIAL JURISDICTION OF THE U.S. FOR CRIMES ON SHIPS ON THE HIGH SEAS OR IN FOREIGN WATERS

At least 12 published court decisions have upheld indictments or convictions of crimes at sea on passenger ships arising outside the U.S. under the above maritime statutes or similar state statutes. The central theme of all of these cases is that the criminal act involves a U.S. citizen, or has an effect in the U.S. when the victim returns here. The cases echo bedrock principles of international law embodied in the United Nations Convention on the Law of the Sea, which provides in Article 27, entitled "Criminal Jurisdiction On Board a Foreign Ship" that the coastal State may board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship "if the consequences of the crime extend to the coastal State."

United States v. Neil, 312 F.3d 419 (9th Cir. 2002), and *United States v. Roberts*, 1 F. Supp. 2d 601, 606-07 (E.D. La. 1998), both involved crimes allegedly committed by non-U.S. citizens on foreign cruise ships on the high seas or in foreign waters. In both cases charges were brought under federal statutes which operate within the "special maritime jurisdiction." Both courts found the U.S. had jurisdiction to prosecute the perpetrators under 18 U.S.C. § 7, consistent with international law. The *Roberts* court noted that prior precedents found jurisdiction on the high seas under section 7(1) without regard to vessel ownership (citing *Nixon v. United States*, 352 F.2d 601, 602 (5th Cir. 1965); *United States v. Tanner*, 471 F.2d 128, 140 (7th Cir. 1972)) and rejected the perpetrator's argument that foreign vessels are subject to the exclusive jurisdiction of the country whose flag they fly. The *Roberts* court acknowledged the five traditional theories of jurisdiction under international law and found valid jurisdiction under both passive personality (based on the U.S. nationality of victim) and objective territorial jurisdiction (effects of the act in the U.S.). The *Neil* court upheld U.S jurisdiction over a sexual assault in Mexican waters under 18 U.S.C. § 7(8), noting the Constitution allows extraterritorial application of U.S. laws when Congress expresses such intent. The court examined whether the exercise of jurisdiction would violate international law and concluded: "international law clearly supports extraterritorial jurisdiction" under the territorial and passive personality principles.

Similar court cases include:

• *State v. Jack*, 125 P.3d 311 (Alaska 2005) [charge under Alaska Criminal Code for committing sexual assault while on Alaska state ferry in Canadian waters permitted because Alaska has jurisdiction under "widely recognized 'effects [within the state] doctrine'"];

• *United States v. Curtis*, 380 F.3d 1311, 1312 ((11th Cir. 2004) *cert denied* 2006 U.S. LEXIS 6167 (2006)[conviction of waiter on foreign cruise ship for sexually assaulting passenger upheld under 18 U.S.C. § 7 when cruise ship sailed from and returned to U.S];

• *State of Florida v. Stepanski*, 761 So. 2d 1027 (Fla. 2000) *cert denied* 531 U.S. 959 (2000) [prosecution under Florida's criminal statutes for burglary and attempted sexual battery aboard foreign cruise ship on high seas permitted because of crime's effects in state];

• *Iowa Supreme Court Board of Professional Ethics and Conduct v. Blazek*, 590 N.W. 2d 501 (Iowa 1999) [professional disciplinary proceedings against passenger who sexually assaulted minor on cruise ship and pled guilty to federal felony charge of abusive sexual contact under 18 U.S.C. § 2244(a)(1)];

• *United States v. Pizdrint*, 983 F. Supp. 1110, 1112-13 (M.D. Fla. 1997) [application of extraterritorial jurisdiction held proper for assault by passenger against his wife and another passenger, a U.S. citizen, on high seas aboard foreign cruise ship];

• *United States v. Roston*, 986 F.2d 1287 (9th Cir. 1993) [conviction of passenger for murder of his wife during cruise on high seas upheld under 18 U.S.C. § 1111];

• *United States v. Frisbee*, 623 F. Supp. 1217 (N.D. Cal. 1985) [indictment of passenger upheld under 18 U.S.C. § 1111 for murder of fellow passenger aboard cruise ship]; and

• *Units States v. Flores*, 289 U.S. 137, 155-56 (1933) [indictment of U.S. citizen for murder of another U.S. citizen aboard ship in foreign territorial waters permitted, finding criminal offenses (even when committed within territorial waters of foreign sovereignty) are within maritime jurisdiction of the U.S.].

VI. U.S. LAW ALSO REQUIRES REPORTING OF SERIOUS INJURY, DEATH OR DISAPPEARANCE OF AMERICANS ON CRUISE SHIPS OUTSIDE U.S. WATERS

Title 46 U.S.C. § 6101, entitled "Marine Casualty and Inspection" ("MCI") governs the role of the Coast Guard and vessel operators with regard to marine casualties. The stated purpose of this regime is to "increase the likelihood of timely assistance to vessels in distress and directs the Secretary of Transportation to enact implementing

regulations. Id.; 46 C.F.R. § 4.01-1. The enabling statute, § 6101, defines a marine casualty as (1) death of an individual; (2) serious injury to an individual; (3) material loss of property; (4) material damage affecting the seaworthiness or efficiency of the vessel; or (5) significant harm to the environment.

All ships must report marine casualties that occur on the navigable waters of the U.S., regardless of the nationality of the victim. 46 U.S.C. § 6101 (d)(1); 46 C.F.R. § 4.03-1. U.S. flag ships must report marine casualties arising anywhere. 46 C.F.R.§ 4.03-1(a) Under subsection 6101(f) of the statute, the Secretary of Transportation is mandated to prescribe regulations for the reporting of marine casualties occurring in certain specified geographical areas ***beyond navigable waters of the U.S. when the casualty involves a U.S. citizen***, provided the vessel embarked or disembarked at a U.S. port, ***or*** transports passengers under any form of air and sea ticket package marketed in the U.S.[3]

The Coast Guard has clearly interpreted the MCI Regulations to apply outside U.S. waters. An internal Coast Guard Memorandum dated February, 1996, authored by the Commander of the Eleventh Coast Guard District, stated:

> "Section [f] of 46 U.S.C. § 6101 is an exception to customary international law, which generally prohibits any country from asserting jurisdiction over foreign vessels on the high seas. However, the statute and its legislative intent indicate this was clearly Congress's intent. Even though no implementing regulations have been issued to date, the Coast Guard has the legal authority to conduct such investigations."

The same Memorandum cites the Eastern District of Louisiana's decision in *Veldhoen v. United States Coast Guard*, 838 F. Supp. 280 (E.D. La. 1993), which involved a collision between the NOORDAM, a Netherlands Antilles cruise ship carrying 1,124 US citizens, and a Maltese freighter in international waters. The court noted: "The question...is whether, by enacting 46 U.S.C. § 6101[f], Congress intended to give the Coast Guard the power to conduct an investigation of this kind of an incident involving two foreign-flag vessels, one of which was carrying U.S. passengers. The court then held: "Based on the statutory expression of Congress. . . [section 6101 [f]] was enacted to enable the U.S. Coast Guard to investigate precisely this kind of incident." Id. at 282.

Section 6101(g) extends the reporting requirements even further, to any vessel involved in a marine casualty as defined under the *IMO Code for the Investigation of Marine Casualties and Incidents* ("IMO Code"), consistent with international law, when the U.S. is a Substantially Interested State ("SIS"). The definition of a SIS under the IMO Code includes nations other than those whose ships are involved. ***For example, if a U.S.***

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[3] The coordinates are 75 degrees north latitude, west of 35 degrees west longitude, and east of the International Date Line, or operating in the area south of 60 degrees south latitude. This area is quite extensive, and covers the entire Pacific Ocean up to a point just west of Midway Island, the mid and west Atlantic (including all of the Caribbean Sea), and all oceans within 1800 miles of the South Pole.

citizen is killed, injured or disappears (when death or serious injury can be presumed) on a vessel anywhere in the world, the U.S. is automatically considered a SIS and a report is required. See IMO Code, § 4.11.5; 46 U.S.C. § 6101 (g).

VII. INFORMATION CONCERNING CRIMES ON CRUISE SHIPS WAS ACCURATELY DISCLOSED DURING THE PRIOR CONGRESSIONAL HEARING

In January, 2006 Congressman Christopher Shays, on behalf of the House Subcommittee on National Security, Emerging Threats, and International Relations, sent a written request to various cruise lines for information on "robberies", "sexual assaults" and "missing persons" for the three year period ending December, 2005. The term "sexual assault" was not defined. Nor is the term defined or even used by any federal statute or by many states, including Florida (where most of the cruise industry is based). The definition that does exist in other states varies significantly. For example, California's definition of "sexual assault" is quite narrow, being limited only to actual sexual acts and does not include unwanted touching unless it involves a minor. *See* California Penal Code section 11165.1.

The ICCL therefore initiated discussions with the Subcommittee's staff as to a reasonable definition of "sexual assault" to use in compiling the requested information. Staff agreed one common definition, based upon federal statutes and precedents, should be used by all respondents. Again, it should be emphasized that the responding lines ***had been reporting to the FBI all sexual felonies*** in accordance with the 1998 SPV Reporting Regulations, and lesser offenses in accordance with the industry's written 1999 Zero Tolerance for Crime Policy. In addition, the lines had been reporting ***all sexual complaints*** to the FBI in accordance with a January 2000 Memorandum, entitled "Crimes on the High Seas- Criminal Conduct on Board Ships Upon the High Seas." which established Guidelines for the cruise industry to follow in reporting criminal activity. That Memorandum stated: "All sexual matters, i.e. rape, attempted rape, abusive sexual contact, or sexual assault will be investigated." The FBI itself clearly drew a distinction between "sexual assault" and "abusive sexual contact." Congressman Shays asked only for a report of "sexual assaults", which necessarily involve some form of violence or coercive conduct.

Consistent with the federal statutes, FBI Guidelines and federal case law precedents, the responding cruise lines erred on the side of including every incident that involved a sexual act. Also included was every incident of sexual contact accompanied by force, threats, mental or physical incapacity or inability to consent, administering of drug, intoxicant or other substance, or with a minor. This definition was discussed with Committee Staff at the time the reports were compiled and the cruise lines' reports expressly reiterated the definition used. *The only incidents that were not included within the category "sexual assault" were alleged unwanted touching of adults without any*

element of force, fear, threats, intoxication, incapacity or involving minors. These crimes do not meet the legal definition of an "assault", though still criminal in nature.[4]

The term "assault" is defined as (1) "a willful attempt to inflict injury upon the person of another," or (2) "a threat to inflict injury upon the person of another which, when coupled with an apparent present ability, causes a reasonable apprehension of immediate bodily harm." *See United States v. Skeet*, 665 F.2d 983, 986 (9th Cir. 1982). *See also United States v. Dupree*, 544 F.2d 1050, 1051 (9th Cir. 1976) ["an assault is committed by either a willful attempt to inflict injury upon the person of another, or by a threat to inflict injury upon the person of another which, when coupled with an apparent present ability, causes a reasonable apprehension of immediate bodily harm."]

As recently as this month, a federal circuit court addressed the problem of a federal criminal statute not defining the term "assault." In *United States v. Lewellyn*, 2007 U.S. App. LEXIS 5267, *5-6 (9th Cir., March 7, 2007) the court held: "Because § 113 does not define "assault," we have adopted the common law definitions: n4 (1) "a willful attempt to inflict injury upon the person of another," also known as "an attempt to commit a battery," or (2) "a [*6] threat to inflict injury upon the person of another which, when coupled with an apparent present ability, causes a reasonable apprehension of immediate bodily harm.... Nearly all of the other circuits apply these same common-law definitions of assault. See, e.g., *United States v. McCulligan*, 256 F.3d 97, 103-04 (3d Cir. 2001); *United States v. Ashley*, 255 F.3d 907, 911 n.4 (8th Cir. 2001); *United States v. Bayes*, 210 F.3d 64, 68 (1st Cir. 2000); *United States v. Williams*, 197 F.3d 1091, 1096 (11th Cir. 1999); *United States v. Chestaro*, 197 F.3d 600, 605 (2d Cir. 1999); *United States v. Calderon*, 655 F.2d 1037, 1038 (10th Cir. 1981); *United States v. Bell*, 505 F.2d 539, 540 (7th Cir. 1974); *Shaffer v. United States*, 308 F.2d 654, 655 (5th Cir. 1962)." Id. at *6, n. 5.

An unwanted touching of an adult without any element of force, fear, threats, intoxication, incapacity or involving minors is not within the legal definition of "assault". Such incidents were therefore not requested to be included in the reports to the Subcommittee. However, they ***were*** reported to the FBI in accordance with the January 2000 Guidelines, and after January 2006 when such incidents became felonies (even though still not "assaults") ***must*** be and are reported under the SPV Reporting Regulations.

VIII. VICTIMS OF CRIME ON CRUISE SHIPS HAVE FULL REDRESS UNDER THE U.S. CIVIL JUSTICE SYSTEM

In addition to U.S. criminal jurisdiction over crimes on foreign ships on the high seas, civil jurisdiction over the cruise lines themselves provides a very high level of protection to passengers, which is often higher than for patrons on land. The broad reach of U.S. civil jurisdiction to claims arising on cruise ships enables any U.S. passenger who

[4] During the entire three-year time frame covered by the request, such incidents carried a maximum penalty of a misdemeanor under 18 U.S.C. § 2244 (b).

sails from or to a U.S. port to seek redress in U.S. courts. Even U.S. passengers who travel abroad to take a cruise, for example in the Mediterranean, are able to file suit against the cruise line in the U.S. if the company's operations base is here. Most or all cruise lines routinely carrying U.S. passengers maintain a base of operations or principle office in the U.S. Foreign passengers who take cruises on U.S.-based ships are also able to sue in the U.S.

The testimony received by Congress to date from victims of alleged crimes has come almost entirely from plaintiffs who have filed lawsuits against the cruise operators of the ships on which these incidents arose. In many cases lawsuits have been filed against the cruise lines even when law enforcement determined there was insufficient evidence to press charges. Any foreign flag under which the ship is registered has no bearing whatsoever on the passenger's ability to file suit in the U.S. if the cruise line is based in the U.S., or if the ship routinely sails to or from a U.S. port.

Stricter legal standards are typically applied to cruise lines than comparable businesses on land, especially in the case of alleged crimes such as sexual assaults. The law recognizes an implied "warranty of safe passage" that dates back to the turn of the 19th Century. Moreover, any provision in a ticket contract for a cruise to or from the U.S. that lessens or weakens the passenger's right to a trial in a court, or limits recoverable damages, is legally void. *See* 46 U.S.C. § 30509. The law governing alleged sexual assault against passengers by crewmembers is a specific example where passengers receive much greater protection on ships than patrons on land, even though the instances of assaults are far greater on land than at sea. Currently, the Courts in the federal Eleventh Circuit (encompassing much of the Southeastern United States, including Florida) and the Ninth Circuit (encompassing the Western United States, including California, Washington, Alaska and Hawaii) both impose ***strict, absolute liability on the cruise line*** whenever a crewmember assaults a passenger. *Doe v. Celebrity Cruises,* 394 F3d 891 (11th Cir. 2004); *rehearing en banc denied*, 132 Fed. Appx. 825, 2005 (2005), *cert. denied,* 2005 U.S. LEXIS 8179 (2005); *Morton v. De Oliveira*, 984 F.2d 289 (9th Cir. 1993), *cert. denied,* 510 U.S. 907 (1993). This strict liability of the cruise line was recently extended to an alleged sexual assault by a waiter occurring ashore in a foreign country outside a bar during a week long cruise. *Doe v. Celebrity Cruises*, *supra*.

In these jurisdictions where most of the North American cruise business is centered, the law imposed on cruise lines is far more stringent than that applied to any other business on land or at sea. If a cruise passenger establishes an unwanted sexual advance by a crew member, the line must automatically pay all damages claimed and proved to a jury, even if the company took all reasonable steps to screen and hire the crew, arranged adequate security, and had no prior complaint or notice of the propensity to commit the alleged crime. This "strict liability" standard is the most stringent known to American tort law and on land is only applied in cases involving defectively designed or manufactured consumer products, or ultra-hazardous activities.

On land, operators of hotels, theme parks, restaurants, office buildings, hospitals and other facilities are generally ***not*** held strictly liable for sexual assaults on patrons. A guest in a hotel ashore could not hold the hotel owner liable for an alleged assault by a hotel employee absent a showing of negligent hiring or retention of an individual with a known criminal past. The same would be true for an assault by a waiter in a restaurant. Yet when the identical incident is claimed to have occurred on a cruise ship, the cruise line is automatically liable for all damages.

Another example of how cruise lines have been held to a more stringent liability standard than on land involves service of alcohol. Almost every state in the nation has enacted a so-called "dram shop" act. Generally, all of these acts bestow some form of immunity on servers of alcohol from civil liability for injuries or deaths caused to or by an intoxicated patron. The public policy behind these laws is that the culpability for drinking to excess should be placed squarely on the person who consumes the alcohol, not on the person who serves it. Shifting civil liability away from the intoxicated patron tends to lessen one's incentive to drink responsibly. In several states, exceptions exist to this immunity of servers of alcohol only when such beverages are knowingly sold to minors or habitual drunkards.

There is no federal maritime dram shop statute, and no rule of immunity for cruise lines from civil liability for injuries caused to or by intoxicated patrons. In Florida, for example, cruise lines have been held liable for injuries sustained by an intoxicated patron who fell and sued the cruise line for "allowing him" to become intoxicated. *Hall v. Royal Caribbean Cruises, Ltd.* 888 So. 2d 654 (Fla. 3d DCA 2004). Had the same patron become intoxicated in any bar in Miami and caused an automobile accident, the bar owner would be immune from liability. The contrary maritime rule has been adopted in Indiana, New York and Texas. *See, e.g., Kludt v. Majestic Star Casino*, 200 F. Supp. 2d 973 (N.D. Ind. 2001); *Bay Casino, L.L.C. v. M/V Royal Empress*, 1999 A.M.C. 502 (E.D.N.Y. 1999); *Young v. Players Lake Charles, L.L.C.*, 1999 A.M.C. 2529 (S.D. Tex 1999); and *Thier v. Lykes Bros., Inc.*, 900 F. Supp. 864 (S.D. Tex. 1995). The net result is that cruise lines, unlike their shore side counterparts, have been sued, sometimes successfully, for injuries and damages arising from the negligent acts of intoxicated patrons. In other words, the liability standard applied against cruise operators is more stringent, even though cruise patrons do not generally operate motor vehicles after imbibing and are much less prone to serious injury than patrons on land.

Testimony of Ross A. Klein, PhD
Before the Subcommittee on Coast Guard and Maritime Transportation
House Committee on Transportation and Infrastructure

Hearings on "Crimes Against Americans on Cruise Ships"

Tuesday, March 27, 2007
Rayburn House Office Building
Room #2167

Ross A. Klein is a Professor of Social Work at Memorial University of Newfoundland. He has written 3 books, 4 reports commissioned by NGOs, and more than a dozen book chapters and articles about the cruise industry. He is online at www.cruisejunkie.com, www.cruiseresearch.org, and available on e-mail at ross@cruisejunkie.com or rklein@mun.ca.

I am pleased to have the opportunity to assist the Subcommittee in its deliberations about "Crime Against Americans on Cruise Ships." I am an academic whose research focuses on the cruise industry. I have written widely about the cruise industry, have given invited lectures to academic and non-academic audiences across North America, the Caribbean, Australia, and New Zealand, and often consult with community groups and local governments.

My comments today will focus largely on the issue of crime on cruise ships, particularly sexual assaults. These comments are framed in part by cruise industry claims that a person is safer on a cruise ship than on land and that the crime rate on ships is lower than that in the US generally. While the cruise industry works to minimize the appearance of passenger risk to onboard crime, I wish to provide objective data that undermines their claims. My basic point is that it is an incontrovertible fact that sexual assault and sex-related incidents are a problem for the cruise industry and that the first step in dealing with the problem is to admit that it exists and to understand its landscape and complexity.

Rate of Sexual Assault on Cruise Ships

Last March the Committee heard testimony from the cruise industry asserting that:

> Compared against their home communities, passengers have an appreciably lower risk of sexual assault and robbery while enjoying a vacation cruise. Based on passenger and crew counts adjusted for exposure time, the rate of sexual assault on cruise line is – at worst – half the U.S. rate for forcible rape. (Testimony of James Alan Fox, March 7, 2006)

Based on the numbers given to Dr. Fox by the cruise industry, and the method he used to extrapolate from industry-wide passenger load figures, his claim that cruise ships are safer is a fair conclusion. However, as with any mathematical computation, if the numbers going into the equation are unreliable, then the result is also unreliable.

In contrast to Dr. Fox's method, I have the advantage of focussing on a single cruise line, Royal Caribbean International.[1] This provides much more reliable numbers for input. Rather than beginning with an industry-wide number of cruise passengers and then arriving at a daily population on cruise ships, I am able to draw directly from Royal Caribbean Cruise Limited's Annual Report the number of passenger days which, when divided by 365 and multiplied by 75% (Royal Caribbean International's share of

[1] It needs to be emphasized that Royal Caribbean International (RCI) was chosen because reliable figures were available for them. There is no basis to believe that RCI is an anomaly within the industry. It is fair to assume that there are not statistically significant differences between RCI and comparable mass market cruise lines.

company-wide passenger days), gives the average number of passengers on Royal Caribbean International ships per day (see Section C of Table 1). I also have figures for sexual assault and sex-related incidents that were provided by Royal Caribbean International as part of a civil suit and which were subsequently published by the Los Angeles Times in a January 20, 2007 article. The numbers cover a period of 32 months and include the following reported incidents: 81 sexual assaults, 52 cases of inappropriate touching, 28 cases of sexual battery, 99 cases of sexual harassment, and 13 cases that were specified as "other".

Using the numbers at my disposal, I conclude that one has a 50% greater chance of sexual assault on a Royal Caribbean International ship as compared to the US generally and that the pattern on Royal Caribbean International is consistent with that of other mass market cruise lines operating ships of similar size and style. In contrast to Dr. Fox's assertion that the rate of sexual assault on cruise ships is 17.6 per 100,000, I find a rate that is almost three times greater: 48.065 per 100,000.

Let me briefly walk through the method used to arrive at the numbers.

Royal Caribbean International is part of Royal Caribbean Cruises Limited (which also operates Celebrity Cruises). Since the corporation reports company-wide passenger-day figures, the first step is to determine the proportion of passenger days attributable to each company. As seen in Section A of Table 1, Royal Caribbean accounts for approximately 75% of the corporation's berths. Thus, passenger-day figures for Royal Caribbean International are easily derived by multiplying corporation-wide numbers by 75 percent.

Next, we need to annualize (convert to a yearly basis) the number of sex-related incidents. Since the numbers we have are for a period of 32 months, they are divided by 32 (to arrive at a monthly number of incidents) and then multiplied by 12 (to arrive at an annual number). As seen in Section B of Table 1, there are 102.375 sex-related incidents per year; 30.375 sexual assaults per year.

Since our ultimate goal is to arrive at a rate per 100,000, we must next compute the average daily population on Royal Caribbean International ships. As already noted, this is done by taking corporate-wide passenger days and converting these to a number reflecting the daily shipboard passenger population for the corporation, and then segmenting the daily population for the two companies: Royal Caribbean International (75%) and Celebrity Cruises (25%). We then must also add crew numbers as part of shipboard population. Based on company data, we assume that crew numbers are at a ratio of 1 : 2.5 passengers (Dr. Fox functionally used a ratio of 1 : 2.27). Adding crew numbers to passenger numbers yield an average daily shipboard population of 63,196. This figure is 6% lower than would have been produced by using Dr. Fox's method that starts with number of passengers carried.

As can be seen, Section D of Table 1 indicates a rate of 48.065 sexual assaults per 100,000; 161.996 sex-related incidents per 100,000. The US rate for sexual assaults, as presented by Dr. Fox, is 32.2 per 100,000.

TABLE 1: Rate of Sexual Assault on Royal Caribbean International

A. Royal Caribbean International (as part of Royal Caribbean Cruises Limited)

2005 RCCL Annual Report:	28 ships, 59,450 berths
2003 Form 20F (SEC) breakdown by company:	
Royal Caribbean International	19 ships, 44,106 berths
Celebrity Cruises	9 ships, 16,354 berths

Royal Caribbean International as a percentage of Royal Caribbean Cruises Limited: 75% of berths

B. Sex-related Shipboard Incidents on Royal Caribbean International (reported in LA Times, 20 Jan 07)

Sex-related shipboard incidents, 2003 – 2005	273
Annualized (based on data for 32 rather than 36 months)	102.375
Sexual Assaults, 2003 – 2005:	81
Annualized (based on data for 32 rather than 36 months)	30.375

C. Population on Royal Caribbean International Ships per Day

Passenger days, Royal Caribbean Cruises Limited (2005 Annual Report)	
• 2003	20,064,607
• 2004	22,661,965
• 2005	23,178,560
Total:	65,905,227
Yearly average (÷ 3):	21,978,409
Daily average population for RCCL (÷ 365):	60,187
Daily passenger population for Royal Caribbean International (×.75)	45,140
Estimated daily crew size (based on ratio of 2.5 pax : 1 crew)	18,056
Total daily RCI shipboard population (person exposure)	63,196

D. Rate of Sex Related Shipboard Incidents

• Annual rate of sex-related shipboard incidents (per 100,000):	161.996
• Annual rate of sexual assaults (per 100,000):	48.065
• US rate for sexual assaults (per 100,000):	32.200

Factors Influencing Rates

It is useful in this context to consider factors that likely influence the reporting of incidents of sexual assault. After all, the numbers we are dealing with only include reports of assault and these, like on land, reflect only a portion of actual cases. While some disincentives to reporting assault are common to cruise ships and land, the cruise ship is a unique environment and produces its own issues.

Secondary Victimization and Underreporting

One factor in underreporting is the fear of secondary victimization. This takes on a different flavour aboard a cruise ship where a victim who is a crew member is left having to continue to work in the environment (and often with the person) that victimized them. I have been contacted by several female crew members who have complained of being supervised by a recognized sexual predator; their complaints to shipboard and corporate management were ignored or the staff member was told to deal with it or to get a job elsewhere. They, in effect, are victimized first by the harassment or assault and then victimized again by the employers refusal to deal seriously with their complaint, and perhaps again at the hand of their victimizer who knows by now that he can get away with his behaviour patterns.

In the case of passengers, the secondary victimization may be a bit different. Often the cruise line's first response to an assault or sex-related incident is damage control. This may include sending lawyers and a response team to a ship where an assault has occurred. Their role is to contain the damage to the cruise line rather than to deal with the victim's complaint.[2] I have heard from victims that dealing with the cruise line personnel is at times worse than the actual assault. I have also been told by victims that having to stay on the ship where the assault occurred is a painful experience onto itself.

If the complaint goes forward after the cruise is over then the victim is likely to be further victimized by the tendency for cruise lines to "blame the victim" for their own victimization. A good example is the defense used by Royal Caribbean Cruise Line's in

[2] Douglas Frantz, in "On Cruise Ships, Silence Shrouds Crimes," New York Times, November 16, 1998, describes the pattern of response that was common at that time. Based on examination of court records and on interviews with cruise line employees, law enforcement officials, and passengers and their lawyers, the article suggests "...a pattern of cover-ups that often began as soon as the crime was reported at sea, in international waters where the only police are the ship's security officers. Accused crewmembers are sometimes put ashore at the next port, with airfare to their home country. Industry lawyers are flown to the ship to question the accusers; and aboard ships flowing with liquor, counterclaims of consensual sex are common. The cruise lines aggressively contest lawsuits and insist on secrecy as a condition of settling." Quoting a former chief of security for Carnival Cruise Lines, the article goes on: "You don't notify the FBI. You don't notify anybody. You start giving the victims bribes, upgrading their cabins, giving them champagne and trying to ease them off the ship until the legal department can take over. Even when I knew there was a crime, I was supposed to go in there and do everything in the world to get Carnival to look innocent.

a lawsuit following the rape of a sixteen-year-old girl in 1995; they suggested the girl's parents were to blame for the rape because they had failed to exercise reasonable care in protecting their daughter. Yet the same cruise line advertised several years later a "New Adventure Ocean Dining Program" under which children sailing on any of the line's could eat dinner with their favorite youth staff. It isn't clear whether the company would accept responsibility if something happened in these cases or whether they would again blame lack of parental supervision.

Preserving Evidence

Once a crime is reported, there are problems with preserving evidence – cabins are routinely cleaned twice a day[3], so much evidence is destroyed very quickly, and there is often a delay between an attack and landing at a U.S. port. Rape experts suggest that cases reported within seventy-two hours provide the best forensic evidence, but this time frame is difficult for attacks on a cruise ship. Victims are likely to delay making a report as long as they are onboard because of fear of reprisal and because there is no independent investigator or rape-treatment centre. If these assaults are reported, it is often too late for criminal investigation.

In those cases where a sexual assault is reported in a timely manner, victims and prosecutors have historically been faced with a common practice of cruise lines to immediately send the accused back home, purportedly because they have violated company policies that prohibit fraternizing between passengers and crew. Reporters for the Miami New Times[4] found that in each of five lawsuits against Carnival Cruise Lines they reviewed, the employee was swept out of the country immediately after the ship arrived in port. In one case, the employee was later rehired by the company, and was subsequently served with a summons while at the dock in Los Angeles. Carnival's lawyers successfully argued the Indian citizen couldn't be sued in U.S. courts because American laws did not apply to him: not only is he a foreigner, but the alleged crime took place in Barbados on a ship registered in Panama. The passenger's suit against Carnival Cruise Line was settled out of court. I cannot confirm one way or another the degree to which this practice of sending perpetrator home has changed in recent years, if at all.

Shipboard Culture

There are features of shipboard culture that are also relevant to consider. First, is that passengers come onboard a ship believing the cruise industry's mantra that a cruise ship is as safe an environment as one is going to find, and certainly safer than any city in the US. Parents allow their children to explore and enjoy shipboard life, not giving a second

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[3] In the homicide case of Diane Brimble, a woman who was drugged, sexually assaulted, and who died during the assault, the cruise line (P&O Australia, a subsidiary of Carnival Corporation) reportedly cleaned thoroughly the room where her body had been found, destroying virtually all evidence, but they evicted Ms. Brimble's traveling companion (her daughter) from her room, sealed the room, and disallowed her from removing any of her belongings even though the crime occurred elsewhere.

[4] See Korten, Tristram. "Carnival? Try Criminal: What happens when a female passenger is assaulted on a cruise ship? Not much." Miami New Times, February 3-9, 2000.

thought to risk because the cruise line projects an image that says there is no risk. Adults, as well, let down their guard, relax, and assume that onboard they are safe from unwanted approaches by crew members. Unfortunately, this may not be the case. There are many anecdotes that could be offered, however one may suffice. I was on a cruise ship a number of years ago where the Maitre d' would carefully assign women travelling alone to tables around the dining room and each night would make the rounds hustling these women. Based on the ship's manifest he assumed that economic class was related to the cost of the cabin they occupied and he would focus his attention most on those who he believed had the most money. Whether he assaulted any of these women is unknown, but the behaviour is one that in itself was a form of victimization. It is the type of situation which has led to some women traveling alone (and there are anecdotes to support this) choosing to avoid the dining room and taking their meals through room service. It is worth noting that the Maitre d's behaviour was well known among shipboard staff and officers and was a source of entertainment – others wondered who and how many is he going to sleep with on this cruise.

Shipboard culture also includes consumption of alcohol. There are many cases of assault where the victim was plied with alcohol before an attack (including under-aged passengers), or where the victim became inebriated on their own and with reduced defenses were assaulted. This isn't an indictment of alcohol and bars, but simply reflects a risk that is inherent in the ship's culture. Passengers on vacation, out to have a good time, have furthest from their mind the need to protect themselves from unwanted overtures from crew or officers. And the cruise line, again, encourages them that there is nothing to be concerned about.

One other relevant issue around shipboard culture and life is the fact that crew members live onboard, work long hours (in many cases 77 hours per week or more), and have limited opportunity for time ashore. The ship is their home and as in any small community a hierarchy exists. Assault involving crew-on-crew or officer-on-crew in many cases (like any sexual assault) are crimes involving domination and exercise of power – supervisors exploiting those they supervise; officers assaulting those who they know are unable or unlikely to lodge a complaint. The dynamic of these relationships is hard to get a handle on, but one female crew member who worked at a Purser's Desk provided me some insight. She explained her consensual relationship with the ship's Chief Engineer as her strategy for remaining free of assault – as long as she was in the relationship, she said, others lower in rank than the Chief Engineer would not harass or assault her. Those for whom she needed to be concerned was narrowed to a very few.

Community size

Community size is often considered a variable in the occurrence of sexual assaults. Small, rural communities often have rates considerably lower than large cities and the US as a whole. The figures we discussed earlier place a cruise ship with an onboard population of 4000 or 5000 people on the same plane as large US cities. I posit if we compared assaults on cruise ships with occurrences in towns and communities of

comparable size, that the rate on cruise ships would be even greater relative to "off cruise ships" than the data suggests.

Conclusion

Some may be tempted to argue with my conclusions regarding how much more at risk of sexual assault a person is on a cruise ship as compared to on land, however, whether one is 10% more likely to be sexually assaulted on a cruise ship or twice as likely isn't the issue. The numbers indicate that the cruise industry has a problem and they appear either unwilling or unable to deal with it. Placed in context, the issue of sex-related crimes onboard cruise ships was pushed into the national media in 1999 after Carnival Cruise Lines admitted in discovery hearings to receiving 108 complaints of sexual assault (including 22 rapes – 16 rapes of passengers by crew and 6 rapes in which one crewmember assaulted another) in a five year period; Royal Caribbean International indicated it had received 58 complaints in the same time period.

Apparently to improve the industry's image, four companies (Carnival Corporation, Royal Caribbean Cruises Limited, Crystal Cruises, and Princess Cruises) signed a letter in July 1999, under the auspices of the International Council of Cruise Lines, pledging zero tolerance of crime and a commitment to report all crimes involving U.S. citizens to the FBI. While the pledge is laudable, it appears that the commitment was focussed on how cases of rape are handled once reported; it obviously does not reduce the risk of assault, or to make reporting an attack easier. And it ignores that citizens of other countries also have rights – if a Canadian is assaulted it would technically not need to be reported to anyone and the cruise line could still claim its actions are consistent with its zero-tolerance pledge.

It is now eight years later and the problem of sex-related crimes on cruise ships continues to be a problem. It also appears from the stories of victims that the commitment to report all crimes on cruise ships has been forgotten or lost. The industry's inability to control itself suggests that legislative action is sorely needed in order to protect Americans against crime on cruise ships.

Another emerging issue is the disappearance of passengers (and crew members) from cruise ships. Unfortunately, the best data set of these events (see Table 2) is one I have developed based on passenger and media reports. I would hope in a short time that we will have a more comprehensive and accurate accounting of these events as well as of sexual assaults. Without accurate information we cannot adequately address the full breadth and scope of the problem.

Thank you for this opportunity to share my expertise and insights. I hope I have assisted the Committee in its deliberations and welcome questions and/or consultations as may be viewed as helpful.

TABLE 2: Cruise and Ferry Passengers and Crew Overboard, 1995 - 2007

Summary -- 2003 - 2007						
	2003	**2004**	**2005**	**2006**	**2007**	**Total**
Carnival Corp						
Carnival	3	4	5	5	1	18
Costa				1		1
Cunard		1	1	1		3
Holland America	2		1	1		4
P&O Australia	1		1			2
Princess	1		1			2
Seabourn				1		1
Crystal		1	1			2
RCCL						
Celebrity		1		1		2
RCI		3	3	4		10
NCL (Star)	1		1	2		4
Silversea		1				1
Other	1	1		6	1	9
Total	**9**	**12**	**14**	**22**	**2**	**59**
Source: Cruise Junkie dot Com						

Below is a comprehensive list of known cases of persons falling or jumping overboard since 1995. All accounts (unless indicated) were reported in a media source or in several cases were reported by private correspondence.

Date	**Ship** **Cruise Line**	**Incident**	**Disposition**
		2007 (2 incidents)	
March 16	Carnival Glory Carnival Cruise Lines	A 35 year old man was rescued approximately eight hours after jumping or falling overboard from the ship when it was 30 miles east of Fort Lauderdale. A witness said that the man, who was intoxicated, ran through a window and then fell 60 feet into the ocean -- it is not clear whether the window was open at the time. The ship was en route to Nassau and will arrive slightly behind schedule.	Person Overboard -- Rescued Alive
January 12	Harshavardhana Shipping Corp of India	According to Free Press Releases, a 30 year old man jumped overboard into the Bay of Bengal from a cruise-ferry between the Andaman Islands and Chennai (India). The man reportedly went alone to the upper deck and in frontof his co-passengers jumped off the ship into the sea.	Person overboard
		2006 (22 incidents)	
December 31	QE II Cunard Line	A 62-year-old female passenger from Germany, travelling with her husband on a 16 day Christmas / New Year's cruise from Southampton (London), was reported missing this morning while the vessel was traveling between Madeira and Southampton. A	Missing

		search of the ship and surrounding waters proved unsuccessful. The ship is due back to Southampton January 2.	
December 17	Enchantment of the Seas Royal Caribbean Internationa	A half dozen passengers have independently reported that an older male passenger was pulled out of the water after going overboard while the ship sailed from Cozumel toward its return to Fort Lauderdale. Reports indicate the man did not survive. There are no news reports or press releases regarding this indicent.	Person overboard
November 19	Seabourn Legend Seabourn Cruises	A male crew member (reportedly a worker in the galley) went missing and is presumed overboard. Search of the ship and surrounding waters proved unsuccessful and were called off after more than a full day. Readers at Cruise Critic report the following cruise will be delayed one day because the ship will now arrive in Fort Lauderdale 22 November. The ship's last port was Tenerife on 11 November.	Missing
November 18	Melody MSC Cruises	A 24 year old Samoan crew member who wasjilted by his girlfriend and a fellow crew member threw himself overboard while the ship was cruising off the Mozambique coast at about 2 AM. The girlfriend reported the "man overboard" and a recovery operation was undertaken. The bridge officers calculated where the man overoard would likely be based on currents, winds, and sea conditions -- at sunrise they found the man, alive, 500m from the anticipated recovery position (17 km from where the many had gone overboard). The rescue will delay the ships arrival in Durban by about 5 hours.	Person Overboard -- Rescued Alive
November 18	Isle of Inishmore Irish Ferries	A 57 year old man went overboard from the ferry near the end of its journey from Rossiare to Pembroke Dock. His body was found ina search, but he waspronounced dead on arrival to hospital. Police say there does not appear to be aby suspicious circumstances surrounding the death bu ttheir inquiries continue.	Person overboard
November 4	Carnival Conquest Carnival Cruise Lines	A 42 year old man fell/jumped from his balcony at approximately 11:00 PM. The ship did search and rescue and then search and recovery for 4 hours and then halted operations at 3:30 AM. Coast Guard helicoptors and several vessels (including oil rig barges) aided in the search and were later joined by a Coast Guard cutter -- they continued the search witout success. The ship resumed its course to Galveston, likely to arrive 3 or 4 hours late.	Person overboard
November 2	Century Celebrity Cruises	A 73 old British man travelling alone has gone missing from this 14 night transAtlantic cruise. The cruise began in Barcelona 30 October and ends 13 November in Miami. The passenger was reported missing 1 November after it appeared his room hadn't been used.	Missing
October 11	Norwegian Star Norwegian Cruise Line	A 35 year old women went overboard shortly after the ship left Cabo San Lucas. According to passengers, the ship turned around at about 7 30pm (after leaving Cabo at about 5.30) and conducted a search for about 2 hours but to no avail. There are reports that her body washed up onshore the following day, and some passengers report that she and her partner had an argument in public before she went missing. The ship was late in its arrival to Los Angeles, where the FBI boarded for an investigation.	Person overboard
September 28	Joseph and Clara Smallwood Marine Atlantic	A search has been undertaken for a man believed to have gone overboard from a ferry running a 160-kilometre route from Port aux Basque (Newfoundland) and North Sydney (Nova Scotia). A 54 year old man was determined missing after his car was unclaimed. A jacket containing car keys and a bag with personal belongings were found near the railing on the stern of the ship.	Missing
September 11	Imagination	A 35 year old woman was reported missing when the ship docked	Missing

	Carnival Cruise Line	in Miami after a four-day cruise to Key West and Mexico. The woman was reportedly least seen by relatives in the early morning hours of Saturday (10 Sept), several hours after leaving Calica.	
August 7		According to Greek News media, Coast guard officers rescued a 19-year-old man near the Ionian island of Corfu on Saturday morning after he fell overboard from an Italian cruise ship. A search-and-rescue mission was launched after Italian authorities informed the Greek coast guard that the man fell from the ship while it was sailing in international waters west of Corfu. He was taken to a hospital in Igoumenitsa, northwestern Greece.	Rescued
July 26	Voyager of the Seas Royal Caribbean International	RCI issued a statement that a 22 year old woman was missing from the Voyager of the Seas, sailing in the Mediterranean. The woman was last seen at approximately 12:30 a.m. Tuesday, when she joined her parents to sleep in their stateroom. At that time, the ship was sailing from Civitavecchia (Rome), Italy, to Naples, Italy. She was reported missing by her sister at approximately 7:30 a.m. Tuesday. A variety of onboard announcements and searches were immediately carried out, without success.	Suicide
July 15	Enchantment of the Seas Royal Caribbean International	From a passenger: On Saturday 7/15 there was a midnight buffet on the pool deck ... somewhere between 1 am and 4 am, my son heard that someone had fallen overboard or committed suicide. He said the ship stopped for approx. 1 half hour, and a lifeboat was put into the water. He asked several of the deck crew about it, and got the same response every time, "we aren't allowed to talk about it."	??Person overboard??
June 21	Imagination Carnival Cruise Line	CBS4 in Miami reports that a crew member was reported missing after not reporting for duty Tuesday afternoon. The ship was enroute from Miami to Grand Cayman on a five-day cruise. A search was conducted but without results.	Missing
May 26	Island Escape Island Cruises	A 52-year old woman traveling with her former husband went missing while the ship was between Sicily and Naples. She went to get a cup of tea at about 1AM and never returned to the cabin -- a search proved unsuccessful, however her body washed ashore in Calabia in southwest Italy on May 27. More info here and here	Overboard
May 27	Carnival Legend Carnival Cruise Line	A 35 year old male passenger jumped overboard in front of his wife and two young sons (5 and 3), apparently during an argument over onboard spending (gambling and alcohol). The ship was 650 miles offshore after leaving Tortola on its return to New York. A 12 hour search was undertaken without results. The May 28 cruise departed late because of the ship's late arrival.	Overboard
May 20	Inspiration Carnival Cruise Line	An 82-year old man who was traveling by himself went missing and, based on a note found, is presumed to have committed suicide.	Suicide
May 16	Mariner of the Seas Royal Caribbean International	A 21 year old man went overboard in an area between Cape Canaveral and the Bahamas. He was was reported missing by friends at 11AM when they found he hadn't slept in his bed. The US Coast Guard received the "man overboard" report around 7 PM and launched an aerial search along the liner's 120 mile long track. The man had reportedly been drinking heavily and video equipment shows him going over the railing at 2:16 AM.	Fall Overboard
February 19	Norwegian Jewel Norwegian Cruise Line	**From a crew member:** *One of the female crew jumped overboard and committed suicide ... she was 24 years old and pregnant, had found out her boyfriend who also worked on the ship had cheated on her. The whole thing is a huge "hush hush" thing on the ship, what crew were told, etc. and passengers have no clue"* The crew member was upset by how NCL was covering the story up and felt it should be "exposed" to further educate passengers ... S/he says	Crew member suicide

		what's more troubling is that this is the second staff suicide on the Jewel within 6 months; the other crew person hung himself in the closet.	
February 19	Amsterdam Holland America Line	A 30 year old crew member (galley worker) apparently fell overboard early Friday about 1100 miles northeast of Hilo. The ship was assisted by the Coast Guard in a search, which was called off mid-day on Saturday. The ship is now en route to San Diego and will arrive one day later than scheduled.	Crew member missing
February 8	Pride of Rotterdam P&O Ferries	A 21-year-old Polish man went missing while in the North Sea ferry. He was reported missing by friends when he failed to meet them. The man and his two friends had boarded the P&O superferry Pride of Rotterdam at Rotterdam about 9pm on Tuesday; he was last seen in the bar on board at about 1AM Wednesday.	Missing
January 5	Costa Magica Costa Crociere	A 15 year old female passenger from Ireland was reported to have jumped overboard at 2:10AM as the ship was making its way toward Cozumel. Reports from those onboard suggest the girl had been served many drinks at an onboard bar and was intoxicated. Shortly after she jumped, passengers threw lighted life vests into the water, the ship reversed direction, and a search was undertaken. The Mexican Coast Guard assisted in the search but the young woman wasn't found. **From a passenger:** *The young girl was extremely drunk. We (and others around us) called security many times because of the noise...they even came up at least 3 times to her room. She was partying with other kids in her family in that room.* *She jumped overboard (or fell when she bent over the rail to vomit). We know this because ser sister came screaming down the hall: "My sister jumped overboard! Help!" I thought it was more drunken antics until security got there and she started talking with them. My two-door-down neighbor heard her tell security that she got in a fight with her boyfriend earlier and also that the bar cut her off.* A passenger sent several photos of the search -- there's not much to see, but for those interested they can be viewed by clicking here. Another passenger sent a first hand account that paints a good picture -- it is here	Suicide or Accidental Fall
2005 (13 incidents; 14 persons)			
December 10	Jewel of the Seas Royal Caribbean International	A 59-year old woman's husband reported her missing as the ship pulled into Nassau at 1PM. She had last been seen at 9AM. A search of the ship and ocean was done, but she was not found. It is presumed she either jumped or fell overboard.	Unknown
August 7	Imagination Carnival Cruise Line	A 20-year old woman jumped overboard at 5AM -- she was subsequently found by another ship around noon and flown (alive) to Miami.	Rescued alive
July 5	Brilliance of the Seas Royal Caribbean International	A passenger onboard the ship for his honeymoon was presumed to have gone overboard in the Mediterranean. Cruise officials learned the man in his 20s was missing when the ship docked at Kusadasi on July 5. Investigations and media reports suggested foul play. For more information see here and here	?Foul play?
June 24	Elation Carnival Cruise Line	A 40-year old woman traveling with her husband and three teenaged children went missing off the Caribbean coast of Mexico at 11 AM. The ship conducted a full search where she was presumed to have gone overboard but was not successful in finding her. Though not explicitly stated, news reports imply she committed suicide. The FBI in time ruled there had not been foul	?Suicide?

		play.	
May 28	Norwegian Star Norwegian Cruise Line	**From a passenger:** *Security rushed by us while we were walking the deck. An obviously intoxicated man was straddling the railing and threatening to "end it all." Security latched on and removed him. Apparently, he had been drinking and losing in the casino for some time that night.*	Attempted suicide
May 12	Carnival Destiny Carnival Cruise Line	Two elderly passengers (aged 67 and 71) disappeared Thursday May 12th between 8:30 PM and 4 AM while the ship was going from Barbados to Aruba. Their couple's belongings were found in a pile on one of the decks, but this was consistent with what they did every night. The FBI investigated but the case was closed. The couple is presumed to have died at sea, but of unknown cause. It remains a mystery for the couple's family. See here for more info.	Missing
April 19	Queen Mary 2 Cunard Line	An 82 year old German passenger jumped overboard into the icy waters of the North Atlantic off Newfoundland's Grand Bank sometime in the evening. This is the second suicide this year on the Queen Mary -- the first was in January when a US passenger killed himself while on a Caribbean cruise (further details on the latter case are not available).	Suicide
April 14	Carnival Valor Carnival Cruise Line	There were multiple reports that a passenger jumped from the bow of the ship at about 3AM, reportedly after losing $10,000 at the casino. Crew observed the man going overboard and he was rescued about 45 minutes after the initial "man overboard" alert. There was an ambulance on the pier when the ship arrived at St. Maarten; his party was apparently not allowed to remain on the ship.	Rescued alive
March 29	Sapphire Princess Princess Cruises	A crew member is reported to have gone overboard while the ship headed to Singapore. A lengthy search proved unsuccessful.	?Suicide?
March 17	Majesty of the Seas Royal Caribbean International	A 29 year old cabin steward disappeared somewhere between Bahamas and Key West and is presumed dead. The case was brought to light when his family, on December 14, 2005, filed suit against RCI for $10 million accusing the company of not doing enough to find their son.	Missing
February 23	Crystal Harmony Crystal Cruises	A 49 year old man apparently fell overboard accidentally when the ship was 100 miles south of Ensenada (Mexico). About 6 AM kitchen crew saw the man fall from an upper deck and a life ring was thrown to him. He was pulled from the water 30 minutes later.	Rescued alive
January 8	Pacific Sky P&O Australia	A 24 year old man is jumped overboard while returning from a 10-day cruise to the South Pacific Islands. The ship was bound for Brisbane. The man "had been drinking all night and he ran outside and then jumped off the side of the boat."	Suicide
January 5	Statendam Holland America Line	A 73 year old man reportedly went overboard when the ship was near the Coronado Islands. (Source: cruiseserver.net)	Unknown
		2004 (12 incidents)	
December 9	Silver Wind Silversea Cruises	A crew member was lost at sea between Montevideo, Uruguay and Punta Arenas, Chile. The exact date was either December 9 or 10, 2004. Suicide note indicated marital complications. The event occurred at approximately 4AM and according to the captain, the ship was turned around and a two hour search was conducted to no avail.	Suicide
December 5	Carnival Pride Carnival Cruise	A 37-year old woman disappeared from the ship late Saturday evening while 30 miles off the Mexican coast. A search proved	Unknown

	Line	unsuccessful. There is question regarding whether foul play was involved. See here for more info.	
November 25	Celebration Carnival Cruise Line	A 54-year-old man was reported missing, possibly at sea, after the ship arrived home from a five day cruise to the Bahamas.	Unknown
November18	Carnival Conquest Carnival Cruise Line	Posters at Cruise Critic have reported a 60-year-old German man committed suicide by throwing himself overboard and into the water when the ship was in port at Georgetown, Cayman Islands.	Suicide
October 17	Brilliance of the Seas Royal Caribbean International	As related by a passenger at Cruise Critic: *We had left Livorno, (our third day on a cruise out of Bacelona) Italy and at about 11:30 PM the captain asked all passengers to gather at their assigned muster stations without lifejackets. A passenger had reported a large splash in the water and they weren't sure whether it was a person or an object -- they needed to account for all crew and passengers via a roll call. In the meantime, the ship was turned around and returned to the area where it happened. It took 2 hours at our muster stations before all passengers were accounted for. One employee was missing. Passengers were allowed back to their business, but the ship continued its search and was joined by other ships in the area, without success. We skipped Mykonos and proceeded to Santorini with an extra sea day since we lost too much time on the search. Later in the cruise, the captain told us that they had found a note indicating the crewmembers intent to kill himself. Thru crewmembers, the story was that he had just joined the crew (his first cruise) and was working with his wife on board. It appears that there was a love triangle situation of some sort (stories varied depending on who you talked to). It was sad and provided a little weirdness to the otherwise great trip.*	Suicide
September 4	Voyager of the Seas Royal Caribbean International	The Jersey Journal reports that a 67 year old woman committed suicide by jumping overboard after losing money in the casino. See the article by clicking here. On September 16, the paper reported: *There were indications she'd lost money in the casino on board and she came back to her cabin, went onto the balcony of the cabin, where she appeared to have put a chair against the railing, removed her clothing and went off into the sea below.*	Suicide
Aug 27 - Sept 3	Mercury Celebrity Cruises	A 40 year old passenger went missing the second day of the cruise. The cruise line calls the disappearance a suicide but the family thinks otherwise, especially given that the cruise line had withheld information from them. (See Arizona Republic, November 10, 2005, "Daughter vanishes while on Alaskan cruise: The strange disappearance of Miriam Carver) For more information see here.	Unknown
July 23	Fascination Carnival Cruise Line	A 37 year old passenger is suspected to have fallen overboard -- he was last seen at 3:30 AM, was reported missing at 7:00 AM, and did not disembark at the end of the cruise in Miami. The story is on-line at: NBC 6 - Miami and at the Sun Sentinel	Unknown
June 18	Queen Mary Cunard Line	A passenger disappeared during a Caribbean voyage from New York. According to Cunard, an investigation resulted in a determination of apparent suicide.	Suicide
March 22	Casino Cruise Ship	A 39 year old man boarded the Casino cruise ship at Palm Beach, Florida but didn't disembark. He is presumed to have been lost overboard. See Cruise Bruise.	Missing
February 9	Crystal Harmony Crystal Cruises	A crew member disappeared while the ship was en route to Fanning Island from Kailua-Kona. Security cameras show him leaving his hatch at 12:45 AM and he wasn't seen afterwards.	?Suicide?

January 16 (approx)	Serenade of the Seas Royal Caribbean International	**From a passenger:** *We were wakened sometime after midnight by searchlights outside our stateroom and then the Captain's voice asking people to stop throwing life rings overboard. We assumed some boisterous partygoers had got carried away, but as we were listening we realized there was a lot more to this than that. Someone had gone overboard and we could hear him from our balcony yelling, "help me, help me" -- that's a voice I will never forget. They were able to fish him out on a skiff and he walked from the skiff onto the ship under his own steam. The next morning, we saw him loaded into an ambulance at the dock in St. Thomas.*	Rescued alive
2003 (9 incidents)			
Late November	Coral Princess Princess Cruises	A kitchen assistant (new employee) jumped overboard and committed suicide shortly after the ship left Cozumel. According to an officer onboard: *he was a new guy, had only been on the ship a short time and he said he missed home a lot. People remembered him being very miserable and lonely. Our Captain was very sympathetic and held two memorial services for him so that many of the crew could attend.*	Suicide
August 20	Pacific Sky P&O Australia	A man jumped overboard after a drunken argument with his wife. The 52 year old man was rescued in a three hour effort in treacherous seas west of Noumea.	Rescued alive
May 18	Veendam Holland America Line	A 51-year old man was missing from the ship when it disembarked passengers in Vancouver. Given that he could not be found onboard, and the computer system indicates that he didn't leave the ship, the assumption is that the man fell overboard.	Unknown
May 11	Conquest Carnival Cruise Line	A 35 year old man fell from a 10th floor balcony between midnight and 1 AM. Initial searches for him were unsuccessful, but the body was found the morning of May 14th.	Accidental death
April 12/13	Celebration Carnival Cruise Line	A 31 year old man accidentally fell overboard in the Gulf of Mexico (8 hours after leaving Galveston) and was resuced 17 hours later by a passing cargo vessel.	Rescued alive
March 13	Norwegian Star Norwegian Cruise Line	A 24-year-old Filipino crewman fell overboard when the ship was 1000 miles south of Honolulu. His legs were cut by a cruise ship's propellers and he was listed in critical condition after transport to Honolulu by a Coast Guard C-130 Hercules airplane.	Rescued - seriously injured
March 11	Grigory Mikheev Oceanwide Expeditions	A male passenger disappeared from the tour ship near Cape Horn. Details are given at Cruise Bruise.	Missing
January 26	Elation Carnival Cruise Line	A 35 year old woman went missing following a fight with her husband. She was noticed missing the next morning by her husband when he woke in the morning.	?Suicide?
January 5	Statendam Holland America Line	An elderly man was suspected to have jumped overboard the night before disembarkation at San Diego following a roundtrip cruise from San Diego to Hawaii. According to a spokeswoman for Holland America Line, "'We're a 130 year old company and it happens very rarely, but it is not unheard of on a cruise ship' to lose a passenger."	Unknown
2002 (4 incidents)			
December 9	Norwegian Wind Norwegian Cruise Line	A woman was reported missing from a cruise ship that had spent the day in Hilo. Ship records indicate the passenger left the ship but hadn't returned. A search was underway.	Unknown
December 7 or 8	Brilliance of the Seas Royal Caribbean	Passengers were awoken in the middle of the night by the Captain who made an announcement a man had fallen over board. The ship turned around and started a search pattern. Mid morning he	Unknown

	International	announced that Coast Guard Helicopters from Puerto Rico were joining the search. The ship and the helicopters continued their search until the night time. The Captain then made an announcement that they did everything they could and were now proceeding on to Miami.	
August 29	Expolorer of the Seas Royal Caribbean International	A man jumped from the balcony on deck 8 into the sea after having an argument with his wife. The ship was about 1.5 miles from St. Thomas. The Coast Guard responded to a call at 9PM and the man was rescued alive.	Rescued alive
March 5	Norway Norwegian Cruise Line	Stewardess accidentally fell overboard and rescued after ten hours in the water. Port call at St. Maarten canceled.	Rescued alive
2001 (5 incidents)			
September 2	MS Harald Jarl	A 69 year old woman from New Mexico was thrown overboard by a former mental patient . The woman and her husband were on the third day of an 11 day cruise of Norway's fjords.	Murder
July 22	QE II Cunard Line	A 28 year old crew member (reportedly a chef) went overboard while the ship was 95 miles off the south west coast of Ireland	Unknown
March 4 - 11	Sovereign of the Seas Royal Caribbean International	After losing $9K in the casino as 23 year old man jumped overboard. The ship's Captain reported to passengers that the man had been picked up by a small gambling ship off Nassau, but this was never reported in the media.	Unknown
February 10	MS Patriot United States Lines	A 57 year old female passenger went missing between Kona and Honolulu (February 9/10). When the ship arrived in Honolulu her bed was made and her luggage, purse, and identification was in her cabin. See Cruise Bruise for more details	Missing
January 14	Sensation Carnival Cruise Line	A 19 year old man climbed over a railing and threatened to kill himself after an argument with his girlfriend. After his girlfriend pleaded with him to climb to safety, he complied, but slipped and fell into Hillsborough Bay (Tampa). He did not survive.	Accidental death
2000 (7 incidents)			
October 29	Enchantment of the Seas Royal Caribbean International	A 40 year old woman from Fort Lauderdale vanished while the ship cruised 140 miles off Fort Lauderdale. She was last seen in a ship hallway.	Unknown
August 18	Holiday Carnival Cruise Line	A 33 year old female passenger went overboard and missing when ship was near Los Angeles.	Unknown
July 31	Elation Carnival Cruise Line	A 42 year old male passenger went overboard and missing when the ship was off the coast of Mexico.	Unknown
April 28	Sovereign of the Seas Royal Caribbean International	A 43 year old man jumped or fell from the ship when it was about 10 miles east of Miami shortly after daybreak. His body was found in a search of the seas.	Unknown
April 11	Paul Gauguin Radisson Seven Seas	A 39 year old American tourist disappeared while the ship was between Tahiti and Raiatea.	Unknown
February 15	Sun Cruz II	A highly intoxicated man jumped overboard when the ship was approximately 14 miles west of Clearwater. His body was recovered by the Coast Guard 90 minutes after his disappearance was reported.	Unknown

February 5	Nordic Empress Royal Caribbean International	A 20 year old male passenger was rescued after spending 2 hours in the water. He was found about 12 miles northwest of St. Thomas where he fell from the ship.	Rescued alive
1999 (2 incidents)			
July 12	Grand Princess Princess Cruises	Princess reported a passenger missing in the Mediterranean. He apparently fell overboard from the private balcony in his cabin.	Unknown
July 5	Carnival Destiny Carnival Cruise Line	The cruise ship and Coast Guard ended its search for a 22 year old man who disappeared at sea after leaving the ship's nightclub. The ship was between San Juan and Miami. For more information see here.	Unknown
1998 (4 incidents)			
August 17	Westerdam Holland America Line	A 28 year old woman believed to be from Turkey jumped overboard after learning she was about to be fired. The ship was in Howe Sound en route to Vancouver when she leapt from the ship at 4:30 AM.	Suicide
April 24	Victoria P&O Cruises	A 77 year old British man was reported missing by his wife. The man has been seen at 11 PM when the couple went to bed byrt was not there when she awoke at 6AM.	Unknown
March 26	Rhapsody of the Seas Royal Caribbean International	A 23 year old woman was reported missing as the ship arrived at Curacao. She had last been seen at 4:30 AM sleeping in a chair on the balcony of the cabin she was sharing with her family. The family rejects the theory that she may have fallen or jumped overboard.	Unknown
January 9	Fantasy Carnival Cruise Line	A 35 year old man fell over the aft railing from the outdoor restaurant and lost at sea. Witness accounts conflict as to whether he was standing or sitting on a table when he lost his balance and fell over the railing.	Unknown
1997 (1 incident)			
June 15	Meridien Celebrity Cruises	A casino employee jumped overboard after a fight with his lover. The attempted rescue by the ship's personnel was delayed when the lifeboat got stuck and couldn't be lowered. A young passenger jumped into the water and held the man above water until the lifeboat arrived. Passengers on the ship were upset by the incident because the well-meaning passenger was reprimanded by the ship's Captain for interfering in the rescue attempt.	Rescued alive
1996 (1 incident)			
March	Celebration Carnival Cruise Line	A 23 year old male fell overboard, as the ship was steaming away from San Juan, as he was urinating over the side of the ship. He survived by swimming to shore.	Accidental fall
1995 (1 incident)			
February 19	Regal Princess Princess Cruises	A 14 year old Canadian boy jumped overboard after an argument with his parents. He left a suicide note before disappearing while the ship was off the Florida coast.	Suicide

Compiled by Ross A. Klein, PhD, Professor, Memorial University of Newfoundland

Statement of Charles E. Mandigo

Director, Fleet Security

Holland America Line Inc.

Before the

United States House of Representatives

Committee on Transportation and Infrastructure

Subcommittee on

Coast Guard and Maritime Transportation

On

Crimes Against Americans on Cruise Ships

Tuesday, March 27, 2007

Introduction

Mr. Chairman and members of the committee, on behalf of Holland America Line, I thank you for inviting me to testify before you today. I am the Director of Fleet Security for Holland America Line Inc. a Carnival company, a position I have held for nearly four years. As director of fleet security, I am responsible for Holland America Line's security programs and for compliance with all security directives by governments and other regulatory agencies as to terminal, ship, crew, and passenger security practices and procedures.

Immediately prior to joining Holland America Line, I served with the Federal Bureau of Investigation for twenty-seven years, working out of offices in New York, Chicago, Washington, D.C., and Seattle. Over the course of my career, I was responsible for cases involving all matters within the FBI's jurisdiction, including anti-terrorism, intelligence, and crimes on the high sea. In my final assignment, I served as special agent in charge of the Seattle office, where I was responsible for all FBI matters in the State of Washington. I hold an engineering degree from Cornell University, a law degree from the College of William & Mary, and an MBA in finance from the University of Chicago.

Holland America Line is one of a number of brands owned by Carnival Corporation & plc, which in total operates a fleet of eighty-two modern passenger vessels, serving worldwide markets. Carnival Corporation's various operating companies, which are members of the Cruise Lines International Association, include Carnival Cruise Lines, Princess Cruises, Holland America Line, Seabourn Cruise Line, Cunard Line, and Costa Cruises.

Holland America Line strives to provide a safe and secure cruise experience for its passengers and is committed to taking the measures necessary to ensure the security of its

passengers. To be sure, the cruise line industry depends on the satisfaction of its customers and safety and security is a fundamental part of that satisfaction.

Passenger Safety

The first step in preserving passenger safety is deterrence. In order to further the goals of deterring and preventing any incidents, the ships are equipped with, among other safety measures, X-ray, metal detectors, and hand wands, similar to those that one finds in federal government buildings or airports, as well as closed-circuit cameras.

Holland America Line recognizes the importance of ensuring the appropriate handling and response to any report of a possible crime. Accordingly, all crew are provided basic training in security. Crew members are instructed to report security incidents to the Security Department, allowing the Security Department to effectively cover all areas of the ships. The chief of security and his team have primary responsibility for responding to any incident. Members of the security force are trained in appropriate investigative techniques, such as crime scene and evidence preservation. Our security officers generally have backgrounds in federal and local law enforcement or military backgrounds with significant security and peace-keeping policing experience.

We recognize how important it is to report incidents to the appropriate law enforcement authorities. Holland America Line has worked closely with law enforcement to ensure that it complies with all applicable laws and regulations, and we work closely with our other Carnival brand lines as well as the Cruise Line International Association to ensure that best practices are in place. During my tenure with the FBI, I quickly learned that crime can occur anywhere. Cruise ships are no exception. Holland America Line takes operational security aboard its vessels seriously and cooperates closely with its flag and port States to report and investigate

security incidents as appropriate. In short, the safety of Holland America Line's crews and passengers is our highest priority.

I appreciate the opportunity to appear before the Committee and am happy to answer any questions.

American Society of Travel Agents
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800.ASK.ASTA

askasta@astahq.com
www.ASTAnet.com

March 26, 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, March 27, 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.

Yet, based on the data produced at Congressional hearing last year, more than 31 million people sailed on cruise ships during the years 2002-2005 with a little more than 200 complaints of criminal activity associated with the ship experience.[2] This data indicates in objective terms that the risks of traveling

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[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.

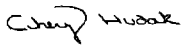
[2] The complaints included 24 missing person situations which may not have involved criminal conduct.

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 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.

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

FOR THE RECORD

March 27, 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 March 27, 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.

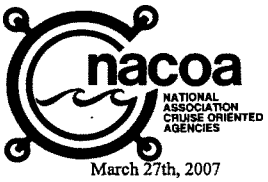
Yes, there have been isolated incidents with crimes against Americans onboard cruise ships, more often caused by other Americans, and the cruise industry has not been perfect in the past as there have been instances between crew members and passengers, but in reality, statistics absolutely reinforce 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



March 27th, 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:

Representing the National Association of Cruise-Oriented Agencies (NACOA), we ask that this statement be included in the record of the Subcommittee's hearings, March 27th, 2007, regarding cruise safety issues.

Thank you for your concern about crime onboard cruise ships but, in our judgment, there is no systemic problem.

More than 90% of cruises are sold by travel agents, due to the complexity of matching clients to the great variety of ships and itineraries. As travel agents, we depend on client satisfaction for our livings. We strive to place clients on safe, comfortable cruises from which only pleasant memories linger. We follow up with clients regarding highlights or any dissatisfaction from their cruises. Crime issues simply do not make the list.

It is in the cruise lines' best interests to offer safe, secure products. The cruise lines have strict rules regarding escort requirements for teens and very young adults to cruise. Onboard security is unobtrusive but extant. Cruise line employees are pre-screened and pre-trained before working onboard. In our experience, cruise lines are the most proactive segment of the travel industry on safety issues. We understand that Cruise Line International Association (CLIA) members, covering almost all cruises emanating from North America, report 100% of onboard felonies involving US citizens globally to the FBI. This belies any concern of hiding crime.

The best bellwether is the public and travel agent community's confidence in cruising. Clients return to cruise vacations at far greater percentages than to any other form of vacations. The number of North American cruises passengers increase annually at about 8% over the prior year's figures. Cruise tourism remains the fastest growing segment of the travel industry.

Our clients are told: "By embarking on his/her travel, the traveler voluntarily assumes all risks involved with such travel, whether expected or unexpected." By cruising, a traveler's risks fall below that of visiting America's safest cities.

We are at your disposal for further information on this subject.

Sincerely yours,

Mary S. Brennan
Mary S. Brennan, ECC
Legislative Representative

Donna K. Esposito
Donna K. Esposito
President

7600 Red Road, Suite 128 • Miami, Florida 33143 • Tel: (305) 663-5626 • Fax: (305) 663-5625

March 27, 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.

1650 King Street, Suite 450
Alexandria, Virginia 22314
Telephone: (703) 548-6815 * www.vacation.com

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

1650 King Street, Suite 450
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Telephone: (703) 548-6815 * www.vacation.com

March 25, 2007

United States House of Representatives

Committee on Transportation and Infrastructure, Republicans

Subcommittee on the Coast Guard and Maritime Transportation Subcommittee

Statement for the Record in Support of the March 27, 2007 Testimony of International Cruise Victims Association (ICV) Members at the Oversight Hearing entitled,

" Crimes Against Americans on Cruise Ships."

Congressional Action Needed on Cruise Ship Safety & Security

While my wife and I were on the Carnival ship Destiny, traveling to Aruba on May 12, 2005, an elderly couple vanished without a trace. We are interested in pushing for congressional hearings on what safety and security procedures exist for customers of travel companies in the Caribbean and South America. We saw no involvement by any type of law enforcement for the final 3 days of our cruise until leaving the ship on May 15, 2005 when we were all given flyers about the missing couple. What security/safety plans and or personnel existed to prevent incidents like these in the future and were they followed. Who is in charge of our safety and security? While in St. Maarten, the local people talked to us about the problems caused by the growing drug trade in the islands. The islands seem to be the halfway point for a lot of the drugs coming to the U.S. The increase in the drugs coming through the islands may have caused a sharp increase in crime.
Our hearts go out to all the families who have lost loved ones. I hope to speak on behalf of the thousands of passengers who have suffered indirectly by being on Cruise ships with inadequate safety and security procedures. Our cruise was ruined because of the lack of concern and action by Carnival to assure our safety. We feared for our own safety during the last three days of our cruise. We are sure that crewmembers looked through our drawers and our safe while we were out of the room but we found nothing missing. I also wish to represent the tens of millions of future passengers who could be put at risk if corrective action is not taken. It is important to help solve the individual cases but we need to look at the big picture and work towards prevention. We believe that congress should have hearings on passenger security and safety while on ship and on shore. We sent a letter to Senator Levin and Congressman Stupac on July 29, 2005 asking for Congress to get involved. (See Exhibit 1)

1 - We have created a blog for us to post information about the problem with safety and security on cruises. Hopefully, other people who were on our cruise or other cruises with similar experiences involving lack of security will post information. Feel free to give it out. It is: http://safecruise.blogspot.com/

2 - As mentioned on the Scarborough Country, the Cruise Lines are quick to blow off the idea of foul play and point to drinking or suicide as the cause. The elderly couple who vanished were not engaging in any risky behavior, unlike Natalie Halloway and George Smith. There was nothing in their history that pointed toward a double suicide.

3 - Coincidentally, our local TV station had a cruise in January 2005 arranged by a local travel agent. The cruise line cancelled one of their ports of call at the last minute because a couple had gone on a sanctioned shore excursion a few weeks before and disappeared while on shore in Venezuela. This seems to be an ongoing policy by the cruise lines to cover-up crimes and accidents involving their customers.

4 - Over 70 people have gone overboard since the year 2000. Last year was the worst yet with 22 persons going overboard. http://www.cruisejunkie.com/Overboard.html When will the cruise lines take steps to improve safety and security for the millions of passengers they have each year. And it does not include those that have disappeared while on shore excursions or at ports of call. No government or organization maintains statistics on crimes reported by passengers or crewmembers. This must be started.

5 - Royal Caribbean IS PROUD (and enriched) to be UnAmerican:

NO SHIRT! NO SERVICE!

NO TAXES! NO FREE SERVICES!

I would bet that over 95% of the passengers on RCCL are Americans. I would not call that "incidental." Maybe if we all got dual citizenship between the U.S.A. and Liberia, we could all avoid paying income taxes. Since Royal Caribbean and Carnival are exempt from paying income taxes to the U.S., should they also be exempt from receiving free services from the U.S. Coast Guard, the FBI, Customs, U.S. health agencies, U.S departments that maintain the safety and security of the ports, etc? I believe we should be charging all cruise line companies some hefty fees for all of the American services they receive for free. Avoiding American income taxes lets Carnival and Royal Caribbean keep another half billion dollars in profits, giving these foreign corporations more money to interfere with the American political process by funneling millions of dollars into lobbying efforts and campaign donations. This prevents any meaningful legislation from being passed that might increase their taxes, port fees, or safety and security responsibilities. That's why they have little liability for the 47 people who went overboard since the year 2000 and

On his news show Joe Scarborough stated that Cruise ships should be required to be flagged in the United States if they have American Ports of call. Unfortunately, this will never happen. They don't even pay taxes. Will Carnival provide better safety and security for those housed on board the ships contracted by FEMA for six months than they

do for regular cruises? It might be worth interviewing some of the people staying on board for several months. Carnival, which is headquartered in Miami but incorporated for tax purposes in Panama, paid just $3 million in income tax benefits on $1.9 billion in pretax income last year, according to company documents. This is the same as if I made $100,000 last year and only had to pay $75.00 in taxes. "That's not even a tip," said Robert S. McIntyre of Citizens for Tax Justice. U.S. companies in general pay an effective income tax rate of about 25 percent, analysts say. That would have left Carnival with a $475 million tax bill. No wonder the FBI does want to investigate incidents on Carnival ships. If Carnival paid the $475 million in taxes they should pay, the FBI could afford to have an agent on each cruise to monitor safety and security. (Personally, I believe that state, local, and Federal government agencies should not give any contracts for Hurricane repairs or anything else or do business with any companies that have headquarters outside the United States and funnel their profits off shore to avoid taxes)
http://www.msnbc.msn.com/id/9507503
Maybe we should charge them increased fees for each American passenger and use the funds to put a safety and security program in place. Congress should act to assure the safety of all passengers in the future by requiring background checks for some passengers and all crewmembers. Perhaps an "Amber" type alert for everyone on the ship and nearby ships within minutes of someone going overboard. Perhaps a sea Marshall program like the air Marshall program. Vacationing and retired civilian and military law enforcement personnel could have free cruises to help monitor and investigate security and safety problems. They should have authority to deal directly with the FBI or other government agency.

6 - Someone seems to be getting away with murder. If I ran a bar and called 911 to report that a gentleman fell against the wall in the back of the bar, split his head open and died, do you think I could ask them just to send over a hearse and take the body to the morgue? I do not think so, but that is what the cruise line is getting a way with. I will go to jail for tampering with a possible crime scene. Even if it were an accident, I might be liable and I am not the one to make such a judgment. The cruise companies seem guilty of aiding and abetting criminals. They are an accessory before and after the fact and should be prosecuted as such. It they are preventing countless crimes and accidents from being solved they are also permitting criminals to go free and commit additional crimes and they are avoiding liability for lax safety and security measures. We must demand through our Congressman that charges be filed against the Cruise lines. They are liable if the destroyed evidence and the crime cannot be investigated. Even if there was no crime they are liable because of safety problems.

7 - The people who do know what actually happened on the ship before, during, and after Mr. Smith's and other peoples disappearances would be the crew members, including stewards, bartenders, waiters, etc. There's is always at least a half dozen crewmembers and stewards working each floor at any one time. They watch everyone as they come and go, know their habits and patterns and have access to the cabins. Waiters always know what is going on between guests in a restaurant, bartenders always know intimate details about bar patrons, and hotel staffs always know what is going in the hotel. What kind of background checks are done for crewmembers? The government should also ask for and analyze statistics

on the number of crimes and accidents that happen to crewmembers. If the crew is not safe in the under belly of the ship then the passengers will not be safe either. I will bet you that the crewmembers working on the ship when Mr. Smith disappeared have since been fired and their records destroyed. Since 6 people have disappeared from Carnival ships in the last year, I think it would be appropriate to cross check and compare the list of crewmembers and passengers between the ships involved. It is just not those directly involved in the disappearances that are affected. Every passenger on each ship had their vacation ruined by the cruise line ability to ignore common law enforcement and safety procedures. We spend three more days on the ship after the couple disappeared on May 12, and we did not feel safe and we felt a little guilty that not more was done to help them and their families.

Things We Think Congress Should Investigate

Congress should act to assure the safety of all passengers in the future by requiring background checks for some passengers and all crewmembers. Perhaps an "Amber" type alert for everyone on the ship and nearby ships within minutes of someone going overboard. Perhaps a sea Marshall program like the air Marshall program. Vacationing and retired civilian and military law enforcement personnel could have free cruises to help monitor and investigate security and safety problems. They should have authority to deal directly with the FBI or other government agency. There currently is no central database of crimes and accidents experienced by passengers or crew. The current lack of safety and security is not acceptable especially after 9/11. I have already asked our Congressman and Senators to look into a solution.

The International Council of Cruise Lines <http://g.msn.com/9SE/1?http://www.iccl.org/&&DI=293&IG=b78ad63a55174c39988706390a031c8f&POS=2&CM=WPU&CE=2&CS=AWP&SR=2> spends millions of dollars lobbying congress to help the cruise companies avoid taxes, fees, and good safety and security regulations. The ICCL and the cruise companies and their employees donate lots of money to political campaigns also and use their advertising dollars to make things easier for themselves. 47 overboard since 2000. How many more must die. And let's not call them disappearances; let's call them deaths unless the cruise lines can prove they are alive. Maybe we should be boycotting the cruise lines instead of Aruba. Let's find a positive way to prevent these types of tragedies in the future. See Exhibit 2 and www.projectsafecruise.blogspot.com <http://www.projectsafecruise.blogspot.com/> for a simple solution that you can participate in and www.cruiselinelobbyistrelatedtoabramoff.blogspot.com <http://www.cruiselinelobbyistrelatedtoabramoff.blogspot.com/> for information about a connection between lobbyist for the cruise lines and the Abramoff scandal. How much money changed hands to limit or prevent good security and safety procedures on cruise ships? More cover-ups. How many more must die. And it is not the number of deaths it is the fact that hundreds of crimes are not prosecuted because the cruise lines destroy evidence and contaminate crime scenes. Law enforcement personnel not the cruise lines should be investigating all reports of crime and safety problems on the ships. The cruise lines

should not be given the opportunity to cover up for their lack of safety and security actions or for crimes committed by the crew. A common element of each disappearance and in other cruise ship crimes and safety incidents is the lack of good evidence and/or successful investigations. Few if any crimes have been prosecuted. While on a cruise vacation, American citizens have a right to have an independent law enforcement person on each ship that they can immediately report crimes and safety problems. It has been suggested that cruise ships are small floating cities. They should have law enforcement available just the same as a small city

Sincerely,

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Exhibit 1 - Letter Sent to Senator Levin Asking for Investigation on Cruise Safety and Security

July 29, 2005
The Honorable Senator Carl Levin and Congressman Bart Stupac:

Thanks again for the service you provide to all Americans.
My wife and I started a seven-day cruise in San Juan on the Carnival Destiny, May 8, 2005. On the evening of May 12, the information desk used the public address (PA) system 7 or more times throughout the evening asking for Hue Pham and Hue Tran to report to their counter. We were awoken by several of the announcements. Then around 3 AM the next morning we were awoken abruptly by a knock on our cabin door. The steward flashed a photocopy of the couple's passport pictures to us and asked if we had seen them on the ship. He then asked to search our cabin. And it was clear he was not trained for this. He did not do a very thorough search. We went back to sleep and the next morning we awoke around 8 IS, the time we were supposed to dock in Aruba, but there was no land in sight. We also felt that the ship was going the wrong direction. The entertainment director did not make the normal announcement early that morning but he did make an announcement on the PA after 9 am that the shipped had turned around and headed back to the

location where the couple was last seen. They expected to arrive at the location around 1 PM. The ship would be assisting the US Coast Guard and the Venezuelan Navy in the search. He seemed to be mostly concerned that we would have to cancel our stop in Aruba and that the ship would search until the Coast Guard released them to leave the area. If the ship was released by 2:30 PM, we might be able to stop in St. Maarten instead of Aruba. He said they would get a revised list of fun-time activities out to the passengers as soon as possible. In a later announcement, he said that the ship was released in time to make a stop in St.Maarten instead. The mystery of the missing couple was the talk of the ship the rest of the cruise. No one really knew if there was foul play and whether anyone else might be in danger. Since we continued on to St. Maarten, everyone assumed that they found the couple or their bodies. Some were so concerned that that had a petition for people to sign complaining to Carnival about how they handled the situation. We got no more information from Carnival about the status of the couple until we got off the ship at San Juan on May 15. We got flyers to report anything we knew to the FBI office in San Juan. And there was a poster at the customs counter saying the same thing. Several concerns that my wife and I have are: We would like to obtain a copy of the FBI report and status of the investigation involving the couple that disappeared from our cruise ship on May 12, 2005. Please let us know which Federal government authorities and protocols are available for"
1 - Immediately starting an investigation when such an incident occurs,
2 - Reviewing and monitoring security and safety plans and procedures developed by cruise lines and other travel companies,
3 - Accepting complaints when citizens believe the investigations of such incidents have been mis-handled,
4 - Maintaining statistics and databases of known incidents along with the final results of any investigations, The lack of safety and security for American travelers and passengers are increasing and congressional oversight and/or hearings may be warranted. What steps is the government taking to prevent deaths and injuries in the future? We believe that someone in the government should also maintain a database of criminal, safety, and health problems involving crewmembers. Steps should be taken to improve their situation also, as it eventually will affect the safety of the passengers. How many deaths or injuries involve crewmembers each year? If the federal government cannot improve the safety and security of American passengers on cruise ships having American ports of call, then travelers should be advised to avoid them. We think that all travelers to the Caribbean and South and Central America should be educated by the US Government and the airlines, travel companies, hotels, or cruise lines about what security measures are in place while they are traveling. During the balance of our cruise we heard nothing from official government law enforcement officials or security staff from the cruise line. We believe that security/safety staff should advise the captain and crew what measures to take and what information should be given to travelers. It is very sad that all we heard from were the entertainment staff. It did not make passengers feel very safe or secure. We still do not know what happened to the missing couple. Was there foul play? Was a crewmember involved? Were there any suspects? Who is in charge of the investigation? If they cannot tell us anything they should at least tell us that they are working on it and cannot release info at this time. Based on the fact that the couple did not show for an event and they had no history that would suggest suicide, the ship should have been turned around much

sooner and maybe all the passengers should have been asked to help watch the ocean. Just like all of the people in Aruba have helped in the search for the missing student. What if we had fallen overboard, would Carnival have turned the ship around soon enough to make an honest search for us? It doesn't seem so. It makes us feel selfish and hedonistic if the Cruise Company thought all we cared about were playing, drinking and eating. The last night of the cruise is the big bingo game where one of the prizes is another cruise. I suggested to the assistant entertainment director that Carnival should tell the passengers that all proceeds from the bingo game would be donated to the missing couple's family. This would at least alleviate some of the pain and anguish that we now have about not being able to help the family in some way. It is a loss for all of us. The cruise staff treats the passengers on board like we are all one family and we should be able to act as such. The entertainment should not be in charge until after the situation was resolved.

Some unanswered questions:

What do security and safety experts say about the possibility of two people going overboard from a large ship unless it was deliberate act such as foul play or suicide? Did the Captain or trained law enforcement personnel make a decision that foul play was not involved? It would be a conflict of interest for Carnival to make this determination. They would lose business if the incident were a result of lax safety procedures or security protocol or a crime, could Carnival be covering up bad or inferior work done by their crew? Having been a passenger on the ship, I could not think of anyplace on the ship where two elderly people could get in a situation to fall overboard. Could Carnival be covering up lack of safety and maintenance? Where and how could they have gone overboard both at the same time? How many security cameras were on the ship and what did they show? Why did the Captain wait so long to turn the ship around to look for them if they were reliable stable individuals? Why were passengers allowed to get off the ship in St. Maarten the next day without questioning a sample of passengers? What passengers got off the ship in St. Maarten and did not back on? Why did the Captain wait three days before informing passengers to contact the FBI? (And right during the confusion of disembarking?) Why was the local newspaper unaware of the problem until I called them on 6/10/05? Shouldn't the FBI have interviewed random groups of passengers before we disembarked? There was no sign that law enforcement was involved until three days later when we got off the ship in San Juan. Should the FBI be contacting some of the passengers by phone or mail? Shouldn't there be more publicity to get more information to solve the mystery and help prevent future occurrences whether it is a crime, an accident, or lax safety or security procedures? What kind of criminal background checks are done by Carnival before they hire crewmembers? Why was none of the luggage checked by law enforcement before we got off the ship? Too much time has elapsed before a proper investigation was done, just like Aruba took too long to question, and arrest the persons who were actually seen with the missing teen and before vehicles and other evidence was gathered. Incidents like these should be extremely rare and we should do everything in our power to make it so such as educating the public about security and safety on ships and in other countries in our

hemisphere. Perhaps, all travelers should be given a pamphlet on what to do in certain situation to prevent or report criminal and safety problems. And who is responsible to investigate or solve them. I am asking you to have the government take steps to prevent these accidental and/or criminal deaths in the future.

A good resource for facts and statistics on cruise accidents and deaths and for a better overview of the growing, widespread problem of safety and security for cruise passengers is located at http://www.cruisejunkie.com/ In real life Cruise Junkie (Ross Klein) is a 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.

.
Even though I do not believe that this is the work of a serial killer, I suggest that it be investigated as if it might be by cross-checking passenger and crewmember lists and suppliers, vendors, etc. You should also get statistics on the number of extent of violent and non-violent crimes reported by and among crewmembers of the cruise ships. What kind of background checks and security clearances are maintained. The cruise lines should have millions of minutes of security camera videos not to mention spending logs and photos of all passengers, including in-depth data on social security numbers, passport numbers, emergency contact names, phones and addresses. These could be run against international crime and identity theft databases. Perhaps, some patterns might emerge and point to a common thread including systemic problems with ineffective or non-enforced security action plans and safety procedures. I think it also important to see if any agencies or groups keep statistics on the amount of crime, health problems, or accidents involving crewmembers. They work for low pay under slave like conditions. The media and the government must do what they can to prevent future deaths of travelers. The bottom line is the cruise and travel companies are liable whether the deaths were caused by security or safety problems. Pay particular attention to cruisejunkie.com and stories written by Bryan Harris carried by the Miami Herald.
6 People Die on Carnival Cruises in 1 year Scarborough Country Covers:
2 more People Vanish from Royal Caribbean and Carnival Cruise Ships:
http://www.msnbc.msn.com/id/3036789
Mediterranean mystery <javascript:oMvsLink(> Jul. 14: George Smith and Jennifer Hagel where a young Connecticut couple on a Mediterranean cruise for their honeymoon. The 26 year-old Smith vanished as the ship sailed between Greece and Turkey. Is this a crime or an accident? Joe Scarborough investigates with Hartford, Connecticut's NBC Station WVIT reporter Lisa Salvati. <javascript:oMvsLink(> The Houston Chronicle <http://www.chron.com/cs/CDA/ssistory.mpl/front/3241194> reports that a 40-year old woman traveling with her husband and three teenaged children went missing off the Caribbean coast of Mexico at 11 AM. The ship conducted a full search where she was presumed to have gone overboard but was not successful in finding her. Though not explicitly stated, news reports <http://www.herald-coaster.com/articles/2005/06/27/news/news01.txt> imply she committed suicide. Unrelated is that the ship lost power and was adrift for an hour around mid-day on Saturday (June 25).
http://www.sciencedaily.com/upi/?feed=TopNews&article=UPI-1-20050713-12451400-bc-us-honeymoon.xml

Blood found in missing man's boat cabin
<http://www.sciencedaily.com/upi/?feed=TopNews&article=UPI-1-20050713-12451400-bc-us-honeymoon.xml>
American honeymooner vanishes on Mediterranean cruise
<http://www.usatoday.com/travel/news/2005-07-14-cruiser-vanishes_x.htm>
USA Today - 9 hours ago... of Aruba for an Alabama teen missing since May 30, an American honeymooner has disappeared under mysterious circumstances while on a Mediterranean cruise. ...
Court
<http://news.webindia123.com/news/showdetails.asp?id=86227&cat=World>
rules
<http://news.webindia123.com/news/showdetails.asp?id=86227&cat=World>
for disabled cruise passengers:
<http://news.webindia123.com/news/showdetails.asp?id=86227&cat=World>
(07 June 05) A divided U.S. Supreme Court Monday ruled 5-4 foreign cruise lines that use U.S. waters must improve access and facilities for disabled passengers.

Science Daily (press release) - Jul 13, 2005... Court rules for disabled cruise passengers (June 6, 2005) -- A divided US Supreme Court Monday ruled 5-4 foreign cruise lines that use US waters must improve ...

Therefore, the U.S. should be able to force cruise ships to establish and follow effective security & safety plans.

Relatives and loved ones seek cruise lines' support
<http://www.bizjournals.com/account/sign_in?uri=/jacksonville/stories/2005/06/06/story2.html>
John Mizener recently found a letter from Carnival Cruise Lines
<http://www.bizjournals.com/search/bin/search?q=%22Carnival%20Cruise%20Lines%22&t=jacksonville> in his mailbox offering his wife a chance to win a free cruise. Annette Mizener, 37, has been missing since she disappeared off the Carnival Pride Dec. 4 as the ship sailed near Ensenada, Mexico.
http://www.bizjournals.com/account/sign_in?uri=/jacksonville/stories/2005/06/06/story2.html

I am also interested having Congress take action to improve safety and security procedures for customers of travel companies in the Caribbean and South America. The entertainment director on our cruise bragged that the US Health Department had examined the kitchens and food service on the ship a few days earlier, yet we see no involvement by US authorities when two people disappear. We saw no involvement by any type of law enforcement for the final 3 days of our cruise until leaving the ship on 5/15/05 when we were all given flyers about the missing couple. What security/safety plans and or personnel existed to prevent incidents like these in the future and were they followed. Who is in charge of our safety and security? Please encourage broaden your coverage of tourist safety and security: Investigate, inform, instruct, and improve. The increase in the drugs coming through the islands has caused a sharp increase in crime. While in St. Maarten, the local people talked to us about the problems caused by the growing drug trade in the islands. The islands seem to be the halfway point for a lot of the drugs coming to the U.S. This coupled with the news reports by Bryan Harris of JTA Global News Service for Jewish People: ACCIDENTS,

CRIME TAINT TOURISM Source: BRIAN HARRIS, Special to the Miami Herald Costa Rica has just closed the books on its most successful tourist high season - November through April - on record. But the crush of tourists also kept police and morgue authorities busy. The latest deaths came May 4 when David and Carole Mahkne of Cape Carancua Bay, Texas, drowned after their sport fishing boat was apparently tossed by a wave. Details of the incident are sketchy but apparently neither was wearing lifejackets despite being in a treacherous river mouth.Published on May 16, 2005, Page 13A, Miami Herald, The (FL) <http://www.jamaicaobserver.com/news/html/20050516T220000-0500_80630_OBS_ELDERLY_COUPLE_DISAPPEAR_AT_SEA_DURING_CARIBBEAN_CRUISE.asphttp://www.jamaicaobserver.com/news/html/20050516T220000-0500_80630_OBS_ELDERLY_COUPLE_DISAPPEAR_AT_SEA_DURING_CARIBBEAN_CRUISE.asp" ?

Exhibit 2:

Press Release: PROJECT SAFE CRUISE - A Win/Win Solution to Cruise Disappearances and other Crimes

Here is a copy of the Challenge we wish to direct towards the cruise lines,

Now posted at www.safecruise.blogspot.com <http://www.safecruise.blogspot.com/> and www.safecruise.blogspot.com <http://www.safecruise.blogspot.com/>

In memory of all families and individuals that have suffered any type of loss

while on a CRUISE VACATION, we Challenge

All cruise line companies,

The International Council of Cruise Lines (ICCL),

Owners,

Stockholders,

Employees,

All media organizations,

Interested members of the public,

Members of Congressman Shays subcommittee and related government agencies,

And all related business; including but not limited to travel agents, hotels, airlines, suppliers, tourist groups, gift shops, restaurants, tour companies, and advertising firms

To participate in, support, and/or sponsor Project Safe Cruise, a joint government and private sector demonstration project. Project Safe Cruise will consist of a one week cruise in 2007 that will showcase the type of security and safety system that could be put in place by cruise lines to insure the safety and security of all passengers and crew and at the same time preserve evidence of crimes and/or accidents. We must focus on a positive solution that will benefit all parties involved and prevent future tragedies. If you are interested in learning more and perhaps joining the cruise or if you represent the press or would like to sponsor or help plan the cruise or if you have had similar experiences involving poor or non-existent safety and security procedures on a cruise please leave contact information in the comments section of www.projectsafecruise.blogspot.com <http://www.safecruise.blogspot.com/> or www.safecruise.blogspot.com <http://www.safecruise.blogspot.com/> Or send an email to safecruise@hotmail.com or to projectsafecruise@hotmail.com <mailto:safecruise@hotmail.com>

With the help of former FBI and NYPD law enforcement experts, we ask you to do this as a way of honoring the 75 people who have gone overboard since the year 2000. Most of whom are presumed dead.

Each year the cruise lines and their employees:

* Take in billions of dollars in profits
* Spend millions of dollars on advertising
* Spend over ten million dollars on lobbying
* Donate untold monies to various political campaigns

We believe the cruise lines are able and are in fact obligated to invest in a project that could pay dividends to all parties involved in the cruise ship safety and security issue, including the cruise companies and related business, victims and their families, government oversight agencies, and all future passengers and crew.

We acknowledge that cruise lines have security and safety procedures in place. However, we also believe that there is an urgent need to enhance them for the following reasons:

* The number of people overboard has increased significantly in the last five years.
* A common element of each disappearance and in other cruise ship crimes and safety incidents is the lack of good evidence and/or successful investigations. Few if any crimes have been prosecuted.
* Overnight cruise ship operators carry close to ten million passengers on over 90 ships that call on hundreds of ports worldwide.
* While on a cruise vacation, American citizens have a right to have an independent law enforcement person on each ship that they can immediately report crimes and safety problems.
* It has been suggested that cruise ships are small floating cities. They should have law enforcement available just the same.
* The need for enhanced security will grow over time as the number of "first time" passengers increase. They, especially, should be informed about the rights and protections available to them while on the open sea or on foreign soil.
* There currently are no reliable, in-depth, or up-to-date statistics on the number, type and frequency of cruise crimes and

accidents among passengers or crew. These need to exist so that trends can be monitored and improvements put in place to reduce the number of tragedies.

* There are growing threats in the form of bird flu and other illnesses, terrorist threats, and pirate attacks that underscore the need to have personnel in place that have the expertise, the experience, the training and authority to act, communicate, investigate, and monitor incidents quickly and effectively.

Mysteries may be good for books, movies, and television shows but they offer no comfort or closure to those who have lost loved ones. We offer our support and prayers to all families as they struggle to resolve the tragedies of the past. Although we will never be able to prevent all deaths, crimes, or safety incidents that occur on cruise vacations, we can make a difference. And we can at least put a system in place that offers assurance to each and every American passenger that everything humanly possible was done to protect and/or save his or her friends and family while on a cruise vacation. A brief description of Project Safe Cruise is provided below. Specific dates, details, and additional information will be posted at www.projectsafecruise.blogspot.com <http://www.projectsafecruise.blogspot.com/> when it becomes available.

Project Safe Cruise could be a win-win solution for parties on both sides of the cruise ship safety issue. Look at it as an outside the box idea, a partnership if you will. Even though focusing on prevention is less glamorous and less dramatic than solving crimes, it is more efficient and gratifying, especially if we save one life or reduce the suffering of one family. We must work with the cruise lines to set up a cadre of independent contract employees that would act as security ombudsman who would -

* Know how to deal with a terrorist situations, fires, natural disasters, equipment failures, crime, and health and safety emergencies.
* Develop and maintain a security and safety action plan for each ship, which would provide guidelines and procedures to follow for different threats and incidents.
* Have the authority to lock down crime scenes and secure the chain of evidence.
* Help passengers file complaints with local authorities when there is theft or assaults, missing persons.
* Act as liaison and reviewer of safe and unsafe shore excursion operators, establishments and neighborhoods at all ports of call.
* Maintain and inspect fire/safety/security equipment on ships and on piers.
* Develop working relationships with global and local authorities for recent threats, incidents, watch lists, etc. Be Prepared.
* Act as a trusted, friendly cop on the beat providing peace of mind for customers and crewmembers.
* Participate in regular training sessions and network with other Sea Marshals at quarterly conferences, sharing incidents, problems, solutions, and heads up items on a searchable intranet web-based database.
* Monitor passengers, crewmembers and related contractors for suspicious activity.

* Learn how to handle various medical emergencies including contagious disease and contamination.
* File immediate and periodic reports with the FBI, Coast Guard and other appropriate authorities as outlined in the CLASS Act.
* Develop and keep up to date various training methodologies for passengers and crewmembers.
* Have available a means of communicating directly with law enforcement and emergency service personnel, such a satellite phones.
* Maintain crime scene equipment including DNA kits, a safe for effective storage of evidence, temporary holding rooms, cameras, etc.
* Have centralized independent legal staff available for consultation 24 hours a day when local authorities are not available.
* Monitor whether was crewmembers are applying responsible service of alcohol, appropriate security measures, and not serving minors.
* Deal immediately and directly with the FBI, Coast Guard, and other agencies and organizations in all ports of call.
* Provide ongoing security and safety training to crew and travel agents and organizers including shore excursion groups.
* Present short entertaining presentations outlining safety and security guidelines and resources for all passengers, including the design of a laminated security overview card for each cabin, similar to the ones used by air lines before each flight.
* Monitor training given to crew members and contract employees to verify they are fully trained and competent before reporting for duty, including surprise inspections and safety/security drills.
* Record and maintain a database of safety/security/crime incidents and health inspections and develop some analysis of current procedures and conduct of parties involved and recommend improvements for all.

We could develop agreements with the countries where the ships are flagged and major ports of call to temporarily deputize the onboard Sea Marshals, so they can consult, cooperate with, and act on behalf of the relevant authorities until their permanent staff could arrive and take over. They could stabilize the situation and begin investigations immediately. They would preserve evidence, maintain crime scenes, and interview crew members and passengers in a timely manner. The cadre could be staffed by ex-military and ex-law-enforcement personnel who would get salary and/or some free cruise or vacation packages for their work, kind of like how many campgrounds have frequent campers act as hosts. What works good on land should work good on the water including a Neighborhood Watch or Guardian Angel type system that could include frequent customers, crew members, contract employees, travel agents, etc. Design an Amber Alert system for use on ships, when passengers go missing. The use of this and an independent cadre perhaps named Sea Marshals would provide the most important factor or element for preventing and solving crimes: TIME. We sent information for a cruise ship security plan to the Subcommittee on National Security, Emerging Threats, and International Relations. Congressman Shays' subcommittee has introduced the "Shays/Maloney Cruise Line Accurate Safety Statistics Act"
http://www.house.gov/shays/news/2006/june/junecruise.htm
<http://www.house.gov/shays/news/2006/june/junecruise.htm>

Establishing independent "Sea Marshals' on cruise ships is a real possibility as Carnival Australia's P&O lines have recently agreed to allow undercover liquor agents aboard as noted below. Also noted below

is the idea that funding mechanisms are available to pay for "sea marshals" since Alaskans recently voted for a $50 head tax on cruise ship passengers.
According to the Sidney Morning Herald
http://www.smh.com.au/news/national/secret-inspectors-to-board-cruise-ships/2006/08/09/1154802960584.html
<http://www.smh.com.au/news/national/secret-inspectors-to-board-cruise-ships/2006/08/09/1154802960584.html>
Carnival Australia/P&O Cruises Australia have greed to Undercover Liquor Agents:
THE State Government plans to send liquor and gaming inspectors on covert inspections of P&O Cruises after the Dianne Brimble affair, but the inspectors will be powerless to do anything if cruise staff fall out of line.
Staff and patrons will not be told of the inspectors' presence, but the company in charge of P&O, Carnival Australia, will know the inspectors are on board. It will pay their fares. The Government admits there is no way for sanctions to be placed on P&O if alcohol is not served responsibly because of travel in international waters. The Minister for Gaming and Racing, Grant McBride, said the inspections would allow the Government to see whether P&O was applying responsible service of alcohol and appropriate security. He said: "While it is at the company's invitation, officers will be going in undercover and crew members and patrons will be unaware of the operation.
"We are keen to do all we can to ensure citizens on cruise ships departing from NSW are protected."
Mr McBride is preparing to propose at the next meeting of state and territory ministers that the Federal Government be responsible for the safety of Australians on international cruise ships.
http://today.reuters.com/News/CrisesArticle.aspx?storyId=N23370827
<http://today.reuters.com/News/CrisesArticle.aspx?storyId=N23370827>
In a state primary election ballot held on Tuesday, Alaskans passed a citizen initiative that will assess a $50 tax on each cruise passenger and tax the cruise lines' corporate earnings and gambling revenues reaped when the ships are in Alaska waters. The initiative also requires cruise ships to obtain wastewater discharge permits while operating in Alaska and to pay increased fines for any wastewater violations.

TIM ALBRIGHT

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