

**CRUISE SHIP SAFETY: EXAMINING POTENTIAL
STEPS FOR KEEPING AMERICANS SAFE AT SEA**

HEARING

BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION
AND MERCHANT MARINE INFRASTRUCTURE,
SAFETY, AND SECURITY

OF THE

**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE**

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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JUNE 19, 2008
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SECOND SESSION

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CRUISE SHIP SAFETY: EXAMINING POTENTIAL STEPS FOR KEEPING AMERICANS SAFE AT SEA

THURSDAY, JUNE 19, 2008

U.S. SENATE,
SUBCOMMITTEE ON SURFACE TRANSPORTATION AND
MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND
SECURITY,
COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:05 a.m. in room SR-253, Russell Senate Office Building, Hon. Frank R. Lautenberg, Chairman of the Subcommittee, presiding.

OPENING STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM NEW JERSEY

Senator LAUTENBERG. Thank you very much for joining us on the Subcommittee on Surface Transportation, Merchant Marine Infrastructure, Safety, and Security.

This hearing is going to be on cruise ship safety. And Senator John Kerry, who is on his way, will be joining us. I thought that I would get the process started, and so I have wrested the chairmanship back, and we'll go on for a while. Now I'm told that Senator Kerry is going to be here shortly. But I will make my opening statement and, depending on Senator Kerry's arrival, we'll perhaps start with the statements from the witnesses, as well. I thank you all for being here.

Cruises are supposed to be dream vacations, but for too many families these dreams turn into nightmares. Over the past few years we have heard a rising tide of reports about incidents on cruise ships. These incidents range from claims of sexual assault and rape to passengers who go missing at sea.

One of the victims was a resident of Pine Hills, New Jersey, and her tragedy occurred on Mother's Day of this year. Her name was Mindy Jordan, and she was looking forward to a relaxing vacation in Bermuda and, instead, she disappeared on the Atlantic Ocean. When her family tried desperately to find out what happened to her, the cruise line referred them, would you believe, to the claims department. In the words of Mindy's cousin Emily, who is here with us today, it's as if she was a piece of luggage. The investigation into Mindy's disappearance is ongoing; and in the meantime, Mindy Jordan's two children are left without their mother.

And I want to be clear, the way Mindy's family was treated is horrible. It's unacceptable. It's difficult to even get basic data on what types of crimes occur at sea, and how often they happen. And

if parents want to take their family to the Jersey shore or Disney World, but want information about public safety, they can either get it online or call the local authorities and they'll get what they need. But, if parents want to take their family on a cruise, there is nowhere to get public safety information.

Now, this Subcommittee had a hard time getting this data from the FBI. And if the Senate Committee that oversees maritime safety and security has a hard time getting that information, imagine the frustration of an American family trying to plan a trip.

One problem is that almost no cruise ships fly an American flag. Instead, they fly flags of convenience from other nations. But, because these cruise ships are registered in foreign countries, our government cannot investigate certain incidents at sea, and it cannot require cruise lines to report on some crimes. These ships dock at our ports. We need to use every tool at our disposal to provide the greatest level of safety and security for them. I hope that we can use this hearing to discuss proposals to achieve that level of safety.

The Government needs to act to ensure that American families on cruises are safe. I look forward to hearing the opinions of our witnesses.

We're joined by Senator Kerry, who's going to chair this hearing. I thank him for his leadership and interest in this important issue.

Senator Kerry?

**STATEMENT OF HON. JOHN F. KERRY,
U.S. SENATOR FROM MASSACHUSETTS**

Senator KERRY [presiding]. Thank you, Senator Lautenberg. Thanks a lot for kicking this off. And I apologize for being a moment late.

I appreciate your leadership, and I appreciate the opportunity to chair the Subcommittee for this particular hearing. And I'm grateful for the comments that you just made, which are important.

In 2008 alone, it's estimated that about 12.6 million Americans will board a cruise ship from United States ports. Roughly 300 cruise ships are in service worldwide, and there are plans, apparently, to add another 22 that will service North America over the course of the next several years.

What we want to do today is take a closer look at the safety situation that exists with respect to those ships—I'm not talking about the safety with respect to the seaworthiness of the ships, but safety with respect to the passengers aboard them—and whether or not there is a need for the Congress to take additional steps to secure American passengers onboard these ships.

I particularly want to thank one of our witnesses this morning, Mr. Kendall Carver, who has been vigilant in his efforts to improve safety abroad cruise ships worldwide, and who has done so under very difficult personal circumstances.

Four years ago, Mr. Carver's daughter, Merrian, who was a constituent of mine—which is how I became aware of this issue and interested in it—was living in Cambridge, Massachusetts, and she went missing in the summer of 2004, leaving her father and the rest of her family to pick up the pieces after her disappearance. And I might say that the circumstances which he and his family

were put through were really quite extraordinary and quite disturbing.

Three weeks after anyone had last heard from Merrian, Mr. Carver contacted the cruise line for which she had purchased a ticket. And what he was told was, frankly, quite shocking. The cruise line was unsure as to whether Merrian had ever disembarked from the ship. He was told that the cruise line had been aware of the fact that she had not slept in her room after the second night of the cruise, and that most of her belongings, which had remained onboard after the ship had docked, had been given to charity. Most shocking to Mr. Carver was the fact that the cruise line had not notified law enforcement authorities about Merrian's disappearance. Three weeks following the ship's return, the FBI remained unaware of the fact that Merrian was unaccounted for.

As Mr. Carver will describe in his testimony, her story is, regrettably, not an isolated case. Despite being owned by American citizens and headquartered in the United States, cruise ships operate under foreign flags, allowing them to avoid United States law when they're beyond U.S. territorial waters. With respect to jurisdiction over crimes, the law is murky at best. To many observers, these circumstances have created an ideal destination, if you will, for prospective criminals.

We'll hear from our witnesses today as to efforts that have been made by the industry to improve safety and reporting standards. Under current law, cruise lines are under no obligation to report a crime that occurs outside U.S. territorial waters, even when the crime involves an American citizen.

Now, I do recognize, and the record needs to show, that a voluntary agreement has been reached between the FBI, the Coast Guard, and the cruise ship industry. But, I have to tell you—and I think Senator Lautenberg's comments about the sort of transparency of this information sort of underscored—that it may be appropriate to be somewhat wary of a voluntary agreement that has an industry reporting on incidents that have the potential of actually damaging the reputation or deterring people from doing the very thing that the industry wants, which is coming onboard their ships, going on a cruise.

So, I think, you know, the wariness or, caution of the Committee in accepting that as adequate is underscored by the fact, already referred to by Senator Lautenberg, that under this agreement we found it difficult to get easy access to the information that was available from the FBI. Now, I'm not sure how much transparency there is if the Chair of the U.S. Senate Subcommittee with jurisdiction over this issue has difficulty in accessing that information.

It's clear that the cruise industry has taken steps to meet with the victims and the survivors of victims, and I hope that the many recommendations that have been made as to how to improve security are going to be fully implemented.

So, I look forward, today, to hearing from our witnesses as to how we provide a sort of lead-pipe guarantee to people, and how we have a structure in place where nobody has any questions about this, where there's no uncertainty, where there's no murkiness and everybody is confident that we have put in place best practices as

to how American citizens ought to be protected, and, frankly, how an industry ought to act in everybody's best interests.

I've been working with Congresswoman Matsui, who is deeply invested in this issue, to craft legislation that will be introduced later this month in both the House and the Senate, and we want this to be thoughtful legislation. We're not seeking to do injury to anybody; we just want to be smart and thoughtful about how we establish a credible structure, where there is a very clear legal uncertainty as a consequence of jurisdictional issues and flag issues.

The legislation will seek to improve safety and reporting standards within the industry, and it will ensure that cruise ships have the ability and the expertise to properly preserve evidence when crimes do occur.

I'm a former prosecutor and I very much understand the difficulties of gathering evidence. I have prosecuted rape cases, sexual assault cases. I know how complicated that can be. And if you have untrained personnel, who don't properly gather fresh, immediate evidence, you often wind up with a case where a victim is twice victimized, once obviously by the crime, and, the second time, the system that's supposed to prosecute it. So, I want to make sure that we have sufficient efforts.

I'm watching the ongoing efforts to pass legislation in California which would require independent Ocean Rangers to be placed onboard cruise ships, and I'm considering whether or not that would be appropriate to be administered at the Federal level.

So, I hope this hearing will be helpful, frankly, for all of us, in trying to fashion the most effective response.

Our witnesses are Kendall Carver, president of the International Cruise Victims Association—

**STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM DELAWARE**

Senator CARPER. Mr. Chairman?

Senator KERRY. Oh, yes, Senator.

Senator CARPER. Could I just make a brief statement?

Senator KERRY. Absolutely. I'll come back to you. Let me just introduce the panel.

Senator CARPER. Thanks very much.

Senator KERRY. Mr. Carver has been working consistently to improve cruise safety standards. Evelyn Fortier, the vice president of policy at the Rape, Abuse, and Incest National Network, RAINN, the Nation's anti-sexual-assault organization, and she's worked extensively on crime legislation as a long-time Senate staffer, and is a former constituent, having lived in Brookline, Massachusetts. Terry Dale is President and CEO of Cruise Lines International Association. We appreciate you being here today. And Dr. Ross Klein is professor of social work at Memorial University of Newfoundland, and has written extensively on the cruise industry. So, we're grateful to all of you for being here.

Senator Carper?

Senator CARPER. Thank you, Mr. Chairman.

You know, this is not an issue that I've thought a lot about, and perhaps others in our panel have not thought about it either. Our youngest son just graduated from high school, and later this sum-

mer he'll be going on a cruise with close family friends of ours. And so, this sort of caught my eye, caught my attention.

Like our Chairman, I've spent some time on cruises, but they were on ships that were painted gray, in the Navy, and I've never had the privilege of taking a cruise of the nature that we're discussing here today.

But, Mr. Chairman, we're grateful to you for holding the hearing. We appreciate, certainly, each of our witnesses for coming today and sharing your time with us, and your testimony, and for responding to our questions as we try to ensure that all cruise ship travelers are as safe as feasible.

Crime on cruise ships is an issue that most of us know relatively little about, and this could be because it is so rare, as the cruise industry claims; it could also be because the information is not made public, as some of our victims groups claim; or, it could simply be that people don't like to think about it, especially when they're planning their big vacation.

What I look forward to hearing today is a discussion about people's expectation with regard to protection from crime on a cruise ship. What should people expect, as far as law enforcement and prosecution of crimes that do occur on cruise ships? And how far off is that expectation from the situation they find when they board the ship, much as our own son will board a ship this summer.

I would also like to explore how we can ensure that people are fully informed about the crime protection and prevention system that will or will not be available to them before they buy passage on a cruise ship.

Again, welcome. Thank you for joining us. We look forward to your testimony.

Senator KERRY. Thank you very much, Senator Carper.

We did refer to those deployments as cruises, didn't we? I forgot that.

Senator CARPER. Yes, they were.

[Laughter.]

Senator KERRY. Mr. Carver, you want to lead off, sir? And thank you for being here with us.

**STATEMENT OF KENDALL CARVER, PRESIDENT,
INTERNATIONAL CRUISE VICTIMS ASSOCIATION**

Mr. CARVER. I would like, first of all, to thank the Chairman and Members of the Committee for the opportunity to be here today.

I come to you, both as a victim and as President of a group called International Cruise Victims, an organization formed by people that have been treated poorly as victims of cruise-line crimes. Prior to that, I spent 18 years as President and CEO of an insurance company in New York City. And this is the last thing I ever thought I would be doing.

Each member that had joined ICV since it was founded in January 2006, which is not that long ago, has had a similar painful experience to mine.

Senator Kerry has given, briefly, a story of Merrian. She disappeared. We had to trace her. Police finally traced her to a credit-card transaction which put her on a Celebrity Cruise Ship. We called the cruise ship. Got back to us in a couple of days, and they

said, “Yup, she was on the ship, but, after a couple of days, didn’t use her room, but that’s not uncommon.” And, “Did she get off?” “We don’t know whether she did or not.” So, that just left us up in the air. Merrian had a 13-year-old daughter.

A brief summary of the facts after that took place are as follows.

The cruise line failed to report Merrian missing to the FBI for 5 weeks, and that’s only after we had contacted the cruise line. They disposed of her property at once, giving most of it away to charity, and took a bag with her name on it and put it in storage with her name and Social Security number, gave her things away to charity. When we asked immediately for video, “Was there any video?” their answer was, “We got there too late.” We were 25 days into it. He said, “You got here too late. We’ve already erased it.”

In January of this year, I was advised by a senior officer of Royal Caribbean that, in fact, they did have the video, they did keep it, and they did review it, for 3 months. We had an individual go on the cruise ship, a detective. They said there was no video. So, all the time, they were lying to us about the video.

They made a report to the FBI that said nothing happened on that cruise. They told our detectives that the cabin steward made no reports concerning Merrian. And we later learned, 4 and a half months later, through depositions, that, in fact, he had reported her missing daily for 5 days. His boss told him to forget it and do his job. And, at the end, he said, “What do I do with the things in the room?” he said, “Just put them in a bag, put it in my locker,” and they gave them away.

The cruise line would not permit an interview with the steward or the security officer. For us to interview that individual, we made a decision—we wanted to speak to one person on that ship that had seen Merrian. We had to hire an international detective agency, Kroll & Associates, hire two law firms, take court action in Massachusetts and then Florida, and spend \$75,000 and 4 and a half months to get a deposition from the steward, who, in effect, then indicated to us for the first time he had reported Merrian missing from the very beginning. So, in effect, they’d been lying to us from day one concerning our daughter.

In Congressional hearings in December 2005 and March 2006, representatives, under oath, from Royal Caribbean indicated: as soon as they knew about Merrian’s disappearance, they cooperated with the family. Hey, as soon as they knew about Merrian’s disappearance—you’ll see it in the material—which is the third week, they started the cover up concerning our daughter.

When you’re a victim, you think you’re the only person in the world that’s a victim of a crime. Then a book came out, in December—or in July 2005, called “The Devil in the Deep Blue Sea.” And if you read that book—and it’s actually in my testimony—it says coverup is a standard operating procedure for cruise lines, and they get the person off the ship, and that’s exactly what had happened to us.

At the first Congressional hearing, in 2005, I concluded that I couldn’t change the cruise line industry. Other people couldn’t do it on their own. So, we formed a group called International Cruise Victims. We now have several hundred members in 16 countries.

In March 2006, I testified for the first time in the House of Representatives. There were six victims that testified at that meeting. But, we surprised the group. At the end, instead of just telling our tragic story, we presented a ten-point program for safety.

I'm here to say that we have met with the cruise lines four different times—only after a Congressional Committee ordered them to last year—on those points. And, to this day, nothing has been agreed to by the cruise lines regarding those points. They say, "Oh, those are great ideas. We'll think about it." But, we never get the answer of what their commitment is. And there is no commitment.

So, what have we learned in this process? If you look at my testimony, you'll find two memorandums. One's a legal memorandum of law, which, in effect, says, "We are under no obligation to investigate crimes on cruise ships." They then go on to say, "We're not equipped to investigate crimes on a cruise ship." And you can add to that, they also don't take responsibility for the medical care on a ship, nor do they take responsibility for excursions. So, in effect, they don't take responsibility. I don't care how many security officers. That is their legal position.

So, last year, the Congressional Committee requested that CLIA and ICV meet while the—ICV meet with the FBI to discuss these matters. In effect, at that meeting, on July 25, I believe it was, we met with the FBI, and the FBI said, "We do not have the resources to follow up on crimes on cruise ships." So, in effect, the cruise lines do nothing, the FBI says, "We do not have the resources." So, when a crime occurs on a cruise ship, nobody does nothing.

And if you look at my testimony, you'll find a chart of crimes prosecuted by the FBI. You'll see that in 2005 there were only 50 cases opened and only four convictions of any crime on a cruise ship, while—any crime on the high sea. That's more than cruise ships. So, that proves nobody's being prosecuted on these cases.

Last month, on May 16, Cruise Critic, which is kind of a pro-cruise-line Internet site that sells cruise ships, did a survey. Seventeen-hundred people responded to that, and 10 percent of the people, when asked the question, "Have you ever been affected by a crime, minor or major, on a cruise ship?" said yes. Now, I'm here to say, if there was a resort in this country where 10 percent of the customers said they were affected by a crime at that resort, they'd probably be closed down or a major investigation. This is a cruise line blog that took that survey.

In September 2007, Elijah Cummings, after three hearings with the cruise line, said, "Hey, I've had enough. You've got 90 days. Tell me what you're going to do. Tell me what you're going to do to improve safety." So, they produced this report, gentlemen, 30-some pages long. And if you carefully read the report—they delivered it December 19—they didn't commit to anything in this report. They said, "Oh, that's a great idea. We'll promote it. We'll further study it." But, there were no commitments after being requested.

After all of these commitments—no results—action is starting to be taken. In April, the House of Representatives, and amendment was added to the Coast Guard reapportionment bill requiring that cruise lines report, on the Internet quarterly, all of their crimes. Now, if that can get through the Senate, that will be a major step.

And that is the last thing they want to do, is to go public with their crimes.

Because of lack of concern of the cruise industry having any regulations, the State of California has moved forward to have their own bill requiring an Ocean Ranger on each cruise ship in or out of California waters.

In May 12, in a hearing which I spoke at in California—I've spoke at several of them—the cruise lines responded that if that bill was passed, they would “stop going to certain California ports, like San Francisco and San Diego, if you put one security guy on our ship.” The question, gentlemen, is, what do they have to hide? They should welcome them. If their crimes are as low as they are, they should welcome somebody coming on to verify that information.

Since 1999, the cruise lines have had a stated policy of zero tolerance for crime. That would infer to me that there's nothing they wouldn't do to prevent crimes on a cruise ship. And yet, with all the recommendations, I've come to the conclusion that there's nothing they will accept concerning crimes. They should be willing to accept anything that would prevent crimes on cruise ships.

I now look at their zero tolerance in a different way. I look at their zero tolerance for crimes as zero tolerance for any legislation that would have any effect to control the cruise lines.

Last year, gentlemen, they spent \$2,800,000 lobbying in Washington. Very effective, very powerful lobby. Wal-Mart spent \$280,000. This is a foreign corporation.

Now, frankly, we have no money to lobby. We're volunteers. Only, we have the victims stories and their passion for change that makes ICV work every day. Fortunately, Members of the Senate and the House were elected by the people to represent the people of this country and not the lobbyists for a foreign corporation.

It's clear to me that comprehensive legislation is needed, since the cruise lines have shown no willingness to voluntarily commit to make substantial changes in their current practices.

I look forward to answering your questions, and I appreciate the opportunity to present this testimony.

[The prepared statement of Mr. Carver follows:]

PREPARED STATEMENT OF KENDALL CARVER, PRESIDENT,
INTERNATIONAL CRUISE VICTIMS ASSOCIATION, INC.

I would first like to thank the Chairman and Members of this Committee for giving me the opportunity to participate before this Committee. 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. My prior working experience was to serve as President and CEO for 18 years of an insurance company in New York City.

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 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. (See Attachment III)

I would first like to review quickly the tragic events of our daughter's disappearance. We were first made aware of a problem when our granddaughter called to tell

us that Merrian was not returning her calls. We then started to search for Merrian, and contacted the police in Cambridge, Massachusetts where she lived.

The police found out 3 weeks later through credit card records that she had booked the cruise, and we contacted the cruise line. After a couple of days they confirmed that she had been on a Celebrity Cruise ship. Only after we contacted them did they make a report to the FBI 1 week later. This was 5 weeks after she disappeared. Moreover, we found out that the cruise line had previously disposed of her property without attempting to contact her family or the FBI.

A brief summary of the facts concerning her disappearance are as follows:

- The cruise line failed to report that Merrian was missing to the FBI until 5 weeks after she went missing and only after we contacted the cruise line.
- They disposed of her property by giving most of it away to charity despite their protocol, which calls for property left on a ship to be held for 90 days.
- When we asked about video records, which could show things relevant to Merrian's disappearance, they told us they had no records and there had been no review concerning Merrian. However, in January, 2008, 3 years after we had asked for and subpoenaed information concerning these video's, one of their senior personnel admitted in writing that we had been lied to concerning the surveillance tapes; their retention and review by ship's personnel. (See Attachment II)
- They made a report to the FBI indicating that nothing had happened on the cruise. Their internal documents show that during the third week in September their officials were coordinating a cover-up of the disappearance. (See Attachment II)
- They told our Detectives that the cabin steward had made no reports concerning Merrian, but we later learned through the depositions that he had reported her missing from her cabin for 5 days during the cruise and was told by his supervisor to "forget it and just do your job".
- The cruise line would not permit an interview with the steward or the security officer responsible for the surveillance system. We had to hire private investigators, two law firms, take court action in two states and spend over \$75,000 over 4½ months in order to have our lawyers depose the steward—an effort that many families of victims would not have been able to make. Only after this court ordered deposition on January 16 and 17, 2005, did we realize that they had been lying to us from the beginning.
- In Congressional Hearing in December of 2005 and again in March 2006, under oath the representatives of Royal Caribbean indicated that they cooperated with the family as soon as they were aware of her disappearance. In fact, they really began the cover-up of her disappearance starting the third week of September 2004 and cooperated later only in response to court orders. (See Attachment II) However, even to this day, we have not received items that were requested and subpoenaed in 2004–2005.

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. (See Attachment II)

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 get changes made in the practices of the cruise industry. I contacted other known victims, and together, we decide to form International Cruise Victims. After 28 months of existence, this group now has members in 16 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. (See Attachment III)

When I and other victims testified at the Congressional Hearing in March 2006, we shared our stories to show the need for substantial changes in cruise line practices and we presented a 10-point program developed by ICV members to improve safety on cruise ships. I, along with other ICV members, have personally attended several meetings with CLIA and cruise lines representatives concerning suggestions made by our members. The standard answer from them is the "these are great ideas, however we have another approach." Even after all of these meetings, the problem is that we have seen no firm written commitments for any significant change. (See Attachment IV)

What have we learned during this past couple of years concerning this industry?

1. Cruise Ships take the legal position that they are not required to investigate crimes on cruise ships and are not equipped to do so. This is documented in various items we have available. These documents indicate that any information they give to the FBI or Coast Guard is provided on a purely voluntary basis. In addition, they take to position that they are also are not responsible for the medical care or accidents that occur on excursions that they have chosen, promoted and also make a substantial commission on when sold to their passengers.(See Attachment I)
2. At the request of a Congressional Committee in March of 2007, we met with the FBI on July 25, 2007, to review this matter. At this meeting the FBI clearly indicated that they do not have the resources to follow up on the various crimes that occur on cruise ships. Records indicate that in 2005 only 50 cases were opened and there were only 4 convictions of people committing crimes. (See Attachment I)
3. Since the cruise ships do not investigate crimes and report them only on a voluntary basis to the FBI and since the FBI says they do not have the resources to follow up on those crimes that are reported, most criminals are not apprehended or punished for the crimes they commit on cruise ships. As Representative Christopher Shays has indicated, "it is the perfect place to commit a crime."
4. In addition, a well-known Internet site, Cruise Critic, in an editorial dated May 16, 2008, cites results of a survey of 1700 people that have taken a cruise and found that *10 percent of respondents said yes to the question: "Have you ever been affected by crime, minor or major, on a cruise ship?"* Dr. Ross Klein, Professor of social work at Memorial University of Newfoundland, indicates that, "These numbers would suggest that as many as one million Americans have been victims of a crime on a cruise ship." If a resort had 10 percent of their customers indicate that they had been affected by a crime at that resort, there would be extensive investigations by legal authorities. (See Attachment I)
5. With the added *concern of terrorism*, Passengers on cruise ships need the same protection as passengers have on airlines that currently have independent national Sky Marshalls for protection. In the October 16, 2006 issue of the Insurance Journal, an article titled, "*Maritime Terrorism Risk Extends to Cruise Ships and Ferry Boats*", states that cruise ships and ferry boats need more protection than they now have 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. (See Attachment V)

In the September 2007 House Hearings, chaired by Elijah Cummings, the representatives of the cruise lines were given 90 days to provide to his Committee a report on what they were willing to do. This report was delivered to the Committee on December 19, 2007. A careful review of this report shows that after all the various meetings and Congressional hearings the cruise lines are unwilling to commit in writing to any real changes from what they're doing currently. (See Attachment IV)

As a result of their unwillingness to make commitments for change, the U.S. House of Representatives, on April 24, 2008, passed an Amendment to the Coast Guard Reauthorization Act measuring crime on cruise ships to require cruise lines to make public their actual crime statistics of missing persons and crimes on cruise ships and to make that information available to the public. Assuming this also passes the Senate, this will be one step forward to at least make public the crimes on cruise ships.

Because of the concern regarding the lack of regulation of the cruise line industry, legislation has also recently been introduced in California to place appropriate California licensed independent security, called Ocean Rangers, on cruise ships as they enter or leave California waters. This bill has gone through several committees in the California legislature and on May 28, 2008 was passed by the California Senate 25 to 12.

The cruise line industry has strongly opposed this California initiative to place one security officer on their ships by threatening in testimony to the California Senate Committee on Appropriations on May 12, 2008, that they would bypass California ports if the legislation passed. In view of the crime rates reported by the Cruise Critic survey, the industry should gladly accept independent security and thereby provide their passengers with the same protections that they would have in major resorts in this country where the police are called if a crime occurs.

We need to address solutions to this problem, in order to protect future passengers and crew. 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.

Since 1999 cruise lines have had a stated policy that they have a zero tolerance for crimes. This would infer that there is nothing that they would not do to prevent crimes on cruise ships. However, after our several meetings with representatives of cruise lines to explore various suggestions coming from victims and their families, the cruise lines have yet to commit in writing to any changes. (See Attachment IV) Meanwhile, they aggressively oppose any new legislation to improve the safety on cruise ships. In fact, in 2007 this foreign cruise line industry spent over \$2,800,000 in Washington for lobbying. In contrast, Wal-Mart spent \$280,000.

Frankly, we have no money to lobby, only the many victims and their passion for change that are working for ICV every day. Fortunately, you were elected by the people you represent and not the lobbyist for a foreign corporation.

It is clear to me that comprehensive legislative action is needed since the cruise lines have shown no willingness to voluntarily commit to make substantial changes in their current practices in order to protect passengers on cruise lines. I will look forward to answering any questions that you might have concerning this subject.

INTERNATIONAL CRUISE VICTIMS ASSOCIATION, INC. (ICV)

SUPPLEMENTAL ATTACHMENTS*

Submitted by Kendall Carver

Section I Attachments—Reported Crime Rates on Cruise Ship and FBI Record of Convictions

Section II Attachments—Documents concerning the Cover-up of Merrian Carver Disappearance

Section III Attachments—ICV Victims of Cruise Lines

Section IV Attachments—Summary of Results of Various Meetings with IVC Victims and CLIA

Section V Attachments—Maritime Terrorism Rand Corporation Report

Senator KERRY. Thank you very much, Mr. Carver. We appreciate that important testimony.

Ms. Fortier?

**STATEMENT OF EVELYN FORTIER, VICE PRESIDENT,
POLICY, RAPE, ABUSE AND INCEST NATIONAL
NETWORK (RAINN)**

Ms. FORTIER. Thank you, Mr. Chairman and Members of the Subcommittee, for holding this hearing, which is very timely, given that incidents of sexual assault and missing persons continue to be reported. And, according to the FBI, about half of all crimes on the high seas that are reported to them involve sexual assault on cruises.

I am with RAINN, the Rape, Abuse and Incest National Network, which is the Nation's largest anti-sexual-assault organization. Our mission is to end sexual assault in the U.S. by improving services to victims, educating the public about sexual assault, and striving to bring rapists to justice.

We created and operate the National Sexual Assault Hotline, which is a toll-free number, at 800-656-HOPE, which is available to victims 24/7, and we operate it in partnership with 1105 rape crisis centers around the Nation, located in every state and the District of Columbia.

*[All attachments referred to in this document are retained in the Committee's files.]

We also created the National Sexual Assault Online Hotline, which is the first web-based resource for victims, and it's available at *RAINN.org*.

I'd like to begin by asking you to imagine how you might feel if you had long saved and planned for a cruise vacation, and then abruptly had to end your voyage because you had been traumatized by a sexual assault while on the cruise. This happened to Laurie Dishman, of California, and others like her. For years, she put a bit of salary aside, each pay period, to save up for her dream of a sunny cruise vacation with one of her close childhood friends. She planned the troop—excuse me—she planned the trip in minute detail after collaborating with her friend on what destination, what to bring, and what amenities they could afford.

On the trip, a crew member, attired in a cruise security officer's uniform, approached her at the bar and questioned her in a way that she found unnerving. Hours later, the same crew member knocked at the door of her cabin, which had no peephole, and she opened the door slightly to identify the visitor, at which point he physically forced the door of her cabin open, pushed her onto the bed, and raped her. She reached out to other cruise personnel who entered her room and sat on the bed on which she was raped, thereby potentially contaminating the crime-scene evidence. These personnel suggested she be the one to collect any evidence she thought might be relevant and bring it to personnel on the ship.

While she was coping with the life-shattering effects of having been raped, she later learned that the man who had raped her was no security guard, but actually a janitor who had been asked to fill in for the security guard.

And, unfortunately, hers seems not to be an isolated case. Other United States citizens have come forward to report sexual assaults on cruises, and described feeling helpless or virtually alone in the hours after they were victimized.

If you are sexually assaulted while on a cruise vacation, you, like Laurie Dishman of California, who's in the audience today, may find that any hope of your securing justice is extremely remote, perhaps even nonexistent.

Next, I'd like to turn to what you can expect if you're raped during a cruise voyage. Remember that the cruise industry is somewhat unique among businesses that provide services to U.S. consumers, in that most cruise vessels sail under foreign flags and don't have to comply with many U.S. laws, as already noted by the Chairman. This is illustrated further when you compare the potential experience of an American rape victim at sea to the likely experience of a rape victim on shore in the United States.

First, if you're raped on land, consider what happens. You have the option to call our hotline number, toll free, any time of the day or night, or visit our online hotline, through which you may immediately receive free and confidential online help from trained, rape-crisis personnel. Those who staff these hotlines are located at rape crisis centers around the country, and so, a local rape crisis center affiliated with RAINN may offer to send their personnel to meet you, and personally escort you to the nearest hospital or police station. At the hospital, medical personnel can be counted on to evaluate you for injuries, take your medical history, and compile a rape

kit, which will be sent to a crime lab for analysis. And if you've reported the assault to the local authorities, you can expect someone from a nearby police department will interview you, that the police investigating the crime have the necessary jurisdiction to do so, that the police will preserve physical evidence for trial, that certain local or State criminal laws will govern, and that certain protocols will be followed in the police investigation.

If you, a U.S. citizen, are raped during a cruise, by contrast, your situation is potentially very different, and you can be far less certain of what will happen next. Because most cruise ships are foreign flagged, because the perpetrator may be a foreign national, and because you might be in international waters, you face a host of legal uncertainties. And these are in addition to your having to cope, far from home, with the emotional and physical consequences of having been assaulted. You won't have any rape crisis personnel onboard to support you, let alone law enforcement officials to come to your aid. You might turn to cruise ship employees for help, only to later find that the cruise line has a vested interest in shielding themselves against negative publicity or legal jeopardy. And you might wonder how any security personnel hired by the cruise line will react if presented with any situation that might give rise to a potential conflict of interest between their employer and yourself.

At this point in time, you probably have three options, but every one of those options has potential drawbacks.

Option one is to disembark at the next port and report the crime to the local authorities onshore. But, you might not speak the same language as the local police, and not know the local customs. And maybe you didn't know to contact your nearest U.S. embassy or consulate. You might find out later that you approached the wrong authorities in the wrong jurisdiction. And the local authorities might not want to assume jurisdiction if they perceive that the sexual assault occurred in international waters. And if local authorities do investigate, key evidence may have disappeared by the time you contact them, because, unless someone onboard assumed responsibility for securing the crime scene, evidence may have already been contaminated or cleaned by the time the police arrive. And even if the local investigation proceeds, you have significant obstacles. You might have to take time off from work and return again to the local jurisdiction for an extended period, a jurisdiction which you're completely unfamiliar with the legal customs.

Your second option as a victim would involve reporting the crime to the Federal Bureau of Investigation, in cooperation with the cruise line. The FBI can investigate crimes reported to it by the cruise lines, but typically wouldn't be in a position to act as an onboard police force immediately after the assault happens. And, while you wait for the FBI, here again, there's the risk that no one will assume responsibility for securing the crime scene or ensuring that potential witnesses do not collaborate. It's also not certain that a cruise victim will receive adequate medical care or that trained personnel will collect DNA or other evidence immediately after the assault.

Finally, for a victim of sexual assault, a third option is to disembark at the ship's next port of call and take the next flight home. This might be appealing, because you want to quickly get

out of a bad situation. But, if you leave the ship without having reported, the cruise line may refuse, later, to accept your complaint of having been assaulted.

Finally, I'd like to conclude with some recommendations for Congress. RAINN suggests that, one, we impose stricter requirements for reporting onboard incidents of sexual assault and authorize Federal officials to impose penalties for noncompliance with this requirement.

Second, we suggest that you provide victims who report sexual assaults during cruises with immediate access, via telephone or the Web, to rape crisis personnel who are trained to meet the unique needs of Americans traveling overseas, so that cruise victims know they're not alone.

Third, we suggest that Congress ensure greater oversight of training and conduct of crew members on ships, in collaboration with the cruise industry.

Fourth, we need to ensure that cruise lines are accountable to the public to fully report all incidents of sexual assault. We applaud Congresswoman Matsui, as well as Congressman Shays, Poe, and Maloney, for recently introducing an amendment that would require cruise crimes to be publicly disclosed online.

Fifth, we suggest improving the screening and training of crew members who work with passengers.

And finally, cruise lines should educate their passengers, before the ship departs, about the onboard risk of sexual assault and what to do if they or a friend or a relative is assaulted during the voyage.

In closing, thank you for your time and inviting me to testify.

[The prepared statement of Ms. Fortier follows:]

PREPARED STATEMENT OF EVELYN FORTIER, VICE PRESIDENT, POLICY, RAPE, ABUSE AND INCEST NATIONAL NETWORK (RAINN)

Mr. Chairman and members of the Subcommittee, thank you for scheduling today's hearing. This hearing is very timely, because high profile cases in which cruise passengers or crewmembers were raped, sexually assaulted, or disappeared continue to be reported. The safety of the nine or ten million United States citizens who take a cruise each year should be of vital importance to all of us; and the issue of cruise ship safety merits Congress' continued attention.

I want to begin by asking you to imagine how you might feel if you had long saved and planned for a cruise vacation, and then had to abruptly end your voyage because you had been traumatized by a sexual assault while on the cruise. Specifically, imagine that for years you've put a bit of your salary aside each pay period to save up for your dream of a sunny cruise vacation with one of your close childhood friends. You have planned the trip in minute detail, after collaborating with your friend on which destination, what to bring with you on the trip, and which amenities you can afford.

On the trip, a crewmember attired in a cruise security officer's uniform approaches you at the bar and questions you in a way you find unnerving. Hours later, this same crewmember knocks at the door of your cabin, which has no peephole, and, once you open the door to identify the visitor, he physically forces the door of your cabin open. He pushes you onto the bed in your cabin and rapes you. You reach out to other cruise line personnel, who enter your room and sit on the bed in which you were raped (thereby potentially contaminating the crime scene evidence). These cruise personnel suggest you collect any evidence you feel might be relevant and bring it to medical personnel on the ship. While you are coping with the life-shattering effects of having been raped, you later learn that the man who raped you was no security guard, but rather a janitor who filled in for the security guard.

Regrettably, this is how one American cruise line passenger described her experience during testimony before another congressional committee last year. And, unfor-

tunately, hers seems not to be an isolated case. Numerous other United States citizens who have reported sexual assaults while on cruises described feeling helpless or virtually alone in the hours after they were victimized. If you are sexually assaulted while on a cruise vacation, you, like Laurie Dishman of Sacramento, California (the rape survivor described above) may find that any hope of your securing justice is extremely remote, perhaps even nonexistent.

What Can You Expect If You Are Raped During A Cruise Voyage?

The cruise industry is somewhat unique among businesses that provide services to U.S. consumers in that most cruise vessels sail under foreign flags and do not have to comply with many U.S. labor, environmental, or other regulations. The uniqueness of the cruise industry's situation, compared to many other businesses operated in the United States, becomes even more apparent when you compare the potential experience of an American rape victim at sea to the likely experience of an American rape victim on shore.

First, consider what happens after you are raped on land. You have the option to call the National Sexual Assault Hotline, 800-656-HOPE, toll free, any time of the day or night, or to visit the National Sexual Assault Online Hotline at www.rainn.org, from anywhere in the country, through which you may immediately receive free and confidential online help from trained rape crisis personnel. Those who staff these hotlines are located at rape crisis centers around the country, and the availability of these services means you are not alone. Hotline staff and volunteers will provide you with immediate emotional support, and your local rape crisis center may offer to send their personnel to meet you and personally escort you to the nearest hospital or police station.

At the hospital, medical personnel can be counted on to evaluate you for injuries, take your medical history, and compile a rape kit containing DNA and other evidence. You also can expect that any DNA evidence collected during this examination will be sent to a crime lab for analysis, hopefully to be used later in identifying and prosecuting a potential suspect. The collection of DNA at this point in time preserves evidence for the future, for use in any later legal case. Protocols govern how this DNA is to be collected, analyzed, stored, and used in the criminal case.

If you immediately reported the assault to the local authorities, you can also expect that someone from a nearby police department will interview you and perhaps a suspect as well as any other witnesses. Your experience dealing with the criminal justice system ultimately may not be pleasant or result in your hoped for outcome, but along the way you can be fairly confident of certain things: that the police investigating the crime have the necessary jurisdiction to do so, that the police will preserve physical evidence for a possible trial, that certain local or state criminal laws will govern in your case, and that certain protocols will be followed in the police investigation. It's also within the realm of possibility that a local prosecutor will find your case deserving of prosecution and your predator is brought to justice. A victim advocate may be assigned to offer guidance and support to you along the way; also, you and your family members or close friends have the option of seeking counseling at your local rape crisis center, to assist in your long-term recovery.

If you, a U.S. citizen, are raped during a cruise, by contrast, your situation is potentially quite different, and you can be far less certain of what will happen next. Because most cruise ships are foreign-flagged vessels, because the perpetrator may be a foreign national, and because you may be in international waters when the assault occurs, you face a host of legal uncertainties. For example, you cannot automatically assume that certain laws will cover the incident, due to messy jurisdictional issues that arise in some of these cases.

Such uncertainties are in addition to your having to cope (far from home and absent your usual support network) with the emotional and physical consequences of having been assaulted. In the immediate aftermath of the assault, for example, you might not have a friend or family member traveling with you on board. You probably will not find any rape crisis personnel onboard to support you, let alone law enforcement officials to come to your aid on the ship.

If traveling alone, you might turn to cruise ship employees for help, only to later find that the cruise line has a vested interest in shielding themselves against negative publicity or legal jeopardy (and protecting such interests may come at the expense of your own interest in securing justice and getting appropriate medical care). If you were assaulted by a crewmember, and you are a passenger on the ship, you might have good reason to wonder how any security personnel hired by the cruise line will react if presented with any situation giving rise to a potential conflict of interest between their employer's legal situation and your safety.

You may encounter someone onboard who can competently and sympathetically explain to you what needs to happen in order for you to report the crime to the

proper authorities and have the crime investigated. At this point in time, you probably have three options, each of which has certain drawbacks:

Option #1: Your first option is to disembark at the next port and report the crime to the local authorities on shore. There is a good chance you will not speak the same language as the local police and are unfamiliar with local customs. Perhaps no one told you that you should approach your nearest U.S. embassy or consulate for assistance, and you did not initially seek their help. You might learn later that, due to jurisdictional uncertainties, the authorities you approached do not have sole jurisdiction over your case, and that perhaps you should have reported the crime to authorities in an entirely different jurisdiction. (Alternatively, the local authorities may not want to assume responsibility for the criminal investigation if they perceive that the sexual assault occurred in international waters.)

If local authorities do decide to investigate, key evidence may have dissipated by the time you contact them. That's because, unless someone onboard assumed responsibility for immediately securing the crime scene, evidence may already have been contaminated or cleaned by others by the time the local police arrive. Also, before local authorities show up, the offender may already have either collaborated with others, or been dismissed by the cruise line and escorted off the ship. (If the offender then travels to another country, it will be difficult, if not impossible, to find them again).

Finally, even assuming the local investigation proceeds, and charges are brought against the perpetrator, you may face significant personal obstacles to cooperating with the prosecution. You may have to take time off from work and leave behind your friends or family in the United States to return again, perhaps more than once or for an extended period, to the foreign jurisdiction that is prosecuting the case. You may find, too, that you are completely unfamiliar with the legal system of that particular jurisdiction.

Option #2: The obstacles presented above may seem overwhelming, and so perhaps you are inclined to pursue a different course of action. Your second option as a victim of sexual assault would involve reporting the crime to the Federal Bureau of Investigation (FBI), in cooperation with the cruise line. But this option, too, has drawbacks for you, as the FBI can investigate crimes reported to it by the cruise lines, but typically would not be in a position to act as an onboard police force immediately after your assault.

The FBI typically will not board a ship to interview the victim or other potential witnesses to the crime until after the ship docks. In the meantime, here again, there is the risk that no one will assume responsibility for securing the crime scene or ensuring that potential witnesses do not collaborate or disperse. Once again, if the cruise line escorts the offender off the ship at the next port of call, or if the offender leaves, it may be difficult, if not impossible, to find them again.

It also is not certain that a cruise victim will receive adequate medical care or that trained personnel will be available to collect DNA or other evidence immediately following an assault. (Laurie Dishman, who reported being raped by a crew member while on a cruise in 2006, testified last year that ship personnel expected her to do the job of collecting any crime scene evidence herself. She also was asked to pay for her own rape kit, which would not have been the case had she gone to a hospital in the United States.)

Also, certain thresholds must be met for an FBI investigation to proceed and for Federal prosecutors to bring charges. In the case of a sexual assault, for example, where the victim's consent is an issue, the case might not move beyond the initial phase of information gathering. The victim may find, after the FBI collects such information, that the chances of a Federal prosecutor pursuing rape charges are extremely remote. The decision whether or not to prosecute the case lies with Federal prosecutors; and these decisions are often made based on the severity of the crime, the likelihood of successful prosecution leading to conviction and, of course, available Federal resources.

Option #3: For a victim of sexual assault, a third option is to disembark at the ship's next port of call, and take the next flight home. In the immediate aftermath of the crime, the victim may find this option the most appealing of the three, because it allows the victim to quickly escape the surroundings in which the assault occurred as well as the perpetrator, who may still be lurking somewhere nearby.

The victim may, however, later find—maybe years later—that the repercussions of having been raped continue to haunt him or her. Like many of rape's survivors, in the weeks, months, or years after the assault, a cruise victim of sexual assault may experience flashbacks, depression, nightmares, employment difficulties, or other negative effects and in some cases, even be suicidal. Any hope of securing justice—which is often important to victims in their recovery—may have disappeared if the victim did not formally report the rape while onboard and the cruise line de-

clines to record the complaint once the cruise has ended. Meanwhile, the offender gets a free pass to prey on additional victims.

What Is Your Risk of Being Assaulted Aboard a Cruise?

According to FBI testimony at another congressional hearing in March 2007, sexual “[s]exual 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 5 years at 55 percent and 22 percent respectively.” The FBI also noted, at a different hearing last September, that the cruise lines reported 41 instances of sexual assault¹ during a six-month period in 2007:

“Since April 1, the cruise lines have reported 41 instances of sexual assault. Of these 41 incidents, 19 represented allegations of sexual activity generally categorized as rape, three of which occurred on shore, and, thus, outside the jurisdiction of the FBI. Based on the 41 reports, the FBI opened 13 investigative cases. Five of these cases have been closed for reasons of victim reluctance to pursue prosecution or prosecutive declination from the United States Attorney’s Office. Eight investigations are ongoing.”

The cruise industry maintains that the rate of sexual assault at sea is significantly lower than the on shore rate of sexual assault. According to the cruise industry, during the three-year period from 2003 to 2005, when roughly 31 million North Americans sailed on cruise ships, there were 178 complaints of sexual assaults. But because data on rates of sexual assault during cruise voyages is not easily accessible to the public, it is difficult for us to evaluate the accuracy of such statistics.

We note that the industry’s position is directly contradicted by the 2007 congressional testimony of Dr. Ross Klein, who suggested that the rate of sexual assault on board ships could be as much as 50 percent higher than the on shore rate of sexual assault.

I believe that it is certainly possible that the true rate of onboard sexual assault might be higher than what is currently being reported to Federal authorities by the cruise industry:

- First, there is no way to reliably assess whether the cruise lines are fully and accurately reporting all onboard sexual assaults to Federal authorities. The industry already is expected to report such information, but what’s reported is not made public. Thus, it’s hard for passengers (or independent third-parties) to confirm whether each incident of sexual assault, including their own, has been fully and properly recorded.
- Second, sexual assault is one of the least reported violent crimes. According to the U.S. Department of Justice, as many as 60 percent of onshore sexual assault victims decline to report the crime against them. We believe it is likely that many cruise passengers who experience sexual assault on the cruise also will not report the crime (and that such crimes thus will not become part of industry cruise safety statistics). RAINN last week communicated with over 200 rape crisis centers in various states to determine whether any of their clients/hotline callers had been sexually assaulted during a cruise. About 9 percent of these 200 centers reported being contacted by a cruise victim.
- Third, in today’s competitive business climate, cruise lines may have an economic incentive to underreport or misclassify sexual assault crimes. Even if we assume that they are doing their best and would not consciously underreport, cruise personnel may lack the legal knowledge required to properly classify and report sexual crimes to Federal authorities. (U.S. college administrators—who also often lack law enforcement experience—sometimes encounter similar difficulties in interpreting the Federal Clery Act’s requirements for reporting on-campus crimes at the Nation’s college and universities.)

In summary, for those on a cruise, it is easy to forget that the risk of being assaulted onboard a cruise ship is real. It is easy, too, for the vacationing public to forget that, while a cruise ship may resemble a small city in population size, the public on the cruise ship has no law enforcement officials to keep would-be criminals in check or to immediately secure a crime scene and investigate a crime once it occurs.

¹The FBI has stated that it investigates cruise sexual assaults as defined in Title 18 of the United States Code (U.S.C.), Sections 2241 through 2243 and 2244 (a) and (c), and that the principal law giving the U.S. jurisdiction over crimes committed on a ship is set forth in Sec. 7 of Title 18 of the U.S. Code.

Recommendations for the 110th Congress

Impose stricter requirements for reporting onboard incidents of sexual assault (and authorize Federal officials to impose penalties for noncompliance with this requirement).

The FBI and the U.S. Coast Guard in 2007 entered into an agreement with the cruise industry, which calls for the industry to voluntarily report certain crimes. This agreement seems to mainly deal with crimes that are voluntarily reported by the industry and might not address crimes that should be, but are not, reported to the FBI. Congress should review this agreement carefully to ensure that the FBI can and will exercise meaningful oversight of cruise industry reporting methods, and to ensure that someone other than the cruise officials has a say in whether or not an incident reported by a passenger meets the threshold for disclosure. If this agreement does not give the FBI the ability to take action against cruise ships (most of which are foreign-flagged vessels) for underreporting or misclassifying sexual crimes, Congress should tighten requirements for the cruise lines. Enhancing the reliability of data on the frequency and nature of crimes on cruises should be the goal.

Provide victims who report sexual assaults during cruises with immediate access (via a telephone or the Web) to rape crisis personnel who are trained to meet the unique needs of Americans traveling overseas, so that cruise victims know they are not alone.

RAINN, the Nation's largest anti-sexual assault organization, created and operates the National Sexual Assault Hotline, 800-656-HOPE (in partnership with 1,105 affiliated rape crisis centers, located in every state and the District of Columbia). The Telephone Hotline has helped 1.2 million callers since its inception in 1994. RAINN also recently launched the National Sexual Assault Online Hotline (the nation's first secure, Web-based hotline for rape victims), at www.rainn.org. Finally, RAINN also conducts education and outreach programs to help prevent sexual assault and ensure that perpetrators are brought to justice.

Close to a year ago, RAINN approached one of the largest cruise line companies, Royal Caribbean, to suggest that they establish access from their ships to our Online Hotline and to our 24-hour Telephone Hotline for those instances where a guest or crewmember becomes the victim of a sexual assault while traveling onboard a ship. Our goal is to facilitate both immediate and continuing professional counseling services should a cruise passenger desire and need such services. We are currently engaged in discussions with Royal Caribbean about our proposal to link cruise ship victims with rape crisis hotline personnel while the victims are at sea. We believe that it would be appropriate for the entire industry to provide access to these (or similar hotline) services to any cruise passengers or crew members who are victimized while traveling in international waters.

RAINN also believes that it will be important to equip those hotline personnel who assist cruise victims at sea with certain resources that are uniquely tailored to meet the unique needs of such victims. For example, while the typical (on shore) caller to our Telephone Hotline is seeking information about victim resources in their local community, a caller from a cruise ship at sea typically would need contact information for the consulate or U.S. embassy at the nearest port of call, contact information for the FBI, and information about how to report a sexual assault to cruise line personnel, plus advice on how to seek medical attention and related support services. Cruise victims also may get help from rape crisis centers in their local communities upon their return home.

Of the roughly 200 rape crisis centers, located in various states around the nation, from whom we heard last week, 90 percent said they do not currently train their personnel to meet the unique needs of victims of cruise ships. Although over half said that they feel fully prepared, and an additional one-third reported that they feel somewhat prepared, to assist cruise victims, 60 percent said they would find it helpful to receive materials to assist in counseling clients or responding to hotline calls. At least 40 percent said they would find it helpful to receive contact information for Federal agencies that deal with cruise victims; about one-quarter said that they would find it useful to receive a list of international resources that provide assistance to cruise victims; and about one-quarter also said they would appreciate receiving specialized training to help them better meet the unique needs of rape victims on cruises.

Ensure greater oversight of training and conduct of crew members on ships.

The cruise industry needs to take additional steps to ensure that their crewmembers are adequately supervised and that better protocols are instituted and followed to protect victims (crewmembers and passengers alike) in the event that sexual assaults occur on cruises in the future. Royal Caribbean advised us that they recently hired a sexual assault forensic nurse to assist the company in the development of improved evidence collection procedures on their cruises; we encourage the

rest of the industry to take similar steps, where appropriate, to ensure that their onboard medical personnel are adequately trained in proper forensic evidence collection methods.

Ensure that cruise lines are accountable to the public to fully report all incidents of sexual assault.

We applaud U.S. Reps. Matsui, Shays, Poe, and Maloney for recently introducing an amendment that would require certain cruise crimes to be publicly disclosed online by the U.S. Coast Guard as well as the cruise industry. This measure recently passed the U.S. House of Representatives as an amendment to a U.S. Coast Guard bill, and we encourage the Senate to pass a similar measure.

Improve the screening and training of crew members who work with passengers.
Many cruise lines serving U.S. passengers employ citizens of a variety of other countries as crewmembers. The screening of crewmembers who work with passengers may not be adequate to fully protect those on cruises against the risks posed by sexual predators. Because crewmembers have been involved in some recent reported sexual assaults, finding a solution to this issue should be a priority for Congress and the industry.

Encourage cruise lines to educate their passengers, before the ship departs, about the onboard risk of sexual assault and what to do if they, or a friend or relative, is assaulted during the voyage.

The cruise industry's advertising materials foster an image of cruise ships as safe and fun havens for vacationing Americans to relax. Parents of children who were assaulted on a cruise occasionally tell us that they let their guard down more while onboard than they would have at home (e.g., by allowing their child to move freely about the ship without adult supervision). Ideally, the entire cruise industry should provide passengers, at the outset of a voyage, with safety information that notes the specific risks to children and youths while traveling on the cruise, gives safety tips for crewmembers and passengers, and explains what to do if you or a friend or family member is assaulted while on a cruise.

Conclusion

In closing, thank you for your time and for inviting me to testify. I look forward to continuing to work with you, Mr. Chairman, the Ranking Member, and the other Members of this Subcommittee on solutions to the important issues discussed at today's hearing.

Senator KERRY. We appreciate it. Thank you very much for doing so.

Mr. Dale?

STATEMENT OF TERRY DALE, PRESIDENT AND CEO, CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA); ACCOMPANIED BY JAMES ALAN FOX, PH.D.

Mr. DALE. Good morning, Mr. Chairman and members of the Subcommittee. My name is Terry Dale, and I'm the President and Chief Executive Officer of Cruise Lines International Association, headquartered in Fort Lauderdale, Florida. I greatly appreciate the opportunity to testify before you today.

I have submitted a formal statement for inclusion in the record of this hearing, which, in the interest of time, I will briefly summarize.

CLIA represents 24 cruise lines, whose vessels range in size from 50 passengers to 4,000 passengers, and 16,500 travel agencies. In the audience today is Mr. Bill Walsh, President of Cruise Travel Outlet, and one of the top producing travel agents for MASSPORT. Agents like Bill are our industry's front-line partners. In fact, in the past 20 years, he has sold thousands of cruises, yet he has never had a single call from a passenger claiming to be a victim of a crime.

This hearing will examine cruise ship safety, which is the cruise industry's number-one priority for its passengers and crew. Quite simply, Americans are extremely safe at sea today. According to

Coast Guard Admiral Wayne Justice, and I quote, "There is no serious evidence to suggest that there is significantly more, or more serious, crimes affecting U.S. nationals onboard cruise ships than indicated by the reporting data," end of quote.

Why, then, have these questions about safety been raised? I believe there are three reasons:

First, our care and compassion in the past toward these individuals who have suffered has not always been satisfactory. However, we have made great strides to improve our services.

Second, we are the only vacation industry required by law to immediately report any serious incident and every allegation to Federal authorities. In this case, the FBI and U.S. Coast Guard. This reporting is mandatory, not voluntary.

Third, when incidents have occurred, they typically receive far more attention than comparable incidents in land-based settings.

As you know, Mr. Chairman, there have been four House hearings on this issue, the most recent in September 2007. Since that hearing, we have held several all-day meetings with our working group of family members and their representatives to share and exchange ideas and recommendations. Our cruise lines now use an FBI DVD for enhanced security training, and offers instruction on an initial response and crime-scene management. CLIA's two largest cruise lines have their security training programs certified by internationally recognized security organizations. Finally, our member lines guest-care programs have trained more than 3500 employees, to date.

Mr. Chairman, these are just some of the actions we have taken since the September hearing. Also at that hearing last fall, Coast Guard Admiral Justice testified, and I quote, "We see no emerging requirement for legislative change regarding the incident reporting requirements," end of quote. He added that there were no known incidences of shipboard crimes being unreported. Clearly, the authorities would know if they were not receiving accurate reports; and I would add that, in this day and age of cell phones, camera phones, and Internet access, the likelihood that a serious incident would go unnoticed, let alone unreported, is highly unrealistic.

The House hearings also demonstrated that crime on cruise ships is extremely rare. The FBI statistic—or, they stated that 207 incidents had been reported by CLIA member cruise lines to the Bureau for the 6-month period prior to the hearing, and, according to the subcommittee hearing memo, that translates into fewer than .01 percent of passengers on cruise ships during that period.

In March of last year, we worked with the FBI and Coast Guard to develop a standardized crime reporting protocol and continue to work closely with the FBI, Coast Guard, and all Federal authorities, as well as the International Maritime Organization.

Based on Federal and international regulations, the following is strictly adhered to. Anyone boarding one of our ships, and every piece of their luggage, is subject to rigorous screening. Each cruise ship has embarkation and debarkation controls, including biometric verification of all passengers and crew. All passengers and crew lists are electronically submitted to U.S. authorities prior to departure from or arrival to the United States, and screened against law enforcement data bases. Each cruise ship has a highly trained chief

security officer and trained security staff to provide safety onboard. Each cruise line also has security officers at the corporate level, usually ex-law enforcement, Coast Guard, or military, in charge of fleet-wide security and training.

Based on these facts, it is clear that we provide a safe and secure passenger environment. This is part of the reason why independent surveys show that 95 percent of cruise passengers are satisfied with their cruising experience, and more than half of our passengers today are repeat customers who are cruising for the second, third, fourth, and, many times, even a dozen times.

In closing, Mr. Chairman, as an industry, we deeply regret any incident that occurs on our ships. We have worked closely with families and their representatives to provide compassionate care. Our goal remains zero incidents. This industry works diligently every day to achieve this goal. We have a very good record when it comes to passenger safety, and we want to keep it that way. Passenger safety is, and always will be, our number-one priority.

Thank you very much.

[The prepared statement of Mr. Dale follows:]

PREPARED STATEMENT OF TERRY DALE, PRESIDENT AND CEO, CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA); ACCOMPANIED BY JAMES ALAN FOX, PH.D.

Introduction

My name is Terry Dale. I am President and Chief Executive Officer of the Cruise Lines International Association (CLIA), which has its headquarters in Fort Lauderdale, Florida.

My association represents 24 cruise lines, whose vessels range in size from 50 passengers to 4,000 passengers. Our membership also includes 16,500 travel agencies and more than 100 business partners who provide a vast range of products and services to the cruise industry. These businesses are located throughout the U.S. and create thousands of jobs.

We have representatives and letters from the American Society of Travel Agents (ASTA), National Business Travel Association (NBTA), National Association of Cruise Only Agencies (NACOA) and the National Association of Commissioned Travel Agents. Each of these organizations attests to peoples' personal experiences with cruising and their views that it is a very safe experience.

In the audience today is Bill Walsh, President of Cruise Travel Outlet, who met with staff last week and shares a long affiliation with Massachusetts and the cruise industry.

Travel agents like Bill Walsh are our front line partners. Travel agents are among the very first to hear if there is a serious incident, or for that matter, almost any kind of incident aboard a ship.

Bill readily acknowledges that the cruise industry has a 95 percent satisfaction rating. In fact, in the 20 years he has been selling cruises, he has never received a call from a passenger claiming to have experienced a serious crime.

The purpose of this hearing is to examine cruise ship safety, and specifically "potential steps for keeping Americans safe at sea."

This is an excellent subject, and many "steps" have already been taken. I appreciate the opportunity to provide an update and address some of the misunderstandings I believe exist.

I am pleased to be on a panel with Ken Carver, a member of CLIA's Survivor Working group and a person I have had an ongoing dialogue regarding cruise ship security. I am pleased that Evelyn Fortier of RAINN is also on the panel. I have great respect for RAINN and the wonderful resource that their association provides to victims of sexual assault. I look forward to having a dialogue with RAINN.

The cruise industry's number one priority is safety of its passengers and crew.

Quite simply, Americans are extremely safe at sea today.

In many ways, well documented by statistics and other evidence, Americans are much safer in the well protected environment of a cruise ship than they are on land.

Our industry has no higher priority—no stronger commitment—than to maintain our excellent record for the safety and security of all passengers.

Why, then, have these questions about safety even been raised?

I believe there are three principal reasons.

1. Our care and compassion in the past toward those who have suffered injury or loss has not always been satisfactory. We have made great strides over the past 2 years to improve our procedures, to provide more support to those who have been injured or families that have been affected; and we are committed to continuing these efforts.
2. We are the only travel industry required by law to immediately report any serious incident or even allegation to Federal authorities; in this case, the FBI and the U.S. Coast Guard.
3. When unfortunate incidents have occurred they typically receive far more publicity than comparable incidents in land-based settings.

There have been four House hearings on this issue, the most recent in September 2007 and since that hearing:

- We have held two more two all-day meetings with the working group of family members and their representatives to share and exchange ideas and recommendations. These meetings have provided a forum by which the families have heard directly from the FBI, the U.S. Coast Guard and the U.S. Attorneys Office. Our last meeting in Miami was held over several days and representatives of these agencies gave detailed briefings and answered many questions. The FBI also met with our group in November and discussed a new security training DVD that they were developing expressly for use by the cruise lines. Separately and during the Miami meeting the working group also addressed about 50 recommendations that had been put forward by the families.)
- Our major cruise lines now use the previously mentioned FBI-provided DVD for security training. The DVD offers FBI instruction on: initial response to a crime scene; securing a crime scene; crime scene photography and evidence collection.
- Two of CLIA's largest cruise lines have their security training programs certified by Lloyds Register, an internationally recognized security organization and a UK government program through Security Industry Authority.
- This spring CLIA sponsored the Family Assistance Foundation symposium in Atlanta, where a panel of survivors shared ideas and experiences with the audience.
- Our member lines' guest care programs have trained more than 1000 employees, bringing the total to date to more than 3000.

Crime Reporting

With respect to the reporting of such incidents, both the FBI and the U.S. Coast Guard have testified that the system is working efficiently.

Last September, Rear Admiral Wayne Justice, Assistant Commandant of the U.S. Coast Guard, testified to the House Subcommittee on Coast Guard and Maritime Transportation, and said: "We see no emerging requirement for legislative change regarding the incident reporting requirements."

He added that there were no known incidences of shipboard crimes going unreported.

Clearly, if the authorities were receiving reports from others that had gone unreported by the industry, the authorities would know this. As an aside, in this day and age of cell phones, camera phones and Wi-Fi cafes, the likelihood that a serious incident would go unnoticed, let alone unreported, would be very rare.

The House hearings also demonstrated that crime on cruise ships is extremely rare. Based on FBI reports from a 6-month period, the Coast Guard Subcommittee in its September 2007 hearing memo noted that there were fewer than point zero 1 percent (0.01 percent) of passengers had been involved in a reported incident during that time period.

Safety and Security Measures

To give a sense of what these requirements mean in practice:

- Anyone boarding one of our ships is subject to more rigorous screening than is required for airline passengers at most of the world's airports.
- Every piece of personal luggage is strictly screened.
- Each cruise ship has embarkation and debarkation controls including biometric verification of all passengers and crew.
- All lists of passengers and crew are electronically submitted to U.S. authorities prior to departure from or arrival in the United States and screened against law enforcement data bases.

- Each cruise ship has a qualified security officer and trained security staff whose duties are solely to provide onboard security for the passengers and crew, as well as for the vessel itself. These security officers are experienced highly-trained professionals.
- Each cruise line also has supervisory security officers at the corporate level, usually ex-law enforcement, Coast Guard or military, in charge of managing fleet wide security and training of the vessel security officers.
- Every crew member is required and trained to look out for the security of all passengers.
- In addition, all major cruise lines now have trained staff to counsel and support families and individuals during emergency situations.

Passenger Satisfaction

Independent surveys show that the vast majority of cruise passengers, 95 percent, say they are very satisfied with their cruising experience. Nearly 50 percent say they are extremely satisfied. And more than half of all passengers are repeats—cruising for the second or third or fourth time.

I submit that this would not be the case if safety or security were perceived as a serious problem. As the U.S. Coast Guard has testified, crimes onboard cruise ships are extremely rare.

I hope this background is helpful in assessing the level of safety and security for cruise ship passengers, despite the reports you may have heard of rare criminal activity, including sexual assaults, that have been widely reported, completely investigated, and yet sometimes exaggerated.

As an industry and as individuals, we deeply regret any such incident, and that in some cases, we have not provided sufficient support to the individuals or families affected. We have acknowledged this and over the past 2 years have worked closely with those families and their representatives and have welcomed their recommendations for improving our passenger services. Each of our large cruise ships now has specialized counselors.

Again the safety and security of our passengers is, has to be, and always will be our highest priority. We are constantly reviewing and improving our procedures.

Our position is that incident or crime of any kind is one too many.

Misleading Statistics

Regrettably, assertions are sometimes made and unofficial statistics are sometimes quoted that bear no relation to any known reality. I would like to try to clarify this point.

For example, at the September 2007 hearing of the House Subcommittee, a witness stated that the rate of ship-board sexual assaults is twice the rate of those occurring on shore. The two figures serving as the basis for that statement, however, were shipboard sexual assaults and land-based forcible rapes. The difference between those two categories is significant because the definition of “sexual assault” includes behaviors such as the intentional touching of certain body parts through clothing. In addition, the FBI has confirmed that it does not even calculate the rate of land-based sexual assaults. Despite this key fact, the critics have continued to cite the FBI’s statistics for “forcible rapes” that occur on land, mischaracterizing them as the (non-existent) land-based sexual assault rate, and misleadingly comparing them to the more broadly-defined “sexual assault rate” on ships. This is the basis for the false claim that a person is twice as likely to suffer a sexual assault onboard a ship as on land. We appreciate the opportunity to clarify the record on this important point.

Conclusion

In closing, let me say thank you again for conducting this hearing. We believe the record is clear—cruising is a very safe way to vacation, and our customer satisfaction levels, which are among the highest for any industry, would verify this fact—especially when placed along side the Federal data.

Our industry, as verified in previous testimony before the House of Representatives, is reporting all incidents—even allegations—and this reporting system is working well.

Our goal remains zero incidents and this industry works diligently every day to reach this goal. We have a very good record when it comes to passenger safety but we can always try and do more.

Passenger Safety is, AND WILL ALWAYS BE, our Number One priority.

Thank you.

Additional Cruise Statistics for States Represented by Members of the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security

Alaska

- Alaska embarked over 178,000 passengers in 2006.
- Almost 7,000 of Alaska's residents traveled on a cruise vacation in 2006.

Louisiana

- The Port of New Orleans embarked 72,000 cruise passengers in 2006.
- More than 85,000 of Louisiana's residents traveled on a cruise vacation in 2006.

Maine

- Ports in Maine embarked over 130,000 passengers in 2006.
- Over 16,000 of Maine's residents traveled on a cruise vacation in 2006.

Massachusetts

- Operating on a seasonal schedule from April to November, Cruiseport Boston embarked over 62,000 passengers in 2006.
- Over 500,000 of Massachusetts' residents traveled on a cruise vacation in 2006.

Mississippi

- More than 30,000 of Mississippi's residents traveled on a cruise vacation in 2006.

New Jersey

- Cape Liberty embarked over 160,000 cruise passengers in 2006.
- Almost 322,000 of New Jersey's residents went on a cruise vacation in 2006.

Oregon

- Almost 60,000 of Oregon's residents traveled on a cruise vacation in 2006.

South Carolina

- Operating on a seasonal schedule from September–June, the Port of Charleston embarked over 105,000 cruise passengers in 2006.
- Almost 110,000 of South Carolina's residents traveled on a cruise vacation in 2006.

Texas

- The Port of Galveston embarked over 617,000 passengers in 2006.
- Almost 730,000 of Texas' residents traveled on a cruise vacation in 2006.

Washington

- The Port of Seattle embarked over 370,000 cruise passengers in 2006.
- Over 180,000 of Washington's residents traveled on a cruise vacation in 2006.

2 0 0 6 E C O N O M I C S U M M A R Y

The Cruise Industry:

A \$35.7 Billion Partner in
U.S. Economic Growth



CRUISE LINES INTERNATIONAL ASSOCIATION, INC.

Executive Partners

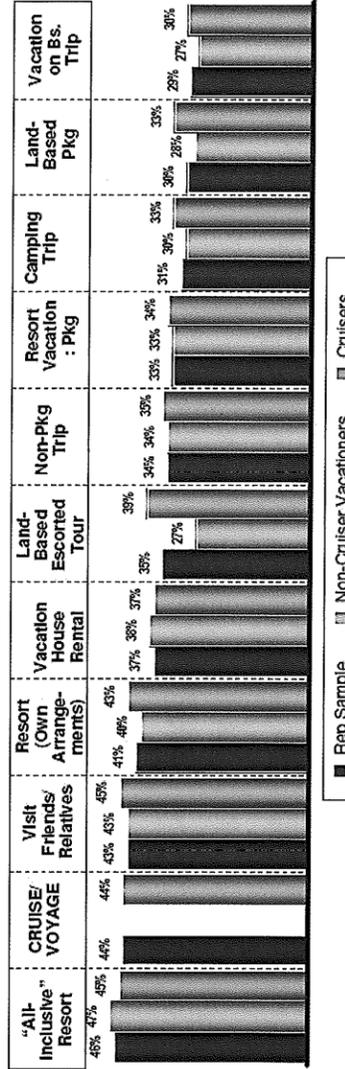
1 Priority Bicial, LLC	Marseille-Provence Cruise Club
Aker Yards	Marsh, Ltd.
Amadeus North America, Inc.	Maryland Port Administration
American Association of Port Authorities (AAPA)	Mase & Lara. P.A.
American Bureau of Shipping	Massachusetts Port Authority
American Guard Services, Inc.	McAlpin Conroy, P.A.
Bahamas Maritime Authority	McIntosh, Sawran, Peltz & Cartaya, P.A.
Bellcomb Technologies	McRoberts Maritime Security, Inc.
Bellegrove Medical Supply	MEIKO Marine
The Berkely Group	Metro Cruise Services, LLC
BMT Group	MEYER WERFT GmbH
Board of Commissioners of the Port of New Orleans	MHG Services, Inc.
Business Research & Economic Advisors (BREA)	Milliken Carpet
Chamber of Commerce and Industry of South Corsica (CCIACS)	Montreal Port Authority
Cruise Norfolk	NYCruise
Cruise Saint Lawrence	On-Board Movies
The Coca-Cola Company	Passenger Shipping Association (PSA)
Ege Ports/Kusadasi Cruise Port	Port Canaveral
European Cruise Council	Port Everglades
Fidelio Cruise Software, Inc.	Port of Galveston
Fincantieri-Cantieri Navali Italiani S.p.A	Port of Houston Authority
Florida-Caribbean Cruise Association	The Port of Los Angeles
Flamenco Marina	Port Miami
Fowler White Burnett, P.A.	Port of Palm Beach
Freeport Harbour Company	Port of San Diego
Fujifilm USA, Inc.	Port of San Francisco
Gard	Port of Seattle
Germanischer Lloyd AG	Port of Shanghai
Hayden, Miliken, Boeringer & Irick PA	Port of Saint John
Halifax Port Authority	Ports America, Inc.
Hamilton, Miller & Birthisel, LLP	Quebec Port Authority
Hamworthy Water Systems, LTD	RINA S.P.A.
Hill, Betts & Nash, LLP	Royal Marine insurance Group/RMIG
Hydroxyl Systems, Inc.	Seatrade Cruise Shipping Convention/ CMP Princeton, Inc.
The Image Group	Steamship Insurance Management Services Limited (SIMSL)
International Paint, LLC	Tampa Port Authority
Jacksonville Port Authority	The Port of Philadelphia and Camden, a Department of DRPA of PA & NJ
Jotun Paint, Inc.	Throdon Bearings, Inc.
Kaye, Rose & Partners, LLC	UK P&I Club
The Kezia Group	Unisource Worldwide, Inc.
Lloyd's Register North America, Inc.	Universal Marine Medical Supply
Maine Port Authority	Vickers Oils
Maritime Telecommunications Network/ SeaMobile Enterprises	Wartsila
	Wireless Maritime Services, LLP
	World Cruise Industry Review

Results of Research (continued)

Satisfaction Levels with Various Vacation Alternatives

94.8% of cruise vacationers express total satisfaction with cruise experience. In comparison to other types of vacations, the two categories that generate the highest satisfaction levels are *all-inclusive resorts* (46% extremely satisfied) and *cruising* (44%). However, the number of past cruisers (ever) more than doubles the number of all-inclusive resort visitors (45% vs. 21%).

Level of Satisfaction with Types of Vacations (Q1)
 % Extremely Satisfied (5-Point Scale; 5 = Extremely Satisfied)



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?

2006 NORTH AMERICAN CRUISE INDUSTRY ECONOMIC OVERVIEW

In 2006, the cruise industry continued to experience growth and its contribution to the U.S. economy. Direct purchases by the cruise lines and their passengers totaled \$17.6 billion, a 9 percent increase over 2005. This spending resulted in \$35.7 billion in total impact, an increase of 10 percent. The spending generated 348,000 jobs paying \$14.7 billion in wages to American workers.

The more moderate rate of growth for the cruise industry in 2006 was attributed to a slower rate in capacity expansion and the overall decelerating growth of the American economy and consumer discretionary spending. However, more people than ever took cruise vacations.

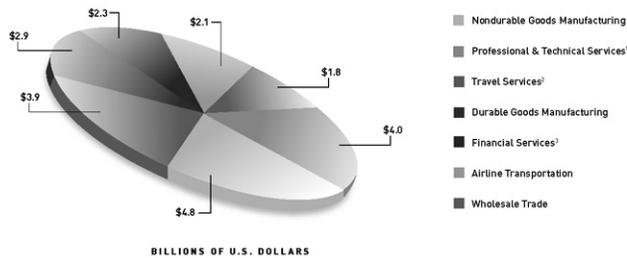
In 2006, 12 million people worldwide took cruise vacations, a 7 percent increase over the previous year. Passenger carryings at U.S. ports also remained strong with 9 million embarkations.

U.S. ECONOMIC CONTRIBUTION OF THE NORTH AMERICAN CRUISE INDUSTRY IN 2006

Total economic benefit of the cruise industry in the United States	\$35.7 billion
Direct spending of the cruise lines and passengers on U.S. goods and services	\$17.6 billion
Total jobs generated by these expenditures	348,000
Total wages generated for U.S. employees	\$14.7 billion

CRUISE INDUSTRY SPENDING BENEFITS U.S. INDUSTRIES

These economic benefits affect nearly every industry in the United States. Over 60 percent of the \$35.7 billion in total gross output and 40 percent of the 348,000 jobs generated by the direct and indirect impacts of the cruise industry affected seven industry groups.



¹ Includes legal services, advertising, management consulting, engineering and architectural services and computer consulting services
² Includes travel agents, ground transportation services and U.S.-based excursions
³ Includes banking, investment and insurance services

PASSENGER GROWTH AND VESSEL CAPACITY

Worldwide, 12 million people took cruise vacations in 2006, an increase of more than 7 percent, or 820,000 people, over the previous year. U.S. cruise passengers continue to be the large majority of the total worldwide cruise passengers, at 78 percent.

In 2006, a total of seven ships were added to the CLIA member line fleet, representing over 18,000 beds. This was the largest capacity increase since 2002. The industry's occupancy rate remained consistent at 104 percent.

U.S. OPERATING STATISTICS OF THE NORTH AMERICAN CRUISE INDUSTRY

	2006	2005	2004	Annual Percentage Change	
				2006	2005
Capacity Measures					
Number of Ships	151	145	144	4.1%	0.7%
Lower Berths	249,691	230,891	225,714	8.1%	2.3%
Carryings (Millions)					
Global Passengers	12.00	11.18	10.46	7.3%	6.9%
Passengers Residing in the U.S.	9.36	9.06	8.31	3.3%	9.0%
U.S. Embarkations	9.00	8.61	8.10	4.5%	6.3%
Industry Spending in the U.S. (\$ Billions)					
Cruise Lines	\$12.89	\$11.76	\$10.70	9.6%	9.9%
- Goods and Services	\$11.08	\$10.11	\$9.36	9.6%	8.0%
- Capital Equipment (incl. net interest)	\$1.81	\$1.65	\$1.34	9.5%	22.9%
Passengers and Crew	\$3.48	\$3.23	\$2.88	7.8%	12.1%
Wages and Taxes Paid by Cruise Lines	\$1.27	\$1.19	\$1.12	7.8%	6.0%
Total U.S.-Based Spending (\$ Billions)	\$17.64	\$16.18	\$14.70	9.0%	10.0%

U.S. ECONOMIC IMPACT OF THE NORTH AMERICAN CRUISE INDUSTRY

	Billions of U.S. Dollars			Annual Percentage Change	
	2006	2005	2004	2006	2005
Direct Economic Impacts					
Passenger and Cruise Line Spending*	\$17.64	\$16.18	\$14.70	9.0%	10.0%
Employment	153,863	142,720	135,197	7.8%	5.6%
Wages and Salaries	\$5.74	\$5.19	\$4.80	10.7%	8.1%
Total Economic Impacts					
Total Output	\$35.73	\$32.43	\$30.06	10.2%	7.9%
Employment	347,966	330,346	315,830	5.3%	4.6%
Wages and Salaries	\$14.73	\$13.52	\$12.42	9.0%	8.8%
* Includes wages and salaries paid to U.S. employees of the cruise lines					

U.S. PORTS LEAD THE WORLD IN CRUISE EMBARKATIONS

The United States continued to increase its share of the global embarkations of the North American cruise industry during 2006, with U.S. ports handling 75 percent of all global cruise embarkations. More than 9 million cruise passengers began their cruises from U.S. ports, an increase of 4.6 percent from the previous year.

NORTH AMERICAN EMBARKATIONS BY PORT AND REGION*

Port	2006	2005
United States	9,001,000	8,612,000
Florida	5,018,000	4,843,000
Miami	1,890,000	1,771,000
Port Canaveral	1,396,000	1,234,000
Port Everglades	1,145,000	1,283,000
Tampa	457,000	408,000
Jacksonville	130,000	147,000
California	1,241,000	1,301,000
Los Angeles	592,000	615,000
Long Beach	378,000	363,000
San Diego	180,000	234,000
San Francisco	91,000	89,000
New York	536,000	370,000
Other U.S. Ports	2,206,000	2,098,000
Galveston	617,000	531,000
Seattle	373,000	337,000
Honolulu	318,000	236,000
Alaska	178,000	164,000
Cape Liberty	160,000	147,000
New Orleans	72,000	308,000
Boston	62,000	80,000
Baltimore	59,000	67,000
Houston	53,000	99,000
Philadelphia	52,000	50,000
Remaining U.S. Ports	262,000	79,000
Canada	423,000	455,000
Vancouver	402,000	435,000
Other Canada Ports	21,000	20,000
San Juan	555,000	581,000
North America	9,979,000	9,648,000
Rest of the World	2,021,500	1,852,000
Total	12,000,000	11,500,000

*All estimated cruise embarkations have been rounded to the nearest thousandth

- Florida remains the center of cruising in the United States, accounting for nearly 56 percent of all U.S. embarkations. Port Canaveral and Tampa both increased embarkations by 12-13 percent over the previous year.
- California's four cruise ports boarded more than 1.2 million passengers for their cruises, or nearly 14 percent of all U.S. cruise embarkations.
- Texas has been one of the highest growth markets, driven by an increase in embarkations at the Port of Galveston and development at the Port of Houston.
- New York boosted embarkations to 536,000 passengers, an increase of 45 percent, with the opening of the Brooklyn Cruise Terminal.
- Hawaii has increased its share of the cruise industry's impact in the United States with increased operations in 2006. Honolulu increased passenger embarkations by 34 percent.
- There were approximately 5 million visits at U.S. ports of call, primarily in Alaska, Hawaii and Key West.

TOP 10 U.S. CRUISE PORTS BY EMBARKATION - 2006

The top 10 ports accounted for nearly 86 percent of all U.S. embarkations

- | | |
|--------------------|---------------|
| 1. Miami | 6. New York |
| 2. Port Canaveral | 7. Tampa |
| 3. Port Everglades | 8. Long Beach |
| 4. Galveston | 9. Seattle |
| 5. Los Angeles | 10. Honolulu |

FAST FACTS

On average, a 2,000-passenger ship with 950 crew members generates approximately \$322,700 in onshore spending in a U.S. homeport city (where passengers embark on their cruise).

Passenger data shows that 40 percent of embarking passengers stay one or more night in a port city pre- or post-cruise. On average, each overnight cruise visitor spends \$289 per visit on retail, dining, local transit and lodging.

EVERY STATE BENEFITS FROM NORTH AMERICAN CRUISE LINE PURCHASES

The North American cruise industry benefited every state economy through \$17.6 billion in direct purchases for goods and services for cruise operations. This direct spending in turn generated a total of \$35.7 billion in economic impact and 348,000 jobs paying \$14.7 billion in wages. States benefit from cruise line and port operations, the number of cruise passengers from their region and purchases of goods and services, such as air transportation, food and beverage, ship maintenance and refurbishment, engineering and travel agent commissions. The economic impacts were concentrated in 10 states that accounted for approximately 80 percent of the total U.S. impacts: Florida, California, Texas, Alaska, New York, Hawaii, Georgia, Washington, Illinois and Massachusetts.

STATE	DIRECT PURCHASES (\$ MILLIONS)	TOTAL EMPLOYMENT	TOTAL INCOME (\$ MILLION)	STATE	DIRECT PURCHASES (\$ MILLIONS)	TOTAL EMPLOYMENT	TOTAL INCOME (\$ MILLION)
Alabama	\$100	1,785	\$61	Montana	\$5	91	\$3
Alaska	\$1,101	24,270	\$927	Nebraska	\$21	509	\$19
Arizona	\$161	3,495	\$129	Nevada	\$50	631	\$23
Arkansas	\$22	419	\$12	New Hampshire	\$43	504	\$22
California	\$1,194	44,703	\$2,178	New Jersey	\$321	5,442	\$282
Colorado	\$349	2,620	\$135	New Mexico	\$18	287	\$10
Connecticut	\$127	1,310	\$77	New York	\$1,086	13,421	\$729
Delaware	\$25	226	\$10	North Carolina	\$214	2,848	\$108
District of Columbia	\$38	153	\$18	North Dakota	\$8	158	\$4
Florida	\$5,847	125,104	\$5,023	Ohio	\$177	3,014	\$124
Georgia	\$667	9,288	\$422	Oklahoma	\$29	528	\$19
Hawaii	\$702	23,219	\$675	Oregon	\$78	2,689	\$96
Idaho	\$12	208	\$7	Pennsylvania	\$328	5,906	\$254
Illinois	\$442	6,398	\$307	Rhode Island	\$24	383	\$13
Indiana	\$249	3,769	\$156	South Carolina	\$70	1,430	\$46
Iowa	\$33	362	\$12	South Dakota	\$6	79	\$2
Kansas	\$52	2,211	\$78	Tennessee	\$59	993	\$39
Kentucky	\$58	893	\$32	Texas	\$1,120	19,351	\$907
Louisiana	\$128	2,224	\$80	Utah	\$53	832	\$28
Maine	\$24	379	\$12	Vermont	\$5	62	\$2
Maryland	\$148	2,139	\$101	Virginia	\$151	2,580	\$122
Massachusetts	\$387	5,657	\$315	Washington	\$631	16,300	\$722
Michigan	\$207	2,682	\$123	West Virginia	\$8	153	\$5
Minnesota	\$110	1,883	\$89	Wisconsin	\$50	882	\$32
Mississippi	\$27	394	\$12	Wyoming	\$3	40	\$1
Missouri	\$155	3,062	\$126	U.S. Total	\$17,643	347,966	\$14,727

STUDY DETAILS

This analysis, conducted by Business Research and Economic Advisors (BREA), expands on a previous study from 2005. BREA gathered and analyzed data from a broad spectrum of the cruise industry, including all of the major cruise lines. The data has been aggregated and adjusted to develop industry-wide estimates of revenues and expenses. Additionally, BREA used its industry and macroeconomic models to trace the impact of cruise line spending on U.S. output and jobs by industry and used U.S. government impact factors to determine the state analysis.

The analysis provides a detailed outline of the study's conclusions regarding the cruise industry's revenues and expenditures in 2006. The full report may be viewed on the CLIA Web site at www.cruising.org.

CLIA MEMBER LINES

- American Cruise Lines
- Azamara Cruises
- Carnival Cruise Lines
- Celebrity Cruises
- Costa Cruises
- Crystal Cruises
- Cunard Line
- Disney Cruise Line
- Holland America Line
- Hurtigruten (formerly Norwegian Coastal Voyage)
- Majestic America Line
- MSC Cruises
- Norwegian Cruise Line
- Oceania Cruises
- Orient Lines
- Pearl Seas Cruises
- Princess Cruises
- Regent Seven Seas Cruises
- Royal Caribbean International
- Seabourn Cruise Line
- SeaDream Yacht Club
- Silversea Cruises
- Uniworld Grand River Cruises
- Windstar Cruises

EXECUTIVE PARTNERS

- 3M Marine
- ACS-Affiliated Computer Services
- Amadeus North America Inc.
- American Bureau of Shipping (ABS)
- American Guard Services, Inc.
- Avendra
- Bahamas Maritime Authority
- Barwil Unitor Ships Service
- Bellegrove Medical Supply
- Board of Commissioners of the Port of New Orleans
- Business Research & Economic Advisors (BREA)
- Callenberg Engineering Inc.
- Campbell & Malafy
- Capital & Credit Financial Group
- Chamber of Commerce and Industry of South Corsica (CCIAACS)
- Ege Ports/Kusadasi Cruise Port
- Fidelio Cruise Software Inc.
- Fincantieri-Cantieri Navali Italiani S.p.A.
- Fowler White Burnett P.A.
- Freeport Harbour Company
- Fuji Photo Film U.S.A., Inc.
- Gard
- Halifax Port Authority
- Hamilton, Miller & Birthisel LLP
- Hamworthy Water Systems LTD
- Hill, Betts & Nash LLP
- Hydroxyl Systems Inc.
- International Paint LLC
- Jacksonville Port Authority
- Jotun Paints, Inc.
- Kaye, Rose & Partners, LLP
- Lloyd's Register Americas Inc.
- Maine Port Authority
- 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.
- McIntosh, Sawran, Peltz & Cartaya, PA
- McRoberts Maritime Security, Inc.
- MEIKO Marine
- Metro Cruise Services LLC
- MEYER WERFT GmbH
- MHG Services, Inc.
- Michael Stapleton Associates
- Montreal Port Authority
- NYCruise/New York City Economic Development Corporation
- On-Board Movies
- Ports America
- Port Canaveral
- Port Everglades
- Port of Galveston
- Port of Houston Authority
- Port of Miami
- Port of San Diego
- Port of San Francisco
- Port of Seattle
- Port of Shanghai
- Québec Port Authority
- RINA S.P.A.
- RMIG Insurance
- Seatrade Cruise Shipping Convention/CMP Princeton Inc.
- Steamship Insurance Management Services Limited
- Tampa Port Authority Teakdecking Systems, Inc.
- The Berkely Group
- The Coca-Cola Company
- The Image Group
- The Kezia Group
- The Port of Los Angeles
- The Port of Philadelphia and Camden - A Dept of the DRPA of PA & NJ
- Thordon Bearings Inc.
- UK P&I Club Unisource Worldwide, Inc.
- Universal Marine Medical Supply
- Vickers Oils Vitality Foodservice, Inc.
- Wärtsilä
- Wireless Maritime Services LLP
- World Cruise Industry Review

Senator KERRY. Thank you, Mr. Dale, appreciate it.
Dr. Klein?

STATEMENT OF ROSS A. KLEIN, PH.D., PROFESSOR OF SOCIAL WORK, MEMORIAL UNIVERSITY OF NEWFOUNDLAND, ST. JOHN'S COLLEGE

Dr. KLEIN. Let me first thank the Committee for holding these hearings and for giving me the opportunity to speak.

I sincerely believe that crimes against Americans on cruise ships is a problem that needs to be addressed, and encourage the Committee to seriously consider means for protecting Americans choosing cruise vacations on foreign-flagged cruise ships operating out of U.S. ports and around the world.

There is little question that sexual assaults and other crimes are a problem on the cruise ships, as they are elsewhere. However, the problem is perhaps more severe on a cruise ship. Given the cruise industry's claim that a cruise is the safest form of commercial transportation, passengers go onboard unaware of the risks they face. They allow the children to roam without supervision, and adults fail to take precautions they take on land. The situation is made worse by the relaxed attitude that comes with being on vacation, lowered defenses that come with consumption of alcohol, and an unnatural sense of safety, given the uninhibited sociality that comes with being on a cruise.

In 1999, the cruise industry claimed that the number of reported shore-side aggravated sexual assaults was at least 20 to 50 times greater than the total number of all reported shipboard assaults of any type. Carnival Cruise Lines had just admitted in the discovery phase of a lawsuit involving an alleged rape that it had received 108 complaints of sexual assaults involving crew members in 5 years. Royal Caribbean said it had received 58 complaints in the same time period.

In response to these disclosures, four cruise corporations, representing more than 75 percent of the industry, signed a letter of commitment in July 1999 pledging a zero-tolerance policy for crimes committed onboard cruise ships, and established an industry standard requiring allegations of onboard crime be reported to the appropriate law enforcement authorities. For vessels calling on U.S. ports or crime involving U.S. citizens, this meant the FBI.

Interestingly, cruise lines were already expected to report to the U.S. Coast Guard all crimes involving U.S. citizens on cruise ships, but it isn't clear that the information was being reported or being sought.

Just 7 years later, based on statistics for 2003 through 2005, the cruise line—the cruise industry testified to a Subcommittee of the House of Representatives that the rate of sexual assault on cruise ships was, at worst, half that found in the United States, generally. This suggests that it was either as much as a 25-fold increase in sexual assaults between 1999 and 2003 or that the claims made in 1999 were false and unfounded.

The industry's 2006 testimony was questioned, a year later, through analysis of data presented in a Los Angeles Times article, which showed the rate of sexual assaults was actually almost twice that found in the U.S. The industry responded; they said that what they meant in their Congressional testimony was forcible rape, not sexual assaults.

One independent set of statistics for rate of sexual assault on cruise ships is raw data provided by Royal Caribbean International in discovery in a lawsuit in Florida. The data covers all sex-related incidents in a 3-year period from 2003 through 2005. It reveals that the rate of sexual assault on cruise ships compared to the rate of forcible rape in the United States is not half, but almost twice the U.S. rate. This rate is validated by data presented by the FBI in Congressional hearings in September 2007. It indicates a rate of sexual assault of 56.9 per 100,000 population.

It isn't only sexual assaults that are a problem. The first hearings in the House of Representatives, in December 2005, were con-

cerned with a cluster of cases where a passenger disappeared from a cruise ship. The issue was raised in June 2005 in a Business Journal of Jacksonville article written by Mary Moewe. She had found that, since 2000, at least 12 cruise ship passengers had gone overboard or disappeared in 11 cases. Two passengers were rescued, two were confirmed dead, and eight passengers are still missing. These eight remain a mystery.

Unbeknownst to Moewe, the numbers were actually much higher. Because no cruise line kept track of persons going overboard, and no Federal agency had responsibility for monitoring these events, she was left to rely on information that was readily available. The most comprehensive list of persons going overboard from cruise ships at the time was online at *CruiseJunkie.com*. The site reports 47 incidents during the same time period covered by Moewe's article.

Another issue raised in the March 2006 hearing was robbery and theft. The industry claimed that, then, there was only four known robberies industrywide in the 3-year period 2003–2005. That meant an annual rate of 1.33. However, the FBI reported, in 2007, an annualized rate of 135. That yields a rate of 44.7 per 100,000. This is 90 times greater than what the industry admitted to in its March 2006 testimony.

With this said, and in this context, I suggest three things:

There needs to be a clear definition of crimes reportable by cruise ships, and there should be mandatory reporting, as there is in every jurisdiction in the U.S., with regard to child sexual abuse. This also means there should be clear and meaningful penalties for not reporting.

A second set of recommendations emerges from 1999 reports by consultants hired by Royal Caribbean Cruises, Limited. Many of the recommendations are spot on, but have not been implemented, or have been implemented in a haphazard and inconsistent manner. Some that still need better implementation include standardizing the response to incidents of crime across all ships and across all brands; advocates and counselors onboard who are available to support and care for victims; a hotline reporting system off-ship that may be used by those who, not surprisingly, feel unsafe about reporting an incident onboard; better surveillance and greater use of CCTV cameras, in key areas of the ship, which are regularly monitored, and tapes stored for a reasonable period, at least as long as the period stipulated in the passenger contract in which a passenger may launch a lawsuit; there should also be better education of crew and passengers about safety, security, and about the limited nature of permitted interactions between passengers and crew; and, of key importance, effecting a meaningful and significant change in shipboard culture and tolerance of misdeeds. Many crimes occur because perpetrators know they will not be caught; and, if caught, they will not be punished.

The third—my third point is that many recommendations are contained in the ICV's ten-point program. Given that their insights are based on direct experience, and their recommendations are informed by the pain and suffering they have endured, they can better express than I many of the things the industry could and should be doing.

Thank you.

[The prepared statement of Dr. Klein follows:]

PREPARED STATEMENT OF ROSS A. KLEIN, PH.D., PROFESSOR OF SOCIAL WORK,
MEMORIAL UNIVERSITY OF NEWFOUNDLAND, ST. JOHN'S COLLEGE

A not uncommon problem is the allegation of sexual assault on passengers by crewmembers, particularly cabin, table or bar stewards. Members must have rigorous policies prohibiting socializing between crew and passengers. Any crewmember, found in a passenger area where he should not be, should be subject to dismissal for the first offense. A cruise operator must take reasonable care to investigate a crewmember's background before hiring him. There is at present a split of authority between U.S. courts as to whether cruise operators are strictly liable for assaults by crew or whether operators are only liable if they are negligent in hiring or supervising crew members. The majority of the circuits have decided that operators are only liable for negligence. (*A Guide to P&I Cover, The Standard, 2007*)

The contrast is stark. The cruise industry's insurance carrier states that sexual assault is a not uncommon problem, but the industry itself claims a cruise to be the safest form of commercial transportation. The industry's claim is grand—one which most passengers take at face value.

The Morgans (a pseudonym) took a cruise in 2005, never thinking twice about it being unsafe for their 8 year old middle daughter to go back to the family's cabin on her own. Along the way the youngster became confused and asked a crewmember in uniform for assistance. Instead of helping, the male (wearing a cruise line name plate) allegedly took the girl to a dark end of a corridor where there were no surveillance cameras and he masturbated in front of her. It was subsequently learned that the crewmember had previously worked for a different cruise line that had "do not rehire" marked on his personnel file. But he passed background checks and was hired by the current cruise line. It seems the cruise line also failed to notice that the name under which the man had applied for employment was different than the name on his passport.

Laurie Dishman also believed cruises were safe. She and her best friend in February 2006 chose a cruise to the Mexican Riviera to celebrate thirty years of friendship and to celebrate Laurie's birthday. But things quickly turned from good to bad when a security guard raped Laurie on day two of the cruise. The security guard, she learned later, was actually a janitor "filling in" for security in lounges to check IDs because there were not enough security personnel on board.

The cruise industry would prefer these experiences not be broadcast: when they are made public they are characterized as isolated exceptions or as statistically insignificant. But the fact is that sexual assaults have been recognized as an ongoing problem on cruise ships for decades.

Scope of the Problem

"Cruise ships are as safe an environment as you can find," was what a Carnival Cruise Lines spokesperson said during a court case involving a fourteen year old child who was raped in 1989 on Carnival's *Carnivale*. Rape, he said, "happens in houses, offices, hotels, and parking lots" (Adams 1990:1).

In this child's case, the rape occurred onboard in a cleaning closet. As the ship was returning to Miami from the Bahamas she went to the family's cabin (while other family members remained on deck) at 5:30 A.M. to check on a suitcase. While in the elevator, a male crewmember—a cleaner onboard the ship—kissed and fondled her. He then dragged her from the elevator to a cleaning closet and raped her on the floor. The girl picked the thirty-two year old crewman, a Colombian national and father of two, out of a line up. In February 1990, he was found guilty of the charges and sentenced to thirty years in prison. The case received considerable attention because it was the first time a crewmember on a foreign-flagged cruise ship had been successfully prosecuted. The assault had occurred while the ship was within U.S. territorial waters (Adams 1990: 1).

Sexual assaults on cruise ships first gained the national media's interest in 1999. One peak was in July 1999 when Carnival Cruise Lines disclosed in the discovery phase of a lawsuit involving an alleged rape that it had received 108 complaints of sexual assaults involving crewmembers in the 5-year period ending August 1998. Royal Caribbean said it had had fifty-eight reported sexual assaults on its ships during the same 5-year period.

Several months earlier an investigative journalist with the *New York Times*, Douglas Frantz, published an article entitled "On Cruise Ships, Silence Shrouds Crimes" where he describes an alarming range of passenger claims of sexual assault

and discusses how they were handled by the cruise lines. Based on examination of court records and on interviews with cruise line employees, law enforcement officials, and passengers and their lawyers, Frantz describes

. . . 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. (Frantz 1998)

He cites a former chief of security for Carnival Cruise Lines as saying:

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. (Frantz 1998)

Once a crime is reported, there are problems with preserving evidence. Passenger cabins are routinely cleaned twice a day, 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. In addition, many victims are likely to delay making a report as long as they are aboard a ship because of fear of reprisal and because there is no independent investigator or rape-treatment centre. Sadly, rapes on cruise ships may often not be reported until it is too late for criminal investigation.

In those cases where a sexual assault is reported in a timely manner, victims and prosecutors were traditionally faced with a common practice among 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* found that in each of five lawsuits against Carnival Cruise Line 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 Lines was settled out of court (Korten 2000).

Early Attempts to Address the Problem

Some cruise lines (if not all) undertook initiatives to address the problem of sexual assaults and other crimes, though this was mostly done out of the public's sight. Royal Caribbean, for one, received reports in May/June 1999 from two consultants charged with making recommendations for preventing sexual harassment and assault. The problem was obvious. As one report states, ". . . improper activity occurs frequently aboard cruise ships, but goes unreported and/or unpunished" (Krohne 1999: 2). The other report acknowledged that "crew members generally understand that if they commit an offence and are caught they are most likely going to lose their job and be returned home, but not spend time in jail" (Greenwood, 1999: 4).

The reports make a range of recommendations, including: increased video surveillance of high risk areas (including the disco bar and dance area, main service corridors on crew decks and key intersections on passenger decks, and youth activity areas); cameras already in place be monitored periodically, at least on a random basis, and be recorded at all times; an increase in the number of security staff by two per ship; and increased training and education of staff and crew members. In addition they recommended that responses to sexual harassment and assault be standardized across brands and ships, that training for medical personnel include an interview protocol for sexual assault incidents, that a staff member be identified and assigned responsibility to serve as an advocate for the target of sexual harassment or assault, that a shore side hotline be established to receive telephone reports of wrongdoing and that investigations be consistent and evenly handled. Given their assumption that cruise passengers were unaware of the prohibition between crew and guest social interactions (and that passengers often, unintentionally, put a crew member in an uncomfortable position by engaging him or her socially), they also recommended better educating passengers and better signage onboard demarcating areas that are "off limits" to passengers. The recommendations are great, but the

degree to which they were embraced and implemented is questionable. Many are still being debated and discussed; they are not found in general practice.

The consultants also identified cultural challenges to reducing sexual harassment and assault. For example, senior officers and management need to break from the traditionally hierarchical and militaristic structure of a ship and instead treat their crew and staff members fairly and respectfully. They need to reinforce the need for staff and crew members to treat each other and passengers respectfully. If they wish to prevent sexual harassment and abuse then they must have zero tolerance for both, no matter the rank or position of the offender.

Diverse cultural perceptions of sexual harassment and conduct among a ship's crew present another challenge. There is a diverse population drawn from around the world, and in many of these cultures women, women's rights and sexuality are seen quite differently than they are by most North Americans. These differences need to be addressed through better training and more effective oversight and supervision.

Managing Perceptions

Rather than address the problem head-on, the cruise industry appears to be focused on managing public perceptions. In the midst of the heightened media coverage and interest, four cruise corporations (Carnival Corporation, Royal Caribbean Cruises Limited, Crystal Cruises, and Princess Cruises) representing more than 75 percent of the industry signed a letter of commitment in July 1999. Issued under the auspices of the International Council of Cruise Lines, they pledged a "zero tolerance policy" for crimes committed onboard ships and established an industry standard requiring allegations of onboard crime be reported to the appropriate law enforcement authorities. For vessels calling on U.S. ports, or crime involving U.S. citizens, this meant the Federal Bureau of Investigation (FBI).

Interestingly, cruise lines were already expected to report to the U.S. Coast Guard all crimes involving U.S. citizens on cruise ships but it isn't clear that the information was being reported or sought. U.S. authority in these cases extends from the special maritime and territorial jurisdiction of the United States (U.S.C. 18 CFR). Under U.S. Code, the government can exert authority over U.S. territorial seas, any place outside the jurisdiction of a nation with respect to an offence against a U.S. national, and a foreign-flag vessel during a voyage to or from the U.S. where an offence is committed against a U.S. national.

The cruise industry announced its zero tolerance for crime policy with a press release. It reassured passengers of background checks on prospective employees, that crew members violating rules against fraternization with guests would be dismissed, that there were highly trained security personnel on every vessel, and that there were established procedures to investigate, report and refer incidents of onboard crime to appropriate law enforcement authorities. The press release told American passengers that they were protected by U.S. laws, that cruise lines were subject to civil liabilities in U.S. courts, and that they were safer on a cruise ship than in urban or rural America. But it didn't appear to result in greater reporting of crimes.

Minimizing the Problem

The cruise industry has become adept at minimizing the problem. In 1999 it claimed that the number of reported shore side aggravated sexual assaults was at least twenty to fifty times greater than the total number of all reported shipboard assaults of any type. Just 7 years later, based on statistics for 2003 through 2005, they testified to a subcommittee of the House of Representatives that the rate of sexual assault on cruise ships was at worst half that found in the U.S. generally (see Fox, 2006). This suggests that there was either as much as a twenty-five-fold increase in sexual assaults between 1999 and 2003 or that the claims made in 1999 were false and unfounded.

The industry's 2006 testimony was questioned a year later through analysis of data presented in a *Los Angeles Times* article (see Yoshino, 2007) which showed the rate of sexual assault was actually almost twice that found in the U.S. (see Klein, 2007). The industry responded privately—they clarified that what they meant in their Congressional testimony was forcible rape, not sexual assaults. They had taken the U.S. rate for forcible rape and labeled them sexual assaults. The integrity of their own data is unclear (*e.g.*, what definitions were used to include/exclude incidents) given that it has not been available for independent analysis and verification.

Most recently, the cruise industry has attempted another method for minimization. Rather than use a standardized rate to reflect incidence of sexual assaults, they now claim ". . . there is less than a .01 percent chance that a cruise passenger will become the victim of an alleged crime on a cruise vacation" (Dale, 2007) They shifted from a rate based on the daily population on cruise ships (which is con-

sistent with the way rates for crime are computed by the FBI) to a probability based on the total number of cruise ship passengers in a year. Their new representation translates to 10 incidents of crime per 100,000 population. If we use this exact same method to compute the incidence of forcible rape in the state of California (*i.e.*, add together the number of state residents and the number of tourist visitors in a year) it yields a rate of 0.0025 percent, well below the industry's rate of 0.01 percent. But the comparison needs to be treated with caution given that the method by which it is computed is not conventionally accepted as a means for reflecting crime rates.

Shifting definitions is another method used for minimizing the incidence of sexual assaults. As already mentioned, the cruise industry meant "forcible rapes" when they used the label "sexual assaults" in their 2006 testimony before a House of Representatives Subcommittee. The difference between the two terms is not trivial. The rate of forcible rape excludes many crimes that fall under the accepted definition for sexual assault, including child sexual abuse and exploitation for sexual purposes, unwanted sexual contact, and unwanted sexual acts. The definition of sexual assault, as it well should be, is broad and includes acts against children, men, and women and which involve unwanted sexual touch, unwanted sexual activity (including but not limited to forcible rape) and sexual exploitation.

Getting a Grip on the Size of the Problem

There is only one independent set of statistics for the rate of sexual assault on cruise ships. These are based on raw data provided by Royal Caribbean International in discovery in a lawsuit in Florida. The data covers all sex related incidents in a 3-year period from 2003 through 2005, though based on the wording of the discovery request the data likely under-represents incidents involving two crew members. Table 1 shows that data broken down by ship.

As may be seen in Table 1, the rate of sexual assault on cruise ships, compared to the rate of forcible rape in the US, is not half but almost twice the U.S. rate. This rate is validated by data presented by the FBI in Congressional hearings in September 2007 and summarized in Table 2. The table shows an industry-wide (*i.e.*, members of CLIA) rate of sexual assault of 56.9 per 100,000.

Table 1.—RCI "Reported Sex Related Incidents" 2003–2005
Number of Reported Incidents and Annualized Rate per 100,000 by Ship

Ship	Inappropriate Touch	Sexual Harassment (SH)	Sexual Assault (SA)	SH+SA (annual per/100,000)	Crew — Crew	Guest — Guest	Crew — Guest
<i>Adventure</i> (Double occ: 3,114)	0	3	5	57.97	0	3	3
Onboard pop=4,600 Incidence/100,000		21.74	36.23				
<i>Brilliance</i> (Double occ: 2,110)	2	6	7	139.79	2	2	10
Onboard pop=3,100 Incidence/100,000		64.52	75.27				
<i>Empress</i> (Double occ: 1,600)	2	7	8	208.33	2	2	10
Onboard pop=2,400 Incidence/100,000		97.22	111.11				
<i>Enchantment</i> (Double occ: 1,950)	1	4	4	91.94	1	2	5
Onboard pop=2,900 Incidence/100,000		45.97	45.97				
<i>Explorer</i> (Double occ: 3,114)	2	13	11	173.91	3	3	16
Onboard pop=4,600 Incidence/100,000		94.20	79.71				
<i>Grandeur</i> (Double occ: 1,950)	1	2	3	57.47	0	2	3
Onboard pop=2,900 Incidence/100,000		22.99	34.48				
<i>Jewel</i> (Double occ: 2,112)	1	1	0	10.75	0	0	2
Onboard pop=3,100 Incidence/100,000		10.75	0.0				
<i>Legend</i> (Double occ: 1,804)	2	2	4	74.07	3	2	3
Onboard pop=2,700 Incidence/100,000		24.69	49.38				

Table 1.—RCI “Reported Sex Related Incidents” 2003–2005—Continued
Number of Reported Incidents and Annualized Rate per 100,000 by Ship

Ship	Inappropriate Touch	Sexual Harassment (SH)	Sexual Assault (SA)	SH+SA (annual per/100,000)	Crew — Crew	Guest — Guest	Crew — Guest
<i>Majesty</i> (Double occ: 2,354)	1	10	7	161.91	0	2	13
Onboard pop=3,500 Incidence/100,000		95.24	66.67				
<i>Mariner</i> (Double occ: 3,114)	0	6	4	72.47	0	2	6
Onboard pop=4,600 Incidence/100,000		43.48	28.99				
<i>Monarch</i> (Double occ: 2,354)	6	5	15	190.48	2	8	13
Onboard pop=3,500 Incidence/100,000		47.62	142.86				
<i>Navigator</i> (Double occ: 3,114)	3	6	8	101.45	0	1	13
Onboard pop=4,600 Incidence/100,000		43.48	57.97				
<i>Radiance</i> (Double occ: 2,110)	4	7	3	107.53	1	2	10
Onboard pop=3,100 Incidence/100,000		75.27	32.26				
<i>Rhapsody</i> (Double occ: 2,000)	0	3	7	111.10	0	2	5
Onboard pop=3,000 Incidence/100,000		33.33	77.77				
<i>Serenade</i> (Double occ: 2,112)	0	5	2	75.27	1	3	3
Onboard pop=3,100 Incidence/100,000		53.76	21.51				
<i>Sovereign</i> (Double occ: 2,276)	1	5	7	114.65	2	1	9
Onboard pop=3,400 Incidence/100,000		49.02	65.63				
<i>Splendour</i> (Double occ: 1,804)	1	2	0	24.69	0	0	3
Onboard pop=2,700 Incidence/100,000		24.69	0.0				
<i>Vision</i> (Double occ: 2,000)	7	4	4	88.88	3	2	10
Onboard pop=3,000 Incidence/100,000		44.44	44.44				
<i>Voyager</i> (Double occ: 3,114)	2	11	14	181.16	3	7	17
Onboard pop=4,600 Incidence/100,000		79.71	101.45				
<i>Totals</i>	36	102	113		24	50	151
Onboard pop=64,000 Incidence/100,000		53.12	58.85	111.97	10.7%	22.2%	67.1%
U.S. Rate for sexual assaults			32.20				
<i>Place of Incident:</i> Unknown (26.6%), Pax Cabin (20.1%), Bar/Disco (10.8%), Other (6.0%), Dining Area (5.4%), Spa/Salon (5.4%), Public area (4.8%), Cabin—Officer/Crew (3.6%), Corridor (3.0%), Deck area (2.7%), Ashore (2.7%), Child/teen area (2.4%), Elevator (1.8%), Swimming Pool (1.5%), Crew area (1.5%), Public restroom (1.5%)							

Explanatory Notes for Table 1

Data in this table was provided as part of discovery in a lawsuit involving the sexual assault of a passenger by a crew member. As such, the data only includes incidents reported to the cruise line and in turn reported in discovery. Given the limited purpose of the discovery request, it is suspected that incidents involving two crew members are under-reported.

The table shows reported incidents that have been labeled by the victim and/or cruise line as inappropriate touch, sexual harassment, sexual assault, or sexual battery. Cases of sexual battery have been included under the label “sexual assault.”

The raw data included 41 incidents labeled inappropriate touching, 92 incidents labeled sexual harassment, 114 incidents labeled sexual assault, and 12 incidents labeled sexual battery. After cleaning for accurate labeling, eight incidents were dropped because they were wholly mislabeled; they are not included in the table.

The table shows both the ship's passenger numbers (assuming double occupancy) and an estimate of total ship population that includes crew members and additional passengers given that many ships sail with more passengers than the double occupancy figure.

The comparison of reported incidents of sexual assault with the U.S. rate of sexual assault (as defined by the cruise industry as only forcible rapes) must be interpreted with caution. Technically, such a comparison can be misleading, however the cruise industry chose to make this comparison in testimony provided to Congress by James Fox in March 2006 and on that basis to claim that one is safer on a cruise ship than on land. Perhaps more informative is a comparison of Dr. Fox's assertion that there are 17.6 reported incidents of sexual assault per 100,000 with the data in this chart. This chart shows a rate of sexual assault that is 3.33 times greater than that presented by Dr. Fox to Congress; if we look at sexual assault plus sexual harassment the rate of incidence is 6.36 times greater than reported.

Table 2.—Comparison of Crime Rate Aboard Cruise Ships: 2003–2005 vs 2007

	2003–2005 ¹		2007 ²	
	Sexual Assault	Robbery	Sexual Assault ³	Robbery ⁴
Offences reported	149	4	69	54
Annual average	49.67	1.33		
Passenger count, 2003–05	31,068,000	31,068,000	4,379,808	4,379,808
Annual average	10,365,000	10,356,000		
Average pax cruise length (days)	6.9	6.9	7.0	7.0
Annualized pax exposure			209,991	209,991
Annual average pax count x (6.9/365)	195,771	195,771		
Daily crew size	86,035	86,035	92,284	92,284
Total annualized person exposure	281,806	281,806	302,275	302,275
Rate of crime per 100,000	17.6	0.5	56.9	44.7

¹Source: Statement on Crime aboard Cruise Ships, James Allan Fox, March 7, 2006, in Congressional hearings. Data was for a period of three full years.

²Source: Summary of Subject Matter, Subcommittee on Coast Guard and Maritime Transportation Staff, September 17, 2007, Hearing on Cruise Ship Security Practices and Procedures. Data was for a period of 146 days (April 1–August 24, 2007): equivalent to 0.4 year.

³Sexual Assault includes the categories of "sexual assault" (N=41) and "sexual contact" (N=28). This is consistent with what is understood to have been done for the 2003–2005 data where it is understood that the categories of "sexual act" and "sexual contact" were both viewed as "sexual assaults."

⁴Robbery includes "theft of items valued over \$10,000" (N=13) and "theft of items valued at less than \$10,000 (N=41).

⁵Source: CLIA Cruise Industry Overview, Marketing Edition 2006 (latest data available).

⁶The same ratio of passenger-to-crew used in 2003–2005 (0.4349675411) is used here.

The analysis by ship (Table 1) gives some additional insight into the problem. As can be seen there is a wide variation between ships. Some, such as *Jewel of the Seas*, have relatively few incidents. Others, such as *Monarch of the Seas*, *Empress of the Seas* and *Voyager of the Seas*, have many. The obvious question is what can be extrapolated from these differences. That question was posed to several Royal Caribbean staff members. Their responses touched on several issues.

One factor is that incidents vary by cruise length and itinerary. Shorter cruises (three or 4 days in length) often attract a different type of passenger than cruises lasting a week or more. Those on over-weekend mini-cruise may drink more and take greater part in the nightlife, sometimes to excess. They risk becoming more vulnerable to crewmembers or other passengers. There are also special interest cruises (including partial charters or large affinity groups) that attract passengers who are different than the norm depicted in advertising (*e.g.*, swingers, bikers, hard rockers, etc). While it is difficult to assign the degree of increased risk there is reason to believe that passengers are at greater risk on some cruises than on others simply because of the itinerary, the nature of other cruise passengers or cruise length.

A large factor in risk to passengers and to crew is the onboard culture set by management. Some ship captains maintain higher expectations and lower tolerance for misbehavior by crewmembers than others. Others, however, may be less respectful to their crew (acting authoritarian and being unfair in decisionmaking, such as an officer denying promotions to subordinates involved with female crew members he liked) and create an environment that is less healthy for staff and potentially higher risk for passengers. Some workers cited different management styles as a key factor in the rate of incidence of sexual assault and harassment. Some officers provide better role models than others through their own behavior, both in terms of alcohol

consumption and treatment of women crew and passengers. A womanizing Captain, or a Captain who allows senior staff to sexually exploit staff/crew and passengers, sets a tone and gives permission to others to behave the same.

Shipboard culture overlaps with the culture from which crewmembers come. Many locations in the world have different attitudes than those commonly held in North America about women's rights and about the nature of relationships between men and women. Specific cultural views of what constitutes sexual harassment and unwanted attention are a possible risk factor. As Greenwood states, ". . . it was the subjective opinion stated by many officers and crew members that the cultural inclination toward aggressive sexual behavior, general low regard for the status of women, and the attractiveness and charming personalities of these nationals [referring to one cultural/ethnic group] is a risk factor to be considered" (1999: 3–4). The problem is that a crewmember may behave in ways that are acceptable in his or her home culture, but that are inappropriate or abusive in North American culture.

There is no simple solution to the problem, but the by-ship comparison suggests that some ships and ship management are doing things right. There are likely things to be learned by focusing on those ships where sex-related incidents are relatively few and comparing them to those where incidents are many. The differences may provide insight and direction for positive change. But this type of analysis is not being done. While the goal of each cruise line should be consistency across the ships in its brand, it is something that is not being achieved (Krohne 1999).

Michael Eriksen, a lawyer who represents victims of crime on cruise ships has another perspective. He says some forms of crew misconduct derive from the cruise industry's business models and hiring practices.

"Crew members live and work in confined quarters, are away from home for extended periods, and work long hours with little downtime, even during port calls. The crew's alienation from normal home and family activities leaves many vulnerable to social entanglements with passengers." (Eriksen 2006: 48)

Eriksen posits that many if not most crewmembers alleged to have committed sexual offences against passengers aboard cruise ships have been cabin stewards, bartenders, dinner waiters, or others whose jobs involve daily passenger contact. He suggests:

"To deter such misbehavior, a cruise line must do more than write up a 'zero tolerance' policy and pay lip-service to it. Criminals aboard cruise ships, like those elsewhere, commit crimes because they perceive a minimal risk of detection and prosecution. Some cruise lines fail to install sufficient surveillance cameras in public areas to identify and deter potential perpetrators. Other carriers fail to hire enough supervisors and security guards to adequately keep tabs on the rest of the crew. Some carriers fail to make it clear to crewmembers that zero tolerance also applies to crew-passenger contact ashore. Carriers also generally do not warn passengers to be wary of crew member misconduct." (Eriksen 2006: 49)

It Isn't Just Sexual Assaults

The first hearings in the House of Representatives in December 2005 were not concerned with sexual assaults. Their initial focus was on a cluster of cases where a passenger disappeared from a cruise ship. The issue was raised in June 2005 in a *Business Journal of Jacksonville* article written by Mary Moewe. She had found that since 2000 at least twelve cruise ship passengers had gone overboard or disappeared in eleven incidents involving cruise ships that frequent U.S. ports. Two passengers were rescued, two were confirmed dead and eight are still missing. These eight remain a mystery (Moewe 2005).

Unbeknownst to Moewe, the numbers were actually much higher. Because no cruise line or corporation kept track of persons going overboard and no Federal agency had responsibility for monitoring these events, she was left to rely on information that was readily available. The most comprehensive list of persons going overboard from cruise ships at the time was online at Cruise Junkie dot Com (see www.cruisejunkie.com/Overboard.html). The site reports forty-seven incidents during the same time period covered by Moewe's article; in nine cases the person was rescued alive. Some cases were clearly suicide, some were accidents and many remained mysterious. Alcohol was a factor in a fair number of suicides and accidents; large gambling losses were a factor in at least three cases and an argument with a spouse or traveling companion preceded four incidents (three men, one woman—in two of these cases the passenger was rescued alive). There was a single case where one passenger was observed throwing another overboard. In September 2001 Myrtha Vogt, a sixty-nine year old woman from New Mexico, was pushed over-

board, as her husband watched, by a fellow passenger who was a former mental patient. They were on the third day of an eleven-day cruise of Norway's fjords.

Some of the unexplained disappearances include: Cris Allen Swartzbaugh, a thirty-nine-year-old man who disappeared between Tahiti and Raiatea in the South Pacific the first night of a cruise aboard the *Paul Gauguin* in April 2000; Manuelita Pierce, a thirty-nine-year-old woman who disappeared without a trace at the end of her week-long Caribbean cruise aboard Royal Caribbean's *Enchantment of the Seas* in October 2000; Randall Gary, a fifty-year-old psychotherapist who in May 2003 disappeared from Holland America Line's *Veendam* somewhere between Vancouver and Alaska; Merrian Carver, a forty-year-old woman who in May 2004 disappeared from an Alaska cruise aboard Celebrity Cruises' *Mercury*; Annette Mizener, a thirty-seven-year-old woman who disappeared from a 9-day Mexican Riviera cruise aboard *Carnival Pride* in December 2004—in her case the surveillance camera viewing the deck area from where she disappeared, apparently following a struggle, was covered by a map of the ship; and in May 2005 Hue Pham (age seventy-one) and his wife of forty-nine years, Hue Tran (age sixty-seven), disappeared in the Caribbean between the islands of Barbados and Aruba from *Carnival Destiny*. What started out as a Mother's Day gift—a seven night Caribbean cruise with their daughter and granddaughter—turned into a tragic and mysterious disappearance. There were common patterns in these cases: search for the missing passenger was either not undertaken or was inordinately delayed, there appeared to be an absence of investigation, and in some cases law enforcement authorities were not initially notified.

While these cases suggest a problem, the disappearance of George Allen Smith IV, a twenty-six-year-old on his honeymoon aboard the *Brilliance of the Seas* in the Mediterranean in July 2005, immediately captured the world's attention and interest and catapulted passenger disappearances into the public eye. The newlyweds had been drinking heavily and gambling at the ship's casino before his disappearance. The story that emerged was that while George's wife, Jennifer Hegel-Smith, lay passed out on a floor far from the couple's cabin (and with no recollection of events), George was taken back to his cabin by some drinking buddies who claim they put him to bed. The next morning a youngster in a nearby cabin reported seeing blood on a canopy above a life boat under the Smith cabin and an investigation determined that at least one of the Smiths was missing. Jennifer was located that morning in the gym, unaware that anything had happened.

George's disappearance was reported to local Turkish authorities that came aboard to investigate. To this day, it appears the investigation remains open and conclusions have yet to be drawn. There is some indication that foul play was involved, and some believe they know who was involved, but no one has been formally identified or charged.

In late-June 2006, Jennifer reached a settlement with the cruise line over her husband's disappearance. George's parents the same day filed suit against the cruise line claiming the cruise line deliberately and intentionally portrayed the incident as an accident, and hampered a full-blown, appropriate investigation into the facts and circumstances of George's death. Specifically, they claim the cruise line delayed reporting the incident to the FBI, deciding instead to report the case to Turkish authorities. When Royal Caribbean did contact the FBI, the suit claims the cruise line failed to tell authorities about loud noises and arguing in Smith's cabin and the discovery of blood inside and outside the cabin. As well, the family accuses Royal Caribbean of contaminating a potential crime scene by sending crew members into the cabin to investigate and take photographs and by cleaning blood from the canopy above a lifeboat.

The Smith case dominated news media in the United States for months and was the focus of stories in both print and television magazines. It particularly caught the attention of Smith's Member of Congress, Christopher Shays, who was aware of some of the other cases involving disappearances from cruise ships (including the case of Merrian Carver) and who pushed for and who chaired the first two Congressional hearings (December 2005 and March 2006). The latter shifted the spotlight to sexual assaults.

The other issue raised in the March 2006 hearing was robbery and theft. The industry claimed then that there was only four known robberies industry-wide in the 3-year period, 2003–2005. That meant an annual rate of 1.33. As seen in Table 2, the FBI reported in 2007 an annualized rate of 135. That yields a rate of 44.7 per 100,000. This is 100 times greater than what the industry admitted to in its March 2006 testimony.

Getting a Handle on Crime

It is not surprising to most that crimes would occur on cruise ships, much the same as they do on land. However there are features of a cruise vacation—excessive drinking, uninhibited sociality, shipboard culture, and not trivially the industry's mantra that cruise vacations are virtually safe—that raise the risk higher than what would be expected on land and certainly higher than most passengers expect. Like dealing with an alcoholic, the first thing the cruise industry needs to do is to admit that there is a problem. Only then can they begin to address the problem and seek advice from critics and independent and external analysts. Their current method of obfuscation and excluding from discussion those who disagree with them may have worked in past, but the problem has reached proportions that demand meaningful and significant measures.

The industry will argue that the reporting agreement between CLIA and the Coast Guard/FBI is enough for dealing with the problem. However it is not. The industry has been required to report all crimes against Americans for more than a decade (first under U.S.C. 18 CFR and later by their zero tolerance pledge in 1999), but they obviously weren't if we compare the incidence before and after April 2007 when the industry's voluntary agreement with the FBI and Coast Guard took effect. The agreement is a positive step, but it has little value when data is collected and then kept secret. There is no regular public reporting of crime on cruise ships. An amendment to H.R. 2830 offered by Representative Doris Matsui of California (and co-sponsored by Representatives Poe, Maloney and Shays) and passed earlier this year as part of the Coast Guard Reauthorization Bill will change that.

It requires that data collected by the FBI be made available via the Internet, broken down by cruise line, and that the link to the data be clearly displayed on each cruise line's website.

The only apparent weakness of this approach is that it does not define what constitutes a crime. This is important given the industry's propensity for manipulating definitions. It would be helpful to clearly state what actions or behavior is reportable without leaving wiggle room for misinterpretation or under-reporting. Some might argue this approach is based in basic distrust of the cruise industry. The distrust is based in experience. The industry consistently misrepresented and lied about its environmental practices during the 1990s and early 2000s. It has also, intentionally or unintentionally, under-represented the incidence of crimes to Congress and to its customers. It is not necessarily the safest mode of commercial transportation and should not purport to be.

Recommendations

In addition to the need for standardized definitions for reportable crimes, it would also make sense to extend mandatory reporting laws found in virtually every U.S. jurisdiction with regard to child sexual abuse so that they also apply to cruise ships. Why should cruise ships operating out of U.S. ports and carrying American citizens be treated differently than other jurisdictions, especially when it comes to victimization of our youngest citizens? It may also be prudent to have mandatory reporting for all sexual assaults (*i.e.*, sexual contact, sexual acts, forcible rape, and any other incident involving unwanted sexual activity). However, as already stated, clear definitions need to be provided so that all crimes be reportable and reported. As well, this data should be public and available to persons thinking about or planning to take a cruise. They need to have information that counterbalances the cruise industry's grand claims about passenger safety.

A second set of recommendations emerges from the 1999 reports by consultants hired by Royal Caribbean Cruises Limited. Many of the recommendations are spot on but have not been implemented or have been implemented in a haphazard and inconsistent manner. Some that still need better implementation include: standardizing the response to incidents of crime across all ships and across brands; independent advocates/counselors onboard who are available to support and care for victims; a hotline reporting system off ship that may be used by those who not surprisingly will feel unsafe about reporting an incident onboard; better surveillance and greater use of CCTV cameras in key areas of the ship, which are regularly monitored and tapes stored for a reasonable period of time (at least as long as the time allotted by the cruise passenger contract for bringing legal action against a carrier)—videos that are not regularly screened give crew members confidence that they are likely to get away with illegal activity; better education of crew and passengers about safety, security, and about the limited nature of permitted interactions between passengers and crew/service staff; and, of key importance, effecting a meaningful and significant change in shipboard culture and tolerance for misdeeds. Many crimes occur because perpetrators know they will not be caught, and if caught they will not be punished.

There is also great room for improvement on a very concrete level. Many recommendations are contained in the International Cruise Victims Association's (ICV) 10-point program. Given that ICV is a grassroots organization comprised largely of people who have experienced crime onboard a cruise ship (or whose family member(s) has/have), and that they speak loudly for themselves, I won't attempt to summarize what they have to say. Their insights are based on direct experience and their recommendations are informed by the pain and suffering they have endured. They can express better than I many of the things the industry could and should be doing that it isn't.

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Senator KERRY. Thank you very much, Dr. Klein. I appreciate it.

Just listening to those statistics, I mean, I'm trying to get a baseline to the Committee here—Mr. Dale, obviously there's a sort of disagreement between the two of you about what's going on, and maybe more than the two of you. But, how do you respond to that, to the difference in these baseline understandings of what's going on?

Mr. DALE. Mr. Chairman, I think it's important, first, to say, when talking about passenger safety, it's not an issue about statistics. One of the things that I've learned from our family members, and including learning this from Ken personally, is that regardless of how small a percentage may be, if it touches your family, it's devastating and it's life-changing.

Senator KERRY. Well, I appreciate your saying that.

Mr. DALE. So—yes.

Senator KERRY. But, let's come back, for a moment, because you're trying to make a claim that it is safer than in other parts of our society, and obviously Mr. Klein is saying, "No, it's not." Which is true?

Mr. DALE. Well, I would point to this. We have heard Mr. Klein's testimony. I would refer back to previous FBI and Coast Guard testimony. And, unfortunately, his statistics aren't borne out by what we've heard in previous hearings.

I have with me today Dr. Fox, who's a nationally renowned criminologist from Northeastern University, who has done an analysis that comes with a different set of findings than what you have had presented to you today.

Senator KERRY. Well, it shouldn't—I mean, we get pretty experienced around here at seeing different people coming in with different statistics to try to make their point.

Mr. DALE. Yes.

Senator KERRY. The bottom line is you can count the rate at which sex crimes occur, particularly rape, et cetera, breaking them down, occur onshore, versus on ship—

Mr. DALE. Right.

Senator KERRY.—relative to population. This isn't that complicated.

Dr. Klein, is that the way you did it?

Dr. KLEIN. Well, I think—the way I did it initially is using what is conventionally done, and that is to look at crime statistics with regard to rate per 100,000 population. That is also the method that James Fox used in his testimony before Congress in March 2006. The problem with his testimony—and I wouldn't blame him, but the problem was that there is no U.S. rate for sexual assault, there's only a rate for forcible rape. So, they were comparing sexual assaults with—on cruise ships—with on land, but they were using the word “sexual assaults” for “forcible rape.”

More recently, the cruise industry is now claiming that the rate of sexual assault, or the probability of sexual assault, is .01 per the number of passengers. This is not a conventional way in which crime statistics are measured. If we were to use that method, what that would mean is, in the State of California—they have a population of 36 million, they have 366 million visitors per year, which means that the number of people in the State of California in a year is almost 400 million people. If we take the rate of sexual assault in California, that means that the rate of sexual assault is .0025, one-quarter of the industry statement of .01. Now, I'm not going to stand by those statistics, because it's not a conventional way in which we look at crime statistics. Crime statistics are normally and conventionally looked at as population per 100,000, and when we do this on a cruise ship—

Senator KERRY. What happens—let's get away—I don't want to get lost here.

Dr. KLEIN. Yes, OK. Sorry.

Senator KERRY. What happens when you just take the population—the numbers of people who get on a ship, and you have X number of people on the ship, plus crew, measured against a State with X number of citizens plus law enforcement? What happens then?

Dr. KLEIN. Well, I think the issue is that we want to look at the daily population on a ship, not the number of passengers. Because the rate of sexual assault in the U.S. is based on the daily population—

Senator KERRY. That's what I'm talking about.

Dr. KLEIN.—in the—

Senator KERRY. Crew and passengers.

Dr. KLEIN. Exactly. And so—

Senator KERRY. Total numbers of people on the ship.

Dr. KLEIN. Right. So, the rate is—56.9 per 100,000 is based on the daily population on CLIA-member cruise ships.

Senator KERRY. Yes, Mr. Dale?

Mr. DALE. Mr. Chairman, may I ask Dr. Fox to help clarify this situation?

Senator KERRY. Sure. If he can, he would be a genius.

Mr. DALE. Before he says his comments, I would like to state—

Senator KERRY. Just pull a chair up. Why don't we get him a chair there.

Mr. DALE.—that we also need to keep into perspective here, which is very important, that we report all allegations unvetted. So, that, in and of itself, is a very important point of clarification.

Dr. Fox?

STATEMENT OF JAMES ALAN FOX, PH.D., LIPMAN FAMILY PROFESSOR OF CRIMINAL JUSTICE AT NORTHEASTERN UNIVERSITY; VISITING FELLOW, U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE STATISTICS

Dr. FOX. Yes, thank you.

Dr. Klein and I attempt to use the rate per 100,000, and I think we agree on that method. The issue is the definition of "sexual assault." And he is right that on the cruise ships, sexual assault, which is the only definition—category we have—includes rape plus other offenses that are quite not—not quite as serious as rape. On land, it's just "forcible rape." The rate per 100,000 on the cruise lines right now is 10 percent lower than land, and that's a broader definition—

Senator KERRY. For what?

Dr. FOX.—on cruise lines.

Senator KERRY. Ten percent lower for what?

Dr. FOX. I'm sorry?

Senator KERRY. Ten percent lower for which?

Dr. FOX. Than the rape. The rate per 100,000 of rape and other offenses on cruise ships is 27.2 per 100,000; on land, it's 30.9 per 100,000. And the on-ship—

Senator KERRY. So, it's a very—

Dr. FOX.—number—

Senator KERRY. It's not that—

Dr. FOX.—is that broader definition. If you were able to compare rape with—

Senator KERRY. There's too many on land. There are too many at sea.

Dr. FOX. Yes. They're both high.

Senator KERRY. Would you agree?

Dr. FOX. It's 10 percent lower on—at sea, but the rate at sea is a broader category, it's rape plus other crimes. If you—

Senator KERRY. Well, but—you know, let's say it is 10-percent lower, and we're getting on a ship, they're going on vacation, they've invested a lot of money, this is their time to be away and be safe. They are going someplace to get away from what happens on land, and they don't expect to find the same thing happening to them on their vacation. Is that a fair statement?

Dr. KLEIN. Absolutely.

Senator KERRY. OK. Do you accept that?

Mr. DALE. Yes, I, again, would just go back to the point I made earlier, that we are reporting all allegations, and, as you know, as a—

Senator KERRY. OK.

Mr. DALE.—former—

Senator KERRY. Well, let's get to the heart now. You say, Mr. Dale, that you're the only travel industry required by law to immediately report a serious incident or activity to Federal authorities, correct?

Mr. DALE. Yes.

Senator KERRY. Why do you make a big deal out of that, since everybody else is required under the law to report to local and State authorities, and you clearly aren't and can't?

Mr. DALE. Well, I'm not trying to make a big deal of it. I'm just stating that—

Senator KERRY. But, I mean, and the only reason you do that is because of this voluntary agreement with the FBI and the Coast Guard.

Mr. DALE. No, it is mandatory for us to report these allegations, and this is according to Title 33, Part 120 of the Federal Code.

Senator KERRY. OK.

Mr. DALE. So, it is mandatory for us to report this. The—what is voluntary is the form and the standardization of how we report it to the FBI. That's just a protocol that has become standardized. But, the reporting itself is, in fact, mandatory.

Senator KERRY. But, the reason that that exists is because, absent that, there would be no reporting—you wouldn't report to anybody, that there is no local jurisdiction.

Mr. DALE. Well, there's always reporting, Senator, to the flag state and port state control, as well. So, you know, what we would—

Senator KERRY. Well, what if you're on the high seas?

Mr. DALE. Well, you—

Senator KERRY. When you're on the high seas, is there a port state?

Mr. DALE. We report it, as well, to the Federal authorities, the FBI, the Coast Guard, on the high seas.

Senator KERRY. Right. But, those would be the only place, would they not?

Mr. CARVER. Mr. Chairman?

Senator KERRY. Yes?

Mr. CARVER. May I make a comment?

Senator KERRY. Sure.

Mr. CARVER. In this report, which CLIA presented to the House of Representatives—three times in this report, they indicate—the FBI, right on the first page, says their analysis—the FBI's analysis of crimes occurring on the ship says they're .01 percent. That's what they say. They go on to say, in bold letters on page 3, "Based on the FBI's own analysis, there's less than a .01-percent chance of a cruise ship that'll become a victim of a crime." And they repeat that a third time. Well, that statement was not true.

So, I went to the FBI, because when they went to California they said exactly the same thing and publicized that to all the Congres-

sional people. So, I have here a letter, which is in your documents, from the FBI, which, in effect, says, "Please be advised that the FBI did not submit, nor testify before the Subcommittee, in regards to the statistical data reported by CLIA. Thank you for bringing this matter to our attention. And please be aware that the FBI will also provide a clarification of this data." Plus, the FBI says that data is reported on a voluntary basis, it's not mandatory. So, the claim that they kept making in this report, saying, "We do not need legislation" keeps referring to the FBI, and the FBI made no such claim. They're the only ones that could really come up with a crime rate, so I found it rather—in New York City there's a term for it, "chutzpah," that they would keep referring to FBI crime data that, in effect, the FBI said they did not submit.

Senator KERRY. Now, I'm going to turn to Senator Lautenberg in a moment here—Mr. Fox, if I could ask you—if you could return to your seat—what we're going to do is follow up with you. We've got a lot of territory to cover on what the remedies are and how we proceed. But, we are going to submit some questions in writing, and we'd like you to be able to answer those to establish a baseline.

Dr. FOX. May I take 30 seconds to clarify something?

Senator KERRY. Sure, 10 seconds.

Dr. FOX. Thank you.

Mr. Klein talked about the robbery and theft. The earlier number was robbery, the later number was the theft count, not the same, and the 100-fold increase was—he switched from one crime to the other.

As far as this .01, that is the probability of a rape occurring in a 1-week period of time on a cruise ship. It is not meant, never has meant—and I'm not sure who decided to put it in there—it's not meant to compare to an annual rate on a—on land.

Senator KERRY. Fair enough.

Dr. FOX. But whatever—

Senator KERRY. We're going to get that baseline thoroughly vetted with respect to the record, and we'll do it in writing so that we can get it pinned down. And I'll look forward to getting that done here. So, Senator Lautenberg?

Senator LAUTENBERG. Thanks very much.

The focus seems to narrow down to the process for reporting the type of incidents. I didn't hear a discussion, let's say, of burglaries or theft. How is that, Mr. Klein? Do we know about that on cruise ships?

Dr. KLEIN. OK. Well, according to the FBI report to the hearings in September 2007, they reported that there had been 13 thefts of items valued over 10,000, and thefts of items valued at less than 10,000 were 41. So, when I give my rate of 44.7 per 100,000, I'm combining both the theft of items over 10,000 and the theft of items less than 10,000.

Senator LAUTENBERG. Yes. But—how does that compare with the general statistics—on land?

Dr. KLEIN. That, I don't believe, has been—I don't have that readily at hand, I'm sorry.

Senator LAUTENBERG. OK. How are these things dealt with? Do we find that there's the same lackadaisical—or attempt to hide the information that comes about, or is it reported in any central place?

Dr. KLEIN. Well, I think the key difference is, when it happens on land, it would be reported to a local police authority.

Senator LAUTENBERG. Right. And then the——

Dr. KLEIN. When it's reported at——

Senator LAUTENBERG. Senator Kerry said that.

Dr. KLEIN.—it happens on a ship to an American citizen—not a foreign national, to an American citizen—it's reported to the FBI. The FBI has stated very clearly that it will not investigate or prosecute any robbery valued at less than \$10,000.

Mr. DALE. And could I just add to that——

Senator LAUTENBERG. Yes.

Mr. DALE.—Senator? I do have here, from Dr. Fox, the comparison to land, and it's 2200 landside, and compared to 41 on the cruise ships. We do report thefts, as required by the FBI.

Senator LAUTENBERG. The thing that I'm concerned—or interested in is—you talk about counseling on ships—are people led to believe that they have to exercise any care with valuables, with family members? Is that included in any kind of a introductory program to passengers that are boarding a ship for the first time?

Mr. DALE. Senator, we always encourage our passengers to exercise the same judgment on our ships that they would landside.

Senator LAUTENBERG. How do you encourage them?

Mr. DALE. And that's part of the muster drill that is mandatory for all passengers who are taking a cruise. That is also printed——

Senator LAUTENBERG. That is for safety—in the event of an accident that requires——

Mr. DALE. Evacuation.

Senator LAUTENBERG.—a lifeboat process.

Mr. DALE. Yes.

Senator LAUTENBERG. But, in those introductions, do they also include comments about what one ought to do? I mean, do they say, "Look, here we are, we want you to have a good time, et cetera, but it is a busy place, lots of people, and therefore you have to watch out for your youngsters, or you have to know where your mate or your friends are when they're not with you, your companion"?

Mr. DALE. That type of information is included in the staterooms. And it also will run on the TVs in the staterooms, as well. Again, you know, "Please exercise the same judgment that you would landside as you enjoy your cruise vacation." So, we try and provide that in multiple different ways to our customers.

Senator LAUTENBERG. Yes, Mr. Klein?

Dr. KLEIN. May I make a comment? I guess we're talking in the abstract. Let me bring this down to the very concrete.

I was involved in a—as an expert witness in a case, about a year ago, of a 8-year-old girl who was on a cruise ship who was led down—who—her parents believed that a cruise ship was a safe choice of a vacation, and they allowed her to go back to the family cabin on her own. She became lost and went up to a janitor and asked for directions. He led her down a hallway to a dark spot, where there were no surveillance cameras, masturbated in front of her, OK? The child was traumatized. She reported this to her parents. The parents reported it onboard. The people onboard didn't believe her. They revictimized her by doubting her testimony and

calling her a liar. You know, the worker knew where the cameras were, he knew that he wouldn't be seen, and he also likely knew that he wouldn't be caught.

When the case was being examined, this worker was onboard under a different name than his passport. And this worker had, with the previous cruise line he worked with, "Do not rehire" on his personnel file.

Senator LAUTENBERG. Do we know the percentage of attacks that are committed by fellow passengers or crew members?

Dr. KLEIN. According to data provided by Royal Caribbean and discovery in a court case, 67.1 percent of those were crew-on-passenger, roughly 22 percent were passenger-on-passenger, and just over 10 percent were crew-on-crew.

Senator LAUTENBERG. So, is the vetting process adequate to deal in advance with a pending problem like this?

Mr. DALE. Yes, let me share with you, Senator, what the vetting process is when we hire our crew. Basically, there are three layers. When using licensed manning agencies in the crew member's home country, they are required to get statements from local law enforcement entities regarding any criminal background. Second, the U.S. State Department, in issuing a U.S. working visa, also does a background check. And finally, as I mentioned in my oral testimony, a complete crew and passenger manifest is electronically submitted 96 hours prior to that ship departing to the Federal authorities. And so, it is run through several different data bases and checked and rechecked. So, there are several different layers in which we are constantly looking and monitoring who we employ on our ships.

And I would go back to the fact that an independent survey conducted by TNS found that our cruisers gave us 95-percent satisfaction ratings. So, we have good, quality, caring individuals who work on our ships today.

Senator LAUTENBERG. Yes. The search for crew, do you find that, in different places, you get less reliable data?

Mr. DALE. I'm not able to respond to that, Senator.

Senator LAUTENBERG. Yes. Well, I just wonder whether, if the vetting process is done by local authorities, is it as efficient—is it as reliable as we'd like it to be? And to not be certain about who is in that crew, of course, is a high risk, and I assume that the company, the cruise company, has a responsibility, in the event of an incident, to make sure that they're responsible for anything that happens.

Mr. DALE. Absolutely we have a responsibility, and we take it very seriously. And with this layered vetting process that I just described, we've got the appropriate checks and balances to make sure that we're hiring the right people.

Senator LAUTENBERG. Mr. Klein?

Dr. KLEIN. Yes, in the case I—I can't speak globally for the industry. What I can say is, in the case I referred to with the young girl—in that case, what came out through depositions was that this worker—I believe he was from Honduras—was hired through a recruiting agent who had a quota to meet. That recruiting agent is the one who certified and arranged for the letters saying that he was a safe employee. If these—our understanding was that if the recruiting agent didn't meet their quota, they would lose the con-

tract. So, there was pressure to certify people to fill the numbers. And again, the police report that was given was given under a different name than the name on the passport that he was working under on the ship.

Senator LAUTENBERG. Thank you very much.

Senator KERRY. Thank you, Senator.

Senator Carper?

Senator CARPER. Thank you all.

Sometimes when I ponder how to resolve or address particular problems or issues or concerns, I try to think of how we can harness market forces to change behavior so that, in this case, people would be safer on these ships. One of the ways to make sure that people are safer would be for the folks who provide the services—the cruises, if you will—know that there is a financial reward, an economic reward for them for providing very safe vacations, and that there's a financial or an economic penalty if they do not.

Let me just ask our witnesses to tell me how we are doing—how we are using—how we are harnessing market forces to better protect the safety of customers—consumers on these cruises. What is being done that actually harnesses those market forces? And what more could be done?

Mr. CARVER. Well, let me respond to that. Clearly—

Senator CARPER. If I'm a cruiseliner and I know I'm going to make more money because I provide excellent safety for my passengers, that's a great incentive for you to make sure that we get it.

Mr. CARVER. Well—

Senator CARPER. If I know I'm going to be penalized, that's a great incentive for me, as well.

Mr. CARVER. I was with Terry, about 5 or 6 weeks ago in Miami, and I made a statement at that meeting, which I don't think was accepted, but I said, "You know, you would be smart, from a business standpoint, if you accepted the proposals that international cruise victims have made." In other words, independent security on the cruise ships—there's a whole list of things that are shown on the documents. It would be good for business. Then people know that, you know, they're going to be safer on a cruise ship.

Now, why would a cruise line industry propose not to go to certain California ports, if their crime rates are so low, if one security person is put on that ship? Now, I just find that a little hard to understand how that could be a reaction. To me, the reaction is, that would be good for business. People in California would say, "Gee, I know there's independent security on that ship. I feel safer." And yet, they have threatened certain California ports—San Francisco, San Diego—with going on a ship, that they won't stop at their ports if they do that. And I think that's a—to me, accepting our proposals would be a tremendous plus for their business. I've said that from the beginning.

In 2006, when we introduced our ten-point program, I went up to Michael Crye, who then ran the trade association, and I said, "Michael, if you were smart, you'd work with us." And that's—

Senator CARPER. Thank you. Thank you, sir.

Ms. Fortier?

Ms. FORTIER. Well, I think the negative attention to the industry in recent articles have really focused the spotlight on them and what are they doing to ensure passenger safety. So, we approached Royal Caribbean, which is one of the largest cruise companies, and suggested to them that they work with us to find a way for us to link passengers who are onboard to our hotlines. And initially they were very receptive, and we're continuing to talk to them about ways to do that. And I don't think that would have happened unless people like Ken had brought attention to the problem of sexual-assault and missing-person cases. So, that is an example of them responding in a way that's in their self-interest, I think. And we're hopeful that—we'll continue to work with them on that proposal, in which we would establish a dedicated hotline number, accessible by those traveling on ships, through which our trained staff would be available 24/7 to aid victims of sexual violence and so that people could also log on to our online hotline from the ship.

We would need, in order to implement this, to train personnel to respond to the unique needs of cruise victims, because the typical victim who contacts us is—in, you know, say, Wilmington, Delaware, and we will find a way for a rape crisis center in Wilmington to respond to that person and help them. Someone who's on a cruise ship is going to need information about how to get in touch with the FBI, the State Department, and so forth. So, they'll have different needs.

Senator CARPER. Thank you, Ms. Fortier.

I'm going to jump to Dr. Klein and, if we have time, back to Mr. Dale, please.

Dr. KLEIN. OK. I think the issue of market forces is a very important issue, and I think that the amendment to the Coast Guard reauthorization bill introduced by Matsui, Shays, Poe, and Maloney really gets at that point, in terms of not just the requirement to report, but that that reporting be displayed publicly, quarterly, by each cruise line.

Now, I personally would take that a step further. If you look at pages 5 and 6 of my written testimony, what you'll see is a table that breaks down, for Royal Caribbean, the incidence of sex-related incidents by ship, and you'll see on there that one ship, at the bottom, has 10.75 incidents per 100,000, the worst ship in the fleet is 208 per 100,000. As a passenger, I'd want to know, by ship, which ships were relatively safer and relatively less safe than others. And I believe that's how we get market forces to work, that when a passenger knows that, "I can go on a ship that has a 20-fold greater chance of being sexually assaulted, I'm not going to choose that ship, I'm going to choose another."

Senator CARPER. Thank you.

Mr. Dale, not long ago, my family—in fact, over spring break, my two sons, whom the Chairman has met—one was out of college for spring break, and the other was out of high school—we were talking about where we were going to go for that week. And we'd talked about going on a cruise, but it didn't work out, and we ended up looking for a hotel. And our boys said, "We'd like to go to a beach hotel so we could walk right out the front door of the hotel and be right on the beach in someplace that was warm." One of them goes to a school up in, as the Chairman knows, in Boston.

And my wife and I got on the Internet, and we looked at the member services, where they provide information about hotels, and one of the interesting things we found was on the hotels, you could find out favorable comments about the hotel and unfavorable comments about the hotel. As it turns out, that was one of the most helpful things for us to read about, like about their food and about the fitness facilities and everything, the proximity to the beach.

I would imagine, if I were looking for cruise ships, and I'm looking at comments by folks, and they say, "Well, you know, my daughter was raped on"—that would be a pretty big signal to a lot of people that I don't want to be on that ship, or I don't want someone in my family to be on that ship. Do we ever have that kind of disclosure or the opportunity for customers to say what they liked about their cruise or what they found a shortcoming?

Mr. Dale, I don't know if you want to respond to that, or anybody else.

Mr. DALE. Sure. Sure. I would like to clarify something that—

Senator CARPER. Just do so quickly, I'm almost out of time. Do that quickly.

Mr. CARVER. Yes.

Senator CARPER. Very quickly.

Mr. DALE. Ken indicated that the cruise industry had threatened ports in California by potentially withdrawing our business. In no way, shape, or form have we made those types of statements.

Senator CARPER. OK, thank you.

Mr. DALE. Yes. And I would like to say that 90 percent of all cruise vacations today are sold by travel agents, and consumers go to travel agents because this is not a commodity, it's a very unique purchase—the demographics on the ships, the destinations that they visit, the amenities on the ship. So, that travel agent, of which we've got over 16,000, is the connection between the industry and the consumer in providing them with guidance on what the ships are like and the kind of vacation experience. So, we work with the travel agents and they are our connection with the customers.

Senator CARPER. Anyone else on that one?

Dr. KLEIN. Could I say something?

Senator CARPER. Yes, Dr. Klein?

Dr. KLEIN. Yes. I think the—I'm not sure it's the board you were looking at, but I think a board like Trip Advisor gives you the information about individual properties. While there are discussion boards about the cruise industry and about individual ships, none of them are as comprehensive and as insightful as the kind of data that Trip Advisor makes available with regard to hotels and resorts.

Senator CARPER. All right. All right. I have a number of other questions, Mr. Chairman. You've been very generous with the time. And my other questions, I'll just file for the record, if I could but a lot of them relate to expectations, the expectations that people have as they consider a cruise, particularly expectations that they should have, paying that kind of money, for their personal safety. And I would appreciate—most of the questions are directed to you, Mr. Dale, and I would appreciate your responding to those, as appropriate. And in one instance, they're to the whole panel.

Thank you, again, very much for being with us today.

Senator KERRY. Thank you very much, Senator Carper. I appreciate it.

Mr. Dale, let me just ask you, Why not just implement Mr. Carver's and Ms. Fortier's and CLIA's and other people's suggestions? What's the resistance to it?

Mr. DALE. Well, there's no resistance. We've—

Senator KERRY. Why not just—

Mr. DALE. We've had an—

Senator KERRY. Why not just accept them?

Mr. DALE.—opportunity—

Senator KERRY. But, I mean, here we are, several years later. There must be some resistance.

Mr. DALE. Yes, the—

Senator KERRY. I mean, do you have peepholes in the doors? Do you have a trained person onboard who is fully forensically qualified?

Mr. DALE. And the answer is yes. And—

Senator KERRY. Fully forensically qualified on every ship?

Mr. DALE. We have complete training that we do with the FBI and the Coast Guard. As I referenced, the training DVD that has been put in place by the FBI, they actively participate in the training of our—

Senator KERRY. When was that—

Mr. DALE.—security officers—

Senator KERRY.—put into place?

Mr. DALE. Well, that training has been in place for over a decade—

Senator KERRY. Well, then what happened to—

Mr. DALE.—and we continue enhance—

Senator KERRY.—what happened in the situation Ms. Fortier described, when everybody comes in and sits down on the bed, barely knows what to ask? I mean, that doesn't describe to me anybody following any correct procedure.

Was there a forensic officer, Ms. Fortier?

Ms. FORTIER. I believe medical personnel were used to—were consulted. Ms. Dishman is here and could respond directly to that. But, my understanding is that she was asked to pay for her own rape kit on the ship, which wouldn't happen at any U.S. hospital if you were a rape victim and you had agreed to report and cooperate with law enforcement.

Senator KERRY. Do you know what the sequence was, in terms of timeliness and—

Ms. FORTIER. My understanding is that after the incident, she contacted her friend, and then the two of them reached out to ship personnel, and she was interviewed first, before she received medical care. That's my understanding.

Senator KERRY. Did she identify the person who raped her to them?

Ms. FORTIER. Yes.

Senator KERRY. What happened to that person?

Ms. FORTIER. She indicated that time passed and he—I believe he continued to work on the ship.

Senator KERRY. Was that person arrested? Was he put in solitary confinement?

Ms. FORTIER. No. He wasn't.

Senator KERRY. Did anything occur?

Ms. FORTIER. Um—

Senator KERRY. I mean, normally, in a local jurisdiction, if a woman was raped, and she said, "This is the guy who did it," the guy gets arrested.

Ms. FORTIER. Correct.

Senator KERRY. So, what are we talking about here, Mr. Dale?

Mr. DALE. Yes, let me just share with you what I can. Ten FBI agents boarded the ship, conducted a thorough interview process. They polygraphed the perpetrator. And, at the end of the day, they presented the information from those ten FBI investigators. Over 20 interviews were conducted. And the United States Attorneys Office determined that it was consensual and did not decide to proceed with the case.

Ms. FORTIER. May I just respond? Often in these incidents, some time elapses between when the victim reports and the FBI boards the ship, because the FBI can't immediately come on the ship and act like an onboard police force. So, in that time, the industry may have their own lawyer come onboard and talk to the person who's accused who works for them, before any FBI personnel can conduct any sort of interview. So, this—the FBI isn't immediately responding, you know, within an hour after the rape. They're—days could pass before it actually—

Dr. KLEIN. Also, I don't think that the FBI said "consensual." What they said was that it was a "he-said/she-said" situation.

Mr. CARVER. May I make a—

Senator KERRY. Yes, Mr. Carver—

Mr. CARVER.—comment?

Senator KERRY.—I was about to ask you, How do you respond to what Mr. Dale is saying with respect to the procedures put in place?

Mr. CARVER. OK. Let's look at current procedures if a woman is raped on a ship. In my documents, we say—the cruise lines say, "We do not investigate crimes. We're not equipped to do so." They've put that in writing. "We call the FBI." Well, there's a television show that was done, broadcast last December—or last November, by Canadian network W5. It's their equivalent of "60 Minutes." It's on our website. And Mr. Gary Bald, who is former FBI, was interviewed in that particular show.

So, a woman comes to him—and they say, "What happens if a woman comes to you and is—says she's been raped?" Well, to me, the proper answer would be, "We seal the room, we give the woman comfort, and we call the FBI." That's what our statement is. But, in fact, I'm going to read to you from the testimony, which you can see on live television. He says, "The first thing we do is determine, Was it a valid claim? Some women claim they were sexually assaulted and they were not. Others claim they were sexually assaulted and there's a confusion of whether or not it was consented or a different consent. And then, there's a third category, potentially, when someone was sexually assaulted, where there's dispute as to whether or not they even had sexual relations." In other words, he is asking these questions of a woman that came in that was raped. He shouldn't be asking those questions. He should seal

the room, give comfort to the individual, call the FBI in. Because the most important interrogation is the first one.

Senator KERRY. Who was asking those questions?

Mr. CARVER. Gary Bald, chief of security for Royal Caribbean. And this was—this is on television. It's on our website. So, in effect, he's working for risk management. He's going in there, trying to figure out, "Well, is this really a claim?" instead of turning it over to the FBI; so that by the time the FBI gets there, several days later, this woman has been worked over by—

Senator KERRY. What would his qualifications be? What would—

Mr. DALE. Actually, that's a very good question. Mr. Bald is the former number-three-ranking FBI official, and is, today, head of corporate security, global security for Royal Caribbean.

Senator KERRY. As the head of corporate security with respect to ships, what sort of powers does he have at sea under—in that authority, in that position?

Mr. DALE. Under his staff, he has the corporate security officer on that ship, as well as the security staff supporting the chief security officer on that ship.

Senator KERRY. But, he's—

Mr. DALE. And he's—

Senator KERRY.—he's a corporate security officer, correct?

Mr. DALE. Mr. Bald, yes.

Senator KERRY. Right.

Mr. DALE. But, he's—

Senator KERRY. I'm just trying to understand the legalities here, and how one might set up a structure where the law, as it will be applied in a court, is, sort of, fully sequential, appropriately.

Mr. DALE. Right.

Senator KERRY. I'm not doubting his experience or doubting his qualifications, but if you don't have a codification, if you will, of a process, then he winds up—inadvertently, perhaps—but, he winds up being, really, the corporate representative, not the representative, neutrally, of the law as it would be applied, were that a police officer appropriately investigating in a local jurisdiction. So, I'm trying to understand exactly what his jurisdiction is.

Mr. DALE. Right. The first responsibility—

Senator KERRY. Can he arrest?

Mr. DALE.—is to make sure that we immediately—

Senator KERRY. Does he have—

Mr. DALE.—contact—

Senator KERRY.—the power of arrest?

Mr. DALE. I am not a maritime attorney and can't answer that. We contact, immediately, the FBI and the appropriate law enforcement agencies, and take their direction. And if they direct us to take an—a perpetrator, or potential, and have that person, you know—

Senator KERRY. But, you see the—

Mr. DALE.—quarantined—

Senator KERRY.—you see the confusion here, don't you, Mr. Dale? I mean, it seems to me that we're sort of in a limbo, in a kind of murky area here. And the question that I would ask, which I think a lot of people are asking—Mr. Carver and others—and I think it's

sort of leaping out at me—Why not work with us and try to codify something that works for you, works for people, so there's a real process and procedure in place? Because right now there isn't. There is really an absence of a clarity to the jurisdictional question.

Mr. DALE. Well, we do have a process in place, and we've worked with the FBI in creating, "What do initial responders do?" making sure that have a female assistant immediately brought to that individual who is in need, so that her needs are emotionally and physically being taken care of. So, there is a process and a structure—

Senator KERRY. That person was—

Mr. DALE.—at the—

Senator KERRY.—trained where and how?

Mr. DALE. Many of our cruise-line members have developed a partnership with the Family Assistance Foundation, Dr. Carolyn Coarsey—

Senator KERRY. Are they—

Mr. DALE.—is the head of that.

Senator KERRY.—in the guest care services department?

Mr. DALE. Yes, they are. And—

Senator KERRY. But, guest-care services is quite different from law enforcement process, you know, a victim witness assistance. I started—

Mr. DALE. Right.

Senator KERRY.—one of the first victim witness programs in the country when I was managing one of our ten largest DA's offices, and we—we were breaking new ground on how you do this. And it's enormously complicated, and it's not a guest-care service, it's a law enforcement role.

Mr. DALE. Well—

Senator KERRY. I mean, the question is whether or not we would be better off having a very specific set of requirements about jurisdiction and enforcement which would act as a deterrent. It seems to me it would only help the cruise industry for people to know that this is not an invitation place to come and commit a crime because there's an absence of protocol and procedure, this is a place where there's a very clear and strict standard of expectations of what happens if a crime is committed.

Mr. DALE. Mr. Chairman, I'd be happy to have our maritime counsel and others follow up on this dialogue that you'd like to have.

Senator KERRY. Well, I think it would be worthwhile. I don't think this should be adversarial.

Mr. DALE. Right.

Senator KERRY. I think this ought to be positive and helpful. I mean, I think the cruise industry is a great industry, and I think that, you know, lots and lots of people go out and have an absolutely wonderful time. And it would be odd if there wasn't some crime occasionally. I mean, this is the nature of the world. People go on vacations in plenty of places, and terrible things happen.

I think that the key here is, we're not trying to single you out as somehow, an aberration, in terms of what happens, it's just that there is an oddity with respect to the flagging and legal standards with respect to the high seas. There always has been. And I think

we're trying to bring it in to some kind of a place where people will not have the kinds of experiences that Mr. Carver had.

I assume you'd have to admit that it's a pretty jarring and tough kind of process to go through.

Mr. DALE. Absolutely. And I've said to Ken, many times, and our family members who work with us on our working group, that, you know, we deeply regret when an incident takes place on our ship. And have we been perfect as an industry? We have not. But, we are taking everything we can to make sure that we manage this situation with compassionate care. And—

Senator KERRY. But, wouldn't it make sense, do you think, Mr. Dale, I mean, what is the law enforcement structure that currently exists now on a cruise ship?

Mr. DALE. Well, again, I'd go back that there is a chief security officer for each ship, and then, they have appropriate security staff that work with them, and at—and that varies, because—

Senator KERRY. Would it be helpful if you had a specific legal authority, and you had people who met a specific standard? Since you're hiring them anyway, and you're paying a certain amount of money to have what you consider to be a law enforcement staff on-board, wouldn't it be better off if there was a specific authority under which they operate and a specific set of procedures worked on, let's say, between the FBI and maritime folks, so that we are in keeping with maritime law, we don't—

Mr. DALE. Right.

Senator KERRY.—but, on the other hand, there are absolute expectations of how the protocol is going to be carried out in the event of some kind of crime?

Mr. DALE. And we do have those guidelines in place. And, again, this relationship—

Senator KERRY. Right, but they're—

Mr. DALE.—that we have—

Senator KERRY.—guidelines, they're not—

Mr. DALE. Well—

Senator KERRY.—a sort of standardized guideline.

Mr. DALE. If I might point out, Mr. Senator, for over a decade we have had a security committee, and that committee meets every 60 days, and, as part of that meeting, we have the FBI, the Coast Guard, Homeland Security, the Navy, CBP, all the Federal agencies that we work closely with, because we all share the same goal.

Senator KERRY. Absolutely.

Mr. DALE. We want to provide the safest vacation—

Senator KERRY. I don't question that, which is why I think this shouldn't be as complicated as it is appearing to be. It seems to me it ought to be pretty easy to get everybody around the table and say, "Look, we all serve the public."

Mr. DALE. Yes.

Senator KERRY. "How do we give the public an assurance, here, that this is working for them?" That's all it is. It seems to me, rather than be hauled up here to sit in front of a Committee and asked why this has happened X number of times, we'd all be better off if we did that.

Mr. DALE. We're very willing to have that discussion. Absolutely.

Senator KERRY. Yes, Mr. Carver? We've got to wrap this—

Mr. CARVER. Yes.

Senator KERRY.—up in a moment, because—

Mr. CARVER. Well, I just want to go to the Mindy Jordan case, which happened a month ago. And Emily Ball is here, representing the family. Here, a woman went missing off a cruise ship at 8 o'clock at night under mysterious circumstances. She was in an abusive relationship with her friend. It wasn't for 15 hours, until 11 o'clock the next morning, before the boyfriend finally called the mother. Now, the mother was listed as the number-one contact, and the cruise line chose not to contact the mother for 15 hours. Only the boyfriend. And, as I understand it—I've talked to the mother several times—she's gotten three different stories. Then the FBI enters the scene—

Senator KERRY. Isn't there photograph evidence with respect to what happened in that case?

Mr. CARVER. Well, the answer is, there was videotape that came out.

Senator KERRY. That she was climbing from one balcony to another.

Mr. CARVER. The cruise line's—well, we don't—know what happened. And—but, the cruise line quickly got that out. There's a video her going overboard. But, the FBI has come in and clearly said the case is not closed, that that is an open case. But, what they'd like to do is get something out that there was a video. But, the FBI is under—investigating the case very carefully.

But, the issue I'm getting at was, the FBI didn't show up until 3 days later. Any evidence on that porch where she was, the balcony, would have been washed away. They were in a storm. There was no security on that board to step in and immediately take action. And—

Senator KERRY. Well, I think that underscores the point that I'm making.

Mr. CARVER. No, that's exactly right.

Senator KERRY. But, I also sense that Mr. Dale is prepared—and I know some of the people in the industry; I think they're interested in making the industry successful and in—

Mr. CARVER. You know something? I agree with that 100 percent, except we have met with them time after time after time to discuss these proposals, and we've gotten zero response out of them.

Senator KERRY. Let me see what we can do as we consider some kind of sensible legislation, and maybe there's a—

Mr. CARVER. Yes.

Senator KERRY.—you know, competently—

Mr. CARVER. I accept—I'll meet forever.

Senator KERRY. Yes.

Mr. CARVER. But, our meetings, so far, have not produced results.

Senator KERRY. Well, Mr. Dale, what do you think? Do you think we can get some results?

Mr. DALE. Well, absolutely. And we have made results.

And, of course, I'm disappointed when I hear Ken characterize the work that we've done—I take it very personally. I chair those meetings. Every one of our family members who serve has my personal cell phone number. I received a call on Thanksgiving night

from one of our family members who needed assistance, and I got it for them immediately.

I am committed to this. Our industry is committed to this. And I would just like to go on record as saying I thank you for holding this hearing today and working with us.

Senator KERRY. Well, I think there's a much better way to actually serve everybody here, frankly. I don't think this is as complicated as somehow it's being made out to be.

I'm not sure what your security budget is right now, but I imagine it's pretty hefty. And I can't imagine that you don't have a lot of pretty-trained personnel. But, I think they're operating within a framework that has a lack of clarity, to be honest with you, I think if we were to all agree on how you establish that, I think you guys would come out of this much better. I am absolutely certain that citizens would be the—you know, public interest would be far more effectively served.

So, why don't we agree to try to work on that and I think everybody would be better served. And I'll try to make sure we convene something and try to move down that road so we don't let a lot of—I was going to say moss grow under our feet, but I probably ought to say seaweed.

Mr. DALE. Yes.

Senator KERRY. But, we'll get at this and see what we can do.

I'm going to leave the record open in case colleagues on the Committee have some additional questions they want to submit in writing, and we will submit a few on the statistical piece.

But, I don't think this is, frankly, an issue of the statistics, to be honest with you. I think the statistics are whatever the variance is in them, I think everybody accepts we want to try to minimize—the incidents and maximize the response capacity. So, if we all meet in good faith in an effort to do that, I would hope we ought to be able to come up with something sensible.

Mr. DALE. Thank you.

Senator KERRY. So, let's try to do that.

And we'll stand adjourned. I thank you all for coming today. Thank you.

[Whereupon, at 11:40 a.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF DANIEL D. ROBERTS, DEPUTY ASSISTANT DIRECTOR,
FEDERAL BUREAU OF INVESTIGATION

Good morning Chairman Lautenberg, Ranking Member Smith and Members of the Subcommittee. I appreciate the opportunity to provide an update on the FBI's work with the U.S. Coast Guard, the cruise line industry and the victims of cruise line crime regarding crime aboard cruise ships.

Reporting Agreement

In March 2007, the FBI, the U.S. Coast Guard and the Cruise Lines International Association (CLIA) reached an agreement on voluntary, standardized protocols for CLIA member lines to report allegations of serious violations of U.S. law committed aboard cruise ships. These reporting procedures are in addition to, but not in lieu of, mandatory, codified reporting requirements (*e.g.*, the requirements of 46 Code of Federal Regulations (CFR) Part 4, and the requirements of 33 CFR Part 120). Further, this reporting does not replace or override any agency responsibilities and coordination mandated by the Maritime Operational Threat Response Plan.

Incident Statistics

Pursuant to the agreement, on April 1, 2007, the FBI began collecting and tracking the incident reports submitted by CLIA member lines. I would like to take a few minutes to report on the results of this effort. Through May 31, 2008, the FBI received 522 reports from CLIA members. Many of these matters did not require criminal investigation and as such, should be viewed as "incident reports" not "crime reports." For example, there were reports received of civil matters and incidents in which individuals did not re-board the ship for various reasons, which were not criminal in nature.

Incidents on board ships when investigated by the FBI are documented through investigative files under the "Crimes on the High Seas" classification. Of the 522 incident reports, the FBI opened 53 investigative files. This number is consistent with the number of "Crimes on the High Seas" cases opened annually for the past 5 years.

The agreement with CLIA and the U.S. Coast Guard lists eight categories of incidents which are to be telephonically reported by CLIA members to the nearest FBI field office or Legal Attaché office. These matters—homicide, suspicious death, missing U.S. national, kidnapping, assault with serious bodily injury, sexual assault, firing or tampering with vessels, and theft greater than \$10,000—involve potentially serious violations of U.S. law and are to be called in to the FBI as soon as possible following the incident. After telephonic contact, CLIA members are instructed to follow-up with a standardized written report. All other, less serious matters are reported under a general "other" category and are brought to the FBI's attention by submission of a written report.

From April 1, 2007, through May 31, 2008, there have been no reports of homicide aboard CLIA member ships. There was one report of suspicious death and nine reports of missing U.S. nationals. Four of the missing U.S. nationals reports concerned individuals who voluntarily disembarked without notifying the ship and were located at a later date. Five missing U.S. nationals reports involved passengers whose histories of depression and behavior while on board the ship strongly indicate the passenger may have committed suicide.

There have been 27 reports of assaults with serious bodily injury. The FBI opened 16 investigative cases on physical assault with serious bodily injury matters, 11 of which are currently ongoing.

The FBI investigates sexual assaults as defined in Title 18 of the United States Code (U.S.C.), Sections 2241 through 2243 and 2244(a) and (c). Since April 1, 2007, CLIA has reported 90 instances of sexual assault. Of these 90 incidents, 49 represented allegations of sexual activity generally categorized as rape, one of which occurred on shore and, thus, outside the jurisdiction of the FBI. Based on the 90

reports, the FBI opened 34 investigative cases. Fourteen of these cases were closed due to either the victim not wanting to pursue charges, lack of evidence to support the allegations or declinations from the United States Attorney's Office. Twenty investigations are currently ongoing.

During this period, there were 25 reported incidents of theft of more than \$10,000. Of these 25 incidents, 15 involved jewelry, five involved cash, two involved miscellaneous equipment, two involved theft from onboard shops and one involved food products.

There was one report of firing or tampering with vessels.

369 incident reports involved less serious matters which are reported under the category entitled "Other." This category includes simple assault, low-dollar loss theft, fraud, suspicious activity, bomb threats, sexual contact, or activity that was not criminal in nature. There were 99 reports of sexual contact, as defined in Title 18 U.S.C., Section 2244(b), essentially uninvited touching of a sexual nature. There were 93 reports of simple assault to include punching, slapping or pushing actions. There were 111 reports involving theft of less than \$10,000.

FBI analysis of cruise ship crime reporting over the past year reflects the fact that many reports we have received during the first year of reporting fall outside of FBI jurisdiction, do not constitute crimes under U.S. law, or are less serious than characterized by the cruise lines. Therefore, it is my belief that CLIA member cruise lines are generally making a good faith effort to report all crimes, or allegations of crime, set out under the agreement.

Coordination with CLLA and the International Cruise Victims' Association

I would like to briefly update the Subcommittee on other efforts which the FBI has undertaken in support of its role in investigating crimes aboard cruise ships. Kendall Carver, President of the International Cruise Victims Association, came to FBI Headquarters in July 2007, accompanied by two members of his group. My predecessor, former Deputy Assistant Director Salvatore Hernandez, met personally with Mr. Carver and his associates to hear their concerns and to explain the work being done by the Coast Guard, CLIA, and the FBI regarding cruise ship crime reporting. Over the past year, my associates at the FBI have met or spoken with CLIA and the Coast Guard regularly to check progress on our reporting protocols and to refine those protocols where necessary. FBI representatives regularly attend the Joint Agency/Industry Working Group on Cruise Ship Security and, in April 2008, the FBI provided a briefing on investigative protocol to the CLIA Survivor Working Group Meeting in Miami, Florida, which includes representatives of the International Cruise Victims Association.

Training

Finally, I would like to address proactive steps being taken by the FBI and CLIA. When former Deputy Assistant Director Hernandez last testified on this issue before a House Subcommittee, he described the training provided by the FBI's Regional Evidence Response Teams (ERT) to cruise line staff captains and security managers over the last 3 years. The FBI's Violent Crime Section, in conjunction with the ERT Unit in Quantico, Virginia, completed a universal PowerPoint presentation entitled "Cruise Line Crime Scene Preservation," which was disseminated to the cruise line industry in January 2008.

In closing, the FBI is committed to continuing its work with the cruise line industry, the U.S. Coast Guard, and victims' groups to ensure full reporting of crimes aboard cruise ships and to facilitate more effective first response to such crimes.

PREPARED STATEMENT OF CAROLYN V. COARSEY, PH.D., CO-FOUNDER, FAMILY ASSISTANCE FOUNDATION, ATLANTA, GEORGIA

Senator Kerry and Distinguished Members of the Committee, my name is Carolyn Coarsey and I am co-founder of the Family Assistance Foundation. My doctoral degree is interdisciplinary, combining psychology and education, with a specialty in training employees on how to manage trauma in the workplace.

I have come before you today to tell you about my work with the cruise industry.

In 1985, my fiancé, a former airline executive died on board Delta Air Lines Flight 191, a crash in which 137 people perished. As an employee working in the aviation industry at the time, I knew that there were people inside of the company who wanted to help, but they simply did not know how.

At that time, I decided to enter graduate school in order to study the problem of how a company could prepare employees to respond to the public at the time of a disaster. I now understood the problem not only from the employee's perspective, but from the family's perspective as well. The Civil Aeromedical Research Division

of the FAA (CAMI) sponsored my studies at the University of New Mexico. My doctoral dissertation, published in 1992, showed a clear difference in passengers responses to trauma when they were met by employees who handled them with concern, empathy, and the offer of support. Survivors who felt that the company had done everything possible to help them following a traumatic event had significantly fewer symptoms of five psychological disorders that are most often associated with trauma. That information formed the basis of the work that I do today.

In 2000, a former airline executive and I co-founded the Family Assistance Foundation for the purpose of helping organizations provide a higher level of response to survivors during tragedies. Our mission is to support and improve business and industry responses to emergencies and disasters. The Foundation takes a unique, research-based approach to helping organizations successfully meet survivor's (customers, affected families, employees, any member of the public impacted) needs by coordinating and mobilizing resources during the acute phase of a crisis and beyond. The Foundation's annual symposium provides member organizations, as well as survivors, the opportunity to share lessons learned and information about how to continually improve response efforts and business practices. Foundation education and training programs support members by monitoring the long-term outcomes of those impacted by tragedy. Promoting awareness and building skills and knowledge for those who are charged with responding are crucial elements of the Foundation's fully integrated training and support programs for business and industry.

The Foundation provides education, training, and organized mutual aid at the time of a tragedy. The cornerstone of the Foundation is to promote open dialogue between survivors and employee helpers. We encourage family and passenger survivors to tell their stories in an educational format so that they can train employees on what is needed by survivors during these vulnerable times. Since its inception the FAF has trained thousands of employees from various industries including airlines, business aviation, rail, industrial and the cruise lines. We now employ seven full time folks at our headquarters in Atlanta and have other facilitators in the UK and hundreds of other care volunteers around the world.

In 2005, I began interviewing survivors of cruise line tragedies. Shortly thereafter, I became involved in developing training materials for the cruise industry. I also began hosting training programs based on interviews that I was conducting with survivors.

These interviews included family members of persons who had gone missing overboard, family members of deceased passengers, and guests who had become involved in a tragedy while on a cruise ship.

I have seen a very aggressive response by the cruise line industry to the problem of empowering employees to assist survivors in a time of crisis. The cruise lines have offered many different training programs including the use of videotapes and written testimony. I have personally provided awareness education to more than 5,000 employees in the cruise line industry. I have trained cruise line executives, Care Teams, telephone responders, employees who will notify the next-of-kin for guests who experience tragedy while on a ship, security personnel, safety officers, deck officers and other on-board staff. The goal is to provide a substantial level of awareness to every employee who might interface with a survivor during a crisis.

In addition to the cruise industry's commitment to crew training, which includes on-board and shore side guest support, they have also entered into an agreement with the Federal Bureau of Investigation and United States Coast Guard that clarifies reporting procedures for all serious violations of U.S. law that occur aboard cruise ships. Heightened security measures are standard for the maritime industry today, and cruise line passengers go through screening procedures similar to those found at U.S. airports, which include the use of metal detectors, baggage scanning devices, and biometric verification machines.

Currently, I am developing a training program for all shipboard employees to be presented on ships that includes a twenty-minute video of survivors speaking directly to every employee who may encounter them during, and following, a crisis. The program also features a 90-minute discussion guide that can be presented by shipboard trainers and supervisors. In addition, I have already developed a 4-hour module for leaders on ships (captains, physicians, nurses, hotel directors, and others who are in charge of crew and passengers), designed to help them understand mistakes that have been made in the past and how to prevent similar problems in the future. The video-based program features survivors whose loved ones have gone missing as well as many other types of traumatic situations, where the trainees hear directly from those involved. I personally presented the pilot of this program on 14 ships in summer of 2007 and can speak to the effectiveness of this training.

In addition to the training, in May 2007 at the Foundation's annual Symposium, we featured two panels on the subject of handling victims of trauma on cruise ships.

The first panel involved family members and guests who had survived cruise line tragedies prior to this robust training being offered by the industry. The second panel involved survivors of tragedies following the new programs. We saw a significant difference. Survivors from the second panel who were empowered by trained employees and offered every form of assistance possible were still healing from the loss of loved-ones, but they did not have to cope with anger and hostility. The second group expressed gratitude, as they felt validated and supported by the representatives of the cruise line. They knew that the people who had the most power to help them while they were most dependent and vulnerable had done everything possible to assist them during the tragedy.

At this year's Foundation Symposium, we hosted five more cruise line survivors and families. The survivors praised the cruise lines for their heroic efforts and gladly participated in the panel, educating others on the importance of this work. We had two women whose loved ones had died while on a ship, a mother whose daughter would have died had not the ship's crew responded as they did, and the family of a baby that was born on a ship weighing less than two pounds. We also had a presentation by a man who, along with a party of 12, was accosted at gunpoint while on an excursion. He praised the responders and, as an example of how strongly he felt about the way him and his friends were treated following the trauma, has already traveled on another cruise vacation.

I know that the industry is listening and learning from survivors. I personally facilitated a meeting in August 2007, where industry officials met and listened to survivors. Most of what was heard was from survivors who were very upset as their experiences occurred before the industry began its educational efforts. Despite the unpleasantness of this experience, the cruise line representatives listened and did not attempt to defend their actions. They have learned that these expressions are part of the healing process, and that providing survivors with the opportunity to speak their mind will play a major role in their healing.

True change begins when companies empower their employees to empower survivors during the tragedy, when they are most helpless. This can only be done through the education and training of employees. In this evolution of compassion consciousness, which we are experiencing today, I have never seen an industry take a more proactive approach to changing how its workforce responds to trauma in the workplace.

I regret that I could not be with you today, but I appreciate your allowing me to provide you with this information.

At the Foundation, our interviews continue to show that when employees are empowered to help survivors, they have a tremendous opportunity to influence how survivors heal. These interviews form the basis of all training programs offered by the Foundation, as we believe the true experts on the subject of how best to assist survivors are the survivors themselves.

U.S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION
Washington, DC, June 19, 2008

Hon. FRANK LAUTENBERG,
Chairman
Subcommittee on Surface Transportation and Merchant Marine Infrastructure,
Safety, and Security,
Committee on Commerce, Science, and Transportation,
U.S. Senate,
Washington, DC.

Dear Mr. Chairman:

I am writing in response to your letter dated June 16, 2008, seeking information from the Federal Bureau of Investigation (FBI) in support of the Subcommittee's upcoming hearing on cruise ship safety.

I have attached a compilation of the most recent statistics on cruise ship criminal security incidents reported to the FBI since April 1, 2007. In accordance with Federal regulations contained in Part 120 of Title 33 of the Code of Federal Regulations, passenger vessels covered by regulation must report certain incidents to the FBI. These include each breach of security, unlawful act, or threats 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. I hope you find the information useful.

Consistent with conversations with Subcommittee staff, I regret that we are unable to provide a witness for the hearing and have offered a briefing at a later time should the Subcommittee need more information. Thank you for your interest in

FBI operations and procedures. Please feel free to contact me if I can provide further assistance.

RICHARD C. POWERS
Assistant Director, Office of Congressional Affairs

Enclosure

The following statistics are based on incidents reported to the FBI. These numbers represent incidents that occurred between April 1, 2007 and April 30, 2008.

Incident Type	Number of Reports	Percent
Death—homicide	0	0%
Death—suspicious	1	0%
Missing U.S. National	8	2%
Kidnapping	0	0%
Assault with Serious Bodily Injury	26	5%
Sexual Assault	83	17%
Firing or Tampering with Vessels	1	0%
Theft >\$10,000	24	5%
Other	346	71%
Total	489	100%

The following table provides an additional breakdown of the “Other” category:

Incident Type	Number of Reports	Percent
Other—Theft < \$10,000	104	30%
Other—Simple Contact	91	26%
Other—Sexual Assault	86	25%
Other—Death*	14	4%
Other—No Re-board**	7	2%
Other—Miscellaneous	44	13%
Total	346	100%

*Of the fourteen “Other—Death” incidents, eight are natural causes, four are suicides, and two are accidental.

**Of the five “Other—No Re-board” incidents, four involve crew member subjects and three involve passenger subjects.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO
DANIEL D. ROBERTS

Question 1. In your testimony you state that of the 522 incident reports between April 1, 2007 and May 31, 2008, the FBI opened 53 investigative files and that this number is consistent with the number of “Crimes on the High Seas” cases opened annually for the past 5 years. Please provide the Committee with specific statistics of the number of cases reported to the FBI over the past 5 years by calendar year, by type, and the number of criminal violations that resulted in investigative files. Please also provide, by calendar year, the result of the investigative files that were opened and their current status such as: closed due to insufficient evidence, closed due to unwillingness of the victim to pursue charges, pending litigation, closed with result in criminal prosecution etc.

Answer. The FBI cannot provide statistics concerning all alleged incidents of “crimes on the high seas” reported over the past 5 years, as these statistics have not been tracked over this period of time. The FBI has tracked the submissions by the cruise lines using the form reporting “Cruise Line Report of Serious Violations of U.S. Law” since April 2007, and those figures were provided to the Subcommittee in June 2008 as noted in the question.

The FBI’s records management system is generally able to produce statistics concerning the number of cases opened in a given Fiscal Year (FY), as well as the current status of these investigation as “pending” or “closed.” With respect to closed cases, the FBI tracks whether the case was closed for administrative reasons, due to a prosecutorial declination by the United States Attorney’s Office (USAO), or due to final adjudication of all legal proceedings in the matter. In both the “administrative” and “declination” categories, a case may be closed for a number of reasons, including insufficient evidence or the unwillingness of the victim to pursue charges.

The specific circumstances of “administrative” or “declination” case closures are not tracked.

Following are the available statistics by FY.

- In FY 2004, the FBI opened 50 investigations of crimes on the high seas. Of these cases, 1 is still pending, 34 were closed administratively, 12 were declined by the USAO, and 3 were closed following final adjudication.
- In FY 2005, the FBI opened 41 investigations of crimes on the high seas. Of these cases, 3 are still pending, 22 were closed administratively, 12 were declined by the USAO, and 4 were closed following final adjudication.
- In FY 2006, the FBI opened 53 investigations of crimes on the high seas. Of these cases, 10 are still pending, 23 were closed administratively, 11 were declined by the USAO, and 9 were closed following final adjudication.
- In FY 2007, the FBI opened 55 investigations of crimes on the high seas. Of these cases, 14 are still pending, 20 were closed administratively, 18 were declined by the USAO, and 3 were closed following final adjudication.
- In FY 2008, the FBI opened 49 investigations of crimes on the high seas. Of these cases, 30 are still pending, 8 were closed administratively, 6 were declined by the USAO, and 5 were closed following final adjudication.
- Through the end of October 2008, the FBI had opened 1 investigation of a crime on the high seas in FY 2009.

Question 2. In your statement you indicate: “Since April 1, 2007, CLIA has reported 90 instances of sexual assault. Of these 90 incidents, 49 represented allegations of sexual activity generally categorized as rape, one of which occurred on shore and, thus, outside the jurisdiction of the FBI. Based on the 90 reports, the FBI opened 34 investigative cases. Fourteen of these cases were closed due to either the victim not wanting to pursue charges, lack of evidence to support the allegations or declinations from the United States Attorney’s Office. Twenty investigations are currently ongoing.” Of the 14 cases closed, how many of those were due to lack of evidence to support the allegations?

Answer. Since April 1, 2007, the FBI has opened 34 investigations based on sexual assault reports by the Cruise Lines International Association. Although the FBI initially reported that 14 of those cases had been closed, in fact only 12 of the 34 cases have been closed. Of these 12 closed cases, 9 were closed upon declination by the USAO because the evidence was insufficient. Three of the 12 cases were closed before submission to the USAO. Two of these cases were closed because the evidence was insufficient and one was closed administratively and referred to authorities in the Bahamas after investigation determined the alleged offense had occurred in Freeport, Bahamas.

Question 3. According to Terry Dale, the DVD you produced with the Cruise Lines International Association provides instruction on initial crime scene response, including securing the scene, taking crime scene photography, and collecting evidence. Do you believe that security personnel on board cruise ships should be involved in crime scene evidence collection to support the FBI? Do you see this as an appropriate and helpful role for the security personnel on board cruise ships to provide to the FBI? If evidence collection is conducted by the cruise ship security personnel according to the FBI’s instructional video, do you see any potential issue with the admissibility of evidence for legal proceedings?

Answer. In January 2008, the FBI supplemented existing protocols between the FBI and the cruise line industry by providing to that industry a DVD presentation entitled, “Guide to Cruise Line Crime Scene Preservation.” The presentation provided basic instruction on the investigative jurisdiction of the United States, reporting requirements for crimes on the high seas, and basic crime scene management. The presentation emphasized that the first priority of the cruise line is to secure the crime scene and await the arrival of law enforcement officials. The location of a crime scene on a cruise ship (for example, on an outside deck or in a common area) may make it difficult or impossible for cruise line personnel to isolate and maintain the security of the crime scene. In these circumstances, and when law enforcement officials cannot respond immediately, we must rely on cruise line personnel to conduct the initial processing of the crime scene. While the FBI would prefer to process the crime scene, we believe the DVD presentation provides the cruise lines with the basic tools they will need when immediate response by law enforcement officials is not possible.

Question 4. What methodology has the FBI developed to verify to a victim(s) that their case has been reported by the cruise lines to the FBI and or the U.S. Coast Guard?

Answer. If an incident or crime reported to the FBI by a cruise line meets minimum Federal investigative and prosecutorial guidelines, the FBI opens an investigation and contacts any victims for interview purposes and to offer victim assistance. The FBI uses Victim Specialists, who are assigned to the Office for Victim Assistance (OVA), as a resource when investigations involve victims of Federal crimes investigated by the FBI. The FBI's responsibility for assisting victims continues through adjudication and may involve Victim Specialists from both the FBI and the USAO.

The mission of the OVA is to ensure that victims of crimes investigated by the FBI receive the services and notifications required by Federal law and the Attorney General's Guidelines on Victim and Witness Assistance (2000). The FBI recognizes not only the necessity of providing for the legal rights of victims but the benefits that effective and timely victim assistance bring to investigations. The OVA applies three major principles in performing its mission: (1) doing what the law requires; (2) doing what will help victims and will enhance their ability to participate in the investigative process; and (3) using innovative, flexible, and practical methods to accomplish its goals.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK. R. LAUTENBERG TO
TERRY DALE

Question 1. The cruise ship industry is required to provide Customs and Border Protection (CBP) with crew and passenger manifests prior to departure. When is the manifest required to be submitted to CBP prior to departure and for what are passengers and crew being screened? For example, are passengers being screened against only a terrorist watch list or are they also being screened against the FBI database of sexual predators?

Answer. Cruise ships departing American ports are required to submit their completed manifest, passengers and crew, to CBP (shared with the USCG) 60 minutes prior to the ship's departure. This information is submitted electronically in a format that allows CBP to quickly process the names through the government data bases. We defer to CBP and other Federal agencies to describe their screening process of crew and passenger manifests.

Question 2. What type of background checks do CLIA member companies conduct on their potential hires? The crew member who masturbated in front of an 8 year old girl had a different name on his passport than on his employment application—how do you explain that? What steps are CLIA member companies taking to ensure this does not happen again?

Answer. All CLIA member companies use vetted, reputable manning agencies in the countries where they hire their employees. Many source countries for cruise ship employees—such as the Philippines, a principle source country—have comprehensive and institutionalized systems to validate the character of their seafarers.

The cruise lines operating to and from the United States also require all of their employees to obtain a work visa from the U.S. Government. Applications are obtained and presented at a U.S. Embassy/Consulate in person, where an interview and background check is completed.

Additionally, when applying for a cruise line job, the crew member is required to submit to the U.S. Embassy/Consulate his/her passport, employment application and letter-of-intent-to-hire by the cruise line. This same information is required to be submitted by the crew member when entering the U.S. by airline to join the ship in a U.S. port. If the crew member joins the ship at a foreign port, his/her passport and manifest would have to match when submitted by the cruise line prior to entering the first U.S. Port.

CLIA is aware that one of the hearing's witnesses provided the account of an alleged sexual incident as set forth in this question. Lacking additional information, we have been unable to confirm the details of the alleged incident and are, therefore, unable to provide additional comment.

Question 3. What are the minimum standards in the industry to be hired as cruise ship security personnel? What type of training and experience is required?

Answer. Each cruise line has its own pre-requisites for hiring security personnel. Most of the security personnel have either military or law enforcement backgrounds. They receive training and refresher training in topics such as:

- International Ship Security Regulations
- Alcohol awareness and breathalyzer training
- Explosive detection

Screening equipment and search techniques
 Accident investigation
 Crime scene preservation
 Reporting, securing, entry, photography, logs, evidence protection, chain of custody, guest care issues
 Interview techniques
 Smuggling techniques
 Case studies

This is a sampling of the training provided and depending on the individual's background, the duties assigned to the security officer, and the number of years having worked in that capacity, the training topics may increase or decrease. It should also be noted that several aspects of the training are provided by members of Federal law enforcement agencies such as FBI, USCG, ATF and CBP.

Question 4. Could you please explain table 1 of Mr. Klein's testimony as to how Royal Caribbean Cruise Lines defined inappropriate touch, sexual harassment and sexual assault metrics? Of the 2.4 percent of incidents that occurred in a child/teen area could you please specify what type of incidents occurred, such as inappropriate touch, sexual harassment or sexual assault? How is the location of 26 percent of the incidents unknown? Were all of the 151 total cases reported to the FBI? Of those cases, do you know how many were prosecuted or did not have sufficient evidence to pursue prosecution? How do you explain an on board population sexual assault incident rate of 58.85 per 100,000, compared to an overall U.S. rate of 32.20 per 100,000, and still maintain that cruise ship safety is better than land based resort vacation destinations?

Answer. CLIA submitted this question to RCL officials for response given that the question is based upon RCL data. RCL's response is set forth below:

RCL appreciates the opportunity to clarify the statistical misunderstanding that occurred at the hearing. For ease of reference, we have divided the multi-part question into separate sections for response.

Question 5. Could you please explain table 1 of Mr. Klein's testimony as to how Royal Caribbean Cruise Lines defined inappropriate touch, sexual harassment and sexual assault metrics?

Answer. The Royal Caribbean Cruises Ltd. (RCL) statistics cited in Mr. Klein's testimony were derived from litigation discovery provided to a plaintiff's attorney and apply to the period from 2003 through 2005. The data in the charts used by Mr. Klein depict information gathered by RCL in support of tracking shipboard incident allegations by its former Risk Management Department for the purpose of aiding claims adjusters in locating a record if a claim is filed. The definitions used by Risk Management were not consistently applied and due to their purpose, received no rigor or oversight to link them to definitions used outside of the company. The definitions of the terms, as used by RCL were: Inappropriate touching (kissing, holding hands, rubbing back); Sexual Harassment (verbal only); Sexual Assault (touching of intimate body parts above or under clothing); Sexual Battery (penetration of any type). Mr. Klein's conclusions are based on limited information available on these charts and therefore did not lend themselves to reliable analysis. Simply stated, the validity of Mr. Klein's representations is dependent upon the accuracy of the labels RCL assigned to each allegation. Although perhaps sufficient to permit a claims adjuster to locate a record, detailed analysis of this labeling reveals it to be lacking in both uniformity and accuracy. In short, the data Mr. Klein used in his analysis was flawed when used for his purposes.

Question 6. Of the 2.4 percent of incidents that occurred in child/teen areas, could you please specify what type of incidents occurred, such as inappropriate touching, sexual harassment or sexual assault?

Answer. It is unclear how Mr. Klein arrived at his "2.4 percent" figure. We identified the following eight incidents in the referenced data involving child/teen areas (see definitions above in response to question #1):

- 9/13/2003—A guest alleged sexual harassment by crew member;
- 10/10/2003—A guest alleged sexual harassment by two underage male guests;
- 4/4/2004—A guest alleged a crew member made inappropriate comments;
- 5/18/2004—A 6 year old guest exposed his penis while watching a movie;
- 6/11/2004—A guest alleged sexual assault by another guest (this was labeled as a "sexual assault" but, upon review, should have been "inappropriate touching");

- 6/25/2004—A guest alleged being stalked and sexually harassed by a male guest;
- 6/28/2005—Allegation that a 14 year old girl was grabbed and kissed by another guest (age not listed)—(upon, review, actually an inappropriate touching);
- 7/22/2005—A guest alleged physical assault by a crew member (no sexual aspect) (upon review determined to be an assault, not an inappropriate touching as indicated)

Question 7. How is the location of 26 percent of the incidents unknown?

Answer. The data that Mr. Klein relied upon did not contain entries in these fields because the purpose of the data was to allow claims adjusters to locate the files. RCL personnel creating the data set did not focus on completing this field uniformly but that does not mean that the location of the incidents is unknown.

Question 8. Were all of the 151 cases reported to the FBI? Of those cases, do you know how many were prosecuted or did not have sufficient evidence to pursue prosecution?

Answer. It is and has been RCL policy to report all crimes to law enforcement. Since it is not clear which cases the number 151 captures, we are unable to provide a reliable response. If the 151 cases are identified, RCL can pull the corresponding files and determine which agency we contacted to report the incident. However, RCL does not track whether law enforcement pursues prosecution on the allegations we report.

Question 9. How do you explain an on board population sexual assault incident rate of 58.85 per 100,000, compared to an overall U.S. rate of 32.20 per 100,000, and still maintain that cruise ship safety is better than land based resort vacation destinations?

Answer. See attached letter that was sent by RCL to Mr. Klein in response to this erroneous representation in his testimony.

ATTACHMENT

ROYAL CARIBBEAN CRUISES LTD.
Miami, FL, July 8, 2008

ROSS A. KLEIN,
Professor, School of Social Work,
St. John's College, J-2000,
Memorial University of Newfoundland,
St. John's, NL, A1C 5S7 Canada.

Dear Professor Klein:

I noted with interest your June 19, 2008, testimony on Cruise Ship Safety, before the U.S. Senate Commerce Subcommittee, in which you cited a news report and prior testimony and charts, which I believe you know to be erroneous. In addition, by testifying that "the rate of *sexual assault* on cruise ships, compared to the rate of *forcible rape* in the U.S., is not half but almost twice the U.S. rate" you improperly led Congress to believe this was a valid comparison. You appear to have done so in a deliberate attempt to mislead Congress into believing that the rate of ship-board rape allegations is twice the rate of those occurring on shore.

As you know, the Uniform Crime Reporting (UCR) Program does not track or compute a rate of U.S. land-based sexual assaults. In fact, the term "sexual assault" does not even appear to be defined in either the UCR or in any U.S. Federal statute. Its cruise industry use was first defined by the FBI in March, 2007, to include each of the crimes codified in Title 18, United States Code (USC), Sections 2241, 2242, 2243, 2244(a) and 2244(c).

The "rate of sexual assault" you calculated and cited in your testimony before the Committee included: (1) Crime allegations of rape; (2) Crime allegations of cruise ship sexual assaults that fall within the above FBI definition; and even (3) Crime allegations that are outside the FBI's prescribed cruise industry use of the term "sexual assault." There is simply no justifiable basis to equate such a broad, grouping of crimes to the UCR's narrowly defined rate for land-based forcible rapes, as you knowingly did in your testimony.

In addition, your June 19 testimony, as well as prior testimony before Congress, incorporated a chart you prepared which purports to depict a comparison of ship-board sexual assaults and a (non-existent) U.S. shore-side sexual assault rate (actually the UCR's forcible rape rate, which you mis-titled). You and I have discussed this chart you prepared and you agreed its comparison is invalid. In fact, you acknowledged such errors in an e-mail you sent to me on April 21, 2008, wherein you

stated: “I have stopped using the numbers given in discovery as comparison to the U.S. rate for forcible rape because it is essentially a comparison of apples and oranges. . . . I assure you that I try to avoid a comparison of sexual assault rates on cruise ships with the rate of forcible rate [sic] on land.”

You have told me that you believe this faulty comparison has its roots in statistics prepared by the cruise industry and I have passed your thoughts on to CLIA for their consideration. However, their response notwithstanding, you were certainly aware at the time of your June 19 testimony that, whatever its origin, the comparison of shipboard “sexual assaults” to land-based “forcible rape” was, to use your words, an “apples-to-oranges” comparison to be avoided. Therefore, your testimony on June 19 that “the rate of sexual assault on cruise ships, compared to the rate forcible rape in the U.S., is not half but almost twice the U.S. rate” appears to be intentionally disingenuous.

When you chose to use a self-defined rate of sexual assault on cruise ships instead of the available rate of rape on cruise ships (and thereafter to compare this figure to the shore-side rate for forcible rape) you again misled Congress. What’s more, the implication of your testimony is directly contradicted by statistics the FBI presented to the Committee, which, using your method of calculation, reflect a cruise industry rape rate of 15.7 per 100,000 guests; versus the UCR’s 2006 land-based forcible rape rate of 30.77 per 100,000 residents.

In conclusion, your testimony presented an invalid comparison between a gratuitously defined category of shipboard *sexual assaults* and the narrowly defined U.S. rate for land-based *forcible rapes*. It also failed to correct prior Congressional testimony based on a chart of your analysis which mischaracterized the U.S. rate of “forcible rape” as being a non-existent U.S. rate of “sexual assault.”

I ask that you take steps to correct and clarify the record of your June 19 testimony before Congress. I also ask that you acknowledge the 2007 rate of shipboard rape, based on statistics presented by the FBI to the Committee, is approximately half the rate of land-side forcible rape in the U.S. (2006 UCR). This is too important a subject to countenance providing Congress with inaccurate or misleading comparisons.

Sincerely,

GARY M. BALD,
Senior Vice President,
Safety, Security, Environment, and Health,
Royal Caribbean Cruises Ltd.

CC: HON. FRANK R. LAUTENBERG
Chairman
Committee on Commerce, Science, and
Transportation
Subcommittee on Surface Transportation
and Merchant Marine Infrastructure,
Safety, and Security
U.S. Senate
Washington, D.C.

Hon. GORDON H. SMITH
Ranking Member
Committee on Commerce, Science, and
Transportation
Subcommittee on Surface Transportation
and Merchant Marine Infrastructure,
Safety, and Security
U.S. Senate
Washington, D.C.

Hon. JOHN F. KERRY
Committee on Commerce, Science, and
Transportation
Subcommittee on Surface Transportation
and Merchant Marine Infrastructure,
Safety, and Security
U.S. Senate
Washington, D.C.

TERRY DALE
President and CEO
Cruise Lines International Association
910 SE 17th Street
Ft. Lauderdale, FL

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
TERRY DALE

Question 1. Mr. Dale, recognizing the wide variety of cruise types and itineraries offered by your members, are certain types of crimes or the frequency of certain crimes more prevalent on certain itineraries than others? For example, do short weekend cruises catering to young adults have higher overall rates of reported crimes and more sexual assaults than longer cruises catering to an older crowd? If a higher degree of correlation does exist between certain crimes and itineraries, are

your members changing security procedures accordingly? If a higher degree of correlation does exist, are your member cruise lines allocating additional security resources to these higher risk itineraries?

Answer. CLIA does not maintain a database of crimes that occur on our member lines. The cruise lines report allegations directly to law enforcement agencies. That said, there is a correlation of a higher rate of crimes on short cruises, with a younger demographic, than on the longer itineraries where there are more families and older guests. This fact is only one of a number of considerations our cruise lines use for setting the security protocols on board the ship. Our member lines continually evaluate a multitude of factors to determine the manning needed for security personnel on each cruise. These factors include, but are not limited to:

- length of cruise
- passenger demographics
- season
- itinerary
- special charters

In addition security protocols are dictated by the perceived security risks associated with a number of factors such as the ports of call, and itineraries.

Question 2. Mr. Dale, when passengers board international cruises, are they typically aware of the various laws governing the reporting of crimes on cruise ships and who has jurisdiction for the different segments of the itinerary? Is there any sort of pre-boarding orientation or any material distributed before the ship leaves U.S. territorial waters? You mentioned that a significant percentage of cruises are purchased through travel agents. Should travel agents have an obligation to provide information to passengers regarding the various laws impacting their cruise and what to do if they believe they are a victim of crime?

Answer. Information on safety and security is provided to passengers at the beginning of a cruise through several formats. The ship's TV is preset to the safety channel that provides the number to call if there is any incident, safety or security related. General warnings of a safety/security nature are also mentioned in each day's plan of activities and general safety announcements are made during the safety drill at the beginning of the cruise. In general, passengers are advised to report any crimes to Ship Security or other Officers. He and the Master are the individuals who can best work with and explain to the passenger what the reporting requirements are for the location at that time. Although reporting laws vary depending on ship location and victim/suspect nationality, all crime allegations are required to be reported to law enforcement. They are always reported to the Flag State. In addition, alleged crimes are generally always reported to either the nation where they occur or the nation of the next port of call. Some nations, such as the U. S., require reporting of crime allegations that occur outside their territorial waters. For example, crime allegations under the jurisdiction of the FBI and in which cruise lines report to the FBI include those that occur when:

1. The ship, regardless of flag, is a U.S.-owned vessel, either in 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 occurs 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 into a U.S. port.

While travel agents do not provide specific information, passengers receive a contract of carriage that lays out the terms and conditions associated with that cruise. This contract is available for the guest on our member's website. Additionally, prior to the beginning of the voyage each passenger is provided with the contract of carriage. The legal rights and remedies within the contract are dependent upon a number of factors; including where the cruise begins and ends, as well as the flag of the vessel, and the nationality of the cruise passenger.

Question 3. Mr. Dale, among recommendations from the International Cruise Victims Association is a proposal to place some type of law enforcement authority on all cruises analogous to a U.S. Air Marshall on a commercial flight. What is CLIA's position on having one such law enforcement personnel on each and every cruise?

What is CLIA's position on having one such law enforcement personnel on cruises with higher risk itineraries?

CLIA believes that the function served by Air Marshals is well within the capabilities of cruise ship security personnel. CLIA cruise line security personnel are fully trained and qualified as first responders to any security incident on board our ships. Most have prior law enforcement experience and receives extensive training from U.S. law enforcement maritime experts. Together, the shipboard teams, their U.S. based security departments and Law Enforcement Agency personnel work quite well in partnership. It is unlikely the addition of a law enforcement person would add material value in this important area. Cruise ships sail in an international environment, and as they testified at previous congressional hearings, the U.S. Coast Guard and FBI do not believe it is neither necessary nor legally feasible to require a U.S. Federal Law Enforcement Official on cruise ships. Many, if not most of the countries cruise lines visit have strict policies about weapons and the presence of a foreign law enforcement officer conducting activities while within their territory.

CLIA would welcome an opportunity to further discuss the capabilities and requirements of its security personnel with members and staffers.

Question 4. Mr. Dale, in your testimony you highlighted the use of an FBI-provided DVD for security training by major cruise lines. Is this DVD required viewing for all employees or individuals designated as "security personnel?" For example, do medical personnel, whom some cruise lines consider as independent contractors, view the DVD? Does the video cover the procedures medical personnel must follow when there are allegations of a sexual assault or rape? Do your member cruise lines consider viewing this DVD to be sufficient training for employees to respond appropriately when an allegation of an onboard crime occurs? Is that CLIA's position? Should those individuals designated as "security personnel" be certified by a third party to give the public (and law enforcement) confidence that they have received adequate training and achieved as a minimum a basic level of competence in key areas such as securing a crime scene, evidence collection, etc.?

Answer. The FBI-provided DVD is specifically aimed at crime scene management and evidence preservation for security trained personnel. The DVD is used in combination with the training provided by the cruise line for its security personnel. Most of the security personnel have either military or law enforcement backgrounds. They receive training and refresher training in topics such as:

- International Ship Security Regulations
- Alcohol awareness and breathalyzer training
- Explosive detection
- Screening equipment and search techniques
- Accident investigation
- Crime scene preservation
- Reporting, securing, entry, photography, logs, evidence protection, chain of custody, guest care issues
- Interview techniques
- Smuggling techniques
- Case studies

This is a sampling of the training provided and depending on the background, duties assigned to the security officer, the number of years having worked in that capacity, the training topics may increase or decrease. It should also be noted that several portions of the training are provided by members of Federal law enforcement agencies such as FBI, USCG, ATF and CBP.

In addition, the cruise lines are pursuing, and several already have, their companies' security programs/training certified by a third party. Several lines have programs for licensing and certification as security professionals for their on board personnel. All the CLIA lines training stresses incident response, evidence and crime scene preservation. Both the U.S. Coast Guard and the FBI have testified that they receive excellent cooperation and assistance from cruise line security personnel.

All ships that operate on international itineraries have trained medical personnel onboard. Part of the equipment in the medical clinics are pelvic examination kits and there is training provided to the medical personnel on the proper administration of these kits. The DVD does not specifically address medical procedures in the event of a rape/sexual assault, however, other training provided by cruise lines addresses this important area.

Question 5. Mr. Dale, how do cruise lines hire their crews? Are the crews considered staff or are they considered independent contractors? If the hiring is done by a third party, is the crew member considered an employee of the cruise line, an employee of the hiring firm, or an independent contractor? What obligations does a third party staffing firm have to ensure that the individual they are hiring on behalf of the cruise line does not have a long history of committing crimes or alleged to have committed crimes while working on cruise ships? Is there an industry "do not hire" list?

Answer. All CLIA member companies use vetted, reputable manning agencies in the countries where they hire their employees. Most of these countries have institutionalized programs for the recruitment and placement of properly screened employees. Additionally, several of the manning agencies in different countries have been vetted by the FBI in their ongoing efforts to stop counterfeit Letters of Employment and false documentation submissions for entry to the U.S. The cruise lines operating from the United States also require all of their employees to obtain a work visa from the U.S. Government. This visa is a C1D category. Applications are obtained and presented at a U.S. Embassy/Consulate in person, where an interview and background check is completed. Additionally, when applying for a cruise line job, the crew member is required to submit to the U.S. Embassy/Consulate his/her passport, employment application and letter-of-intent-to-hire by the cruise line. This same information would have to be submitted by the crew member when entering the U.S. by airline to join the ship in a U.S. port. If the crew member joins the ship at a foreign port, his/her passport and visa would have to match when submitted by the cruise line prior to entering the first U.S. port. If a crew member commits a crime, his employment is terminated and his visa is revoked (in coordination with law enforcement authorities). To comply with U.S. and international privacy laws the cruise industry does not maintain a "do not hire" list.

Question 6. Mr. Dale, what type of visa does a foreign cruise line crewmember require for itineraries that originate or terminate in the United States? Is a background check required for the visa? If so, who performs the background check? What does the background check include? Who is responsible on the cruise line for ensuring that the name employee or contractor has on his or her passport matched that with the name on his or her visa? What actions are taken if the names on the passport and the visa do not match?

Answer. In addition to the information provided for the question above, all cruise ship crew members are screened through CBP, USCG and other law enforcement data bases on a regular basis. The crew manifest is submitted upon departure and arrival to every U.S. port. The crew must also submit to a 90-day crew check where they are subject to close CBP scrutiny for any inconsistencies in their documentation. This is all in addition to the obtaining of a visa to work in the United States that will validate credentials for consistency as well the first look CBP has as the crew travel through the port of entry at the international airport.

Question 7. Mr. Dale, a significant percentage of reported crimes involve cruise line employees. Of the 184 cases reported to the FBI from Fiscal Year 2002 through February 2007, 84 involved crew members. In cases where a crew member is the alleged perpetrator of a crime which meet the FBI reporting requirements, can you walk us through the typical steps taken by a cruise line in dealing with the accused crew member, both in cases when the incident occurred in international or foreign waters and when the alleged crime occurs in U.S. territorial waters. In any circumstance, is the accused crew member allowed to disembark the ship before someone with legal authority can ascertain whether that individual may have committed a crime?

Answer. All allegations are reported to the proper authorities including the FBI. The process followed whether in international or foreign waters is as follows: The crime allegation is reported to ship's security. A security team (accompanied by a medical team if warranted) immediately responds to the incident scene and determines what is alleged. The incident scene is sealed and the victim is provided medical care and guest care if needed. The suspect is located and any other places where evidence may be found are secured. Written statements are taken from the suspect, victim and witnesses. Photographs may be taken, provided doing so will not risk preserved evidence. The incident is reported to the law enforcement agency with jurisdiction and the statements are provided once obtained. If the suspect presents a continuing risk to others on board, the crew member will be confined either to their cabin or the brig, pending arrival of law enforcement (typically at a minimum, the suspect's contact with guests would be curtailed). Ships' records relevant to the incident are gathered, including CCTV images, A-Pass (door access) records, shipboard purchase records if relevant, etc. When law enforcement arrives on the ship, secu-

ity meets with them and provides its relevant records and written statements. Space is made available for law enforcement use. Their investigative efforts are fully supported. Relevant witnesses are presented for interview and evidence sites are opened as requested for forensic examination. The crew member is made available to law enforcement. A Master's hearing will be held where the allegation will be evaluated and a decision made concerning the crew members continued employment. In all likelihood, the crew member will be terminated and removed from the ship, in coordination with law enforcement. If the crew member is not arrested, he will be handled according to local immigration laws. If charges are brought, the cruise line will provide continuing support to law enforcement and will make available any witnesses needed at trial. Generally, a crew member is not permitted to leave the ship until law enforcement responds. This process is generally the same when the accused is a passenger.

The FBI may choose to exercise its investigative authority or it may choose to cooperate with the authorities of another nation in that country exercising its jurisdiction. The crewmember has probably violated the terms of his employment if he has even fraternized with a passenger, therefore he is subject to dismissal. Dismissal would invalidate the terms of his visa. Therefore, if the U.S. or foreign authorities do not choose to investigate or take the crewmember into custody, the cruise line must ensure, under relevant immigration laws that the crewmember is deported to his home of record. It is incumbent to have timely action by the authorities in exercising their jurisdiction otherwise the cruise line has little choice but to remove that crewmember from the United States or other country where the vessel is located.

While CLIA has outlined our process above, we are concerned about what the source document for the statistics used (184 cases, FY 2002–2/07, and 84 cases with the crew is the accused) comes from, as we would appreciate the opportunity to ensure the correct numbers are used.

TRAVEL INDUSTRY ASSOCIATION
June 18, 2008

Hon. FRANK LAUTENBERG,
Chairman,

Hon. Gordon Smith,
Ranking Member,
Subcommittee on Surface Transportation and Merchant Marine Infrastructure,
Safety, and Security,
Washington, DC.

Dear Chairman Lautenberg and Senator Smith:

I write on behalf of the Travel Industry Association (TIA), the national non-profit organization representing 1,700 travel and tourism public and private entities across the country. TIA members encompass every sector of the diverse, \$740 billion travel community and our mission is to promote and facilitate increased travel to and within the United States.

We are aware that this is the fifth Congressional hearing over the last 3 years that has examined the subject of personal safety on cruise ships. While we feel compassion for those who have experienced a serious incident, the TIA believes that cruising is a very safe vacation option.

The industry enjoys a customer satisfaction rating of more than 95 percent, a remarkably strong level of satisfaction. This information, combined with the fact that nearly 55 percent of cruisers are repeat customers, surely indicates that customers of cruising believe their environment is safe.

The cruise line industry is an important economic engine for the United States. In 2006, according to analysis conducted by Business Research and Economic Advisors (BREA) the total economic benefit of the cruise industry in this country was 535.7 billion and direct spending of the cruise lines and passengers on U.S. goods and services was \$17.6 billion.

In short, the cruise industry cares about its customers and it is an important part of America's economy. We ask that this statement be included in the record of the hearing that will be held June 19, 2008 by the Surface Transportation and Merchant Marine Infrastructure, Safety, and Security Subcommittee.

Sincerely,

ROGER DOW,
President and CEO,
Travel Industry Association.

AMERICAN SOCIETY OF TRAVEL AGENTS
Alexandria, VA, June 18, 2008

HON. FRANK R. LAUTENBERG,
 Chair,
 Subcommittee on Surface Transportation
 and Merchant Marine Infrastructure,
 Safety, and Security,
 Committee on Commerce, Science, and
 Transportation,
 U.S. Senate,
 Washington, DC.

Hon. GORDON H. SMITH,
 Ranking Minority Member,
 Subcommittee on Surface Transportation
 and Merchant Marine Infrastructure,
 Safety, and Security,
 Committee on Commerce, Science, and
 Transportation,
 U.S. Senate,
 Washington, DC.

Dear Chairman Lautenberg and Ranking Member Smith:

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, June 19, 2008 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 U.S. ports as well as many overseas points of departure. It is usually necessary for the cruise consumer to travel a considerable distance to take a cruise, most often by air, and 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.

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 on a cruise ship are minuscule. 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 to 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.

cc: Sen. John Kerry

¹Founded 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.

²The complaints included 24 missing person situations which may not have involved criminal conduct.

NATIONAL ASSOCIATION OF CRUISE ORIENTED AGENCIES
Margate, FL, June 16, 2008

Hon. FRANK LAUTENBERG,
 Chairman,
 Hon. GORDON SMITH,
 Ranking Member,
 Subcommittee on Surface Transportation and Merchant Marine Infrastructure,
 Safety, and Security,
 Washington, DC.

Thank you for permitting this testimony regarding cruise ship safety on behalf of the members of the National Association of Cruise-Oriented Agencies.

In our professional assessment, cruise lines offer the safest vacations available to the public. A typical cruise ship is a tightly gated facility with security personnel, 100 percent positive identification for those aboard, screened and trained staff and a hierarchy of responsible officers who answer onboard to a single authority, the captain. By its nature, no other type of vacation is safer than this!

Perfect safety is impossible to achieve in any human endeavor. Aware of this, we travel agent members of NACOA research vacations for clients, seeking safety excellence, quality product delivery and tailored affordability. Cruise lines consistently offer the best balance for our clients as can be attested by the decades of steady growth in cruise passenger numbers and the highest client repeat factor of any segment in the travel industry.

One of our members cruised more than 100 times over the past twenty years on multiple cruise lines and dozens of ships. In addition, her agency placed thousands of clients on cruise ships annually. She had never witnessed or been informed by her agents, clients or acquaintances of crimes on ships committed by cruise staff. In all those tens of thousands of opportunities for her to learn of shipboard crime, only one incident happened; the theft of a camera by a cruise passenger. This incident was promptly investigated by ship's officers.

In this day of cruise passengers sailing with their cell phones and laptops, the absence of bad news cannot be due to some collusion to hide. Clients have satellite communication access to friends and family throughout their cruises.

In closing, the members of NACOA have substantial, broad personal knowledge of cruise ship safety issues regarding passengers. Because of this firsthand and anecdotal knowledge, we have the great comfort in placing our clients on cruise ships.

Thank you.

Sincerely,

DONNA K. ESPOSITO, MCC,
President.

VACATION.COM®
Alexandria, VA, June 18, 2008

Hon. FRANK LAUTENBERG,
 Chairman,
 Hon. GORDON SMITH,
 Ranking Member,
 Subcommittee on Surface Transportation and Merchant Marine Infrastructure,
 Safety, and Security,
 U.S. Senate,
 Washington, DC.

Dear Chairman Lautenberg,

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): nearly 51 million Americans express an interest to cruise within the next 3 years; to date, approximately 19.9 percent of the U.S. population has cruised; and the median age of those passengers is 46 years old with an average annual income of \$93,000.

In 2007, *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, we noticed an 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.

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 and CEO.

Copy: Hon. JOHN KERRY, U.S. Senate
Subcommittee on Surface Transportation and Merchant Marine Infrastructure,
Safety, and Security
Washington, D.C.

NATIONAL BUSINESS TRAVEL ASSOCIATION
Alexandria, VA, June 18, 2008

HON. FRANK LAUTENBERG,
Chairman,
U.S. Senate,
Committee on Commerce, Science, and
Transportation,
Subcommittee on Surface Transportation
and Merchant Marine Infrastructure,
Safety, and Security,
Washington, DC.

Hon. GORDON SMITH,
Ranking Member,
U.S. Senate,
Committee on Commerce, Science, and
Transportation,
Subcommittee on Surface Transportation
and Merchant Marine Infrastructure,
Safety, and Security,
Washington, DC.

Dear Subcommittee Chairman Lautenberg and Ranking Member Smith:

The National Business Travel Association (NBTA) represents over 4,000 corporate and government travel managers, meeting professionals, and travel service providers, who collectively manage and direct more than \$170 billion of expenditures within the business travel industry. NBTA members frequently organize and conduct corporate events and conferences onboard cruise ships operating from the United States and throughout the world. Events conducted on cruise ships are a growing portion of our member's business and represent excellent venues for networking and educational opportunities in a pleasant and accommodating atmosphere.

We are aware that this is the fifth Congressional hearing in the past 2 years dealing with the subject of personal security on cruise ships. While instances of crime can occur in virtually any aspect of daily life as well as vacation settings, I can tell you that our membership has no concerns with booking cruise ships for corporate events.

The best bellwether is the public and travel community's confidence in cruising. Passengers for North American cruises are increasing annually at about 9 percent over the prior year's number. This significant rate of growth is testament to passengers' satisfaction with the cruise experience.

We ask that this statement be included in the record of the Subcommittee's hearings, June 18, 2009 regarding cruise safety issues.

I am at your disposal for further information on this subject.

Sincerely yours,

WILLIAM CONNORS,
Executive Director and Chief Operating Officer.

cc: Hon. JOHN KERRY

CRUISE PLANNERS
June 19, 2008

Hon. FRANK LAUTENBERG,
Chairman,
Hon. GORDON SMITH,
Ranking Member,
Subcommittee on Surface Transportation and Merchant Marine Infrastructure,
Safety, and Security,
U.S. Senate,
Washington, DC.

Dear Chairman Lautenberg,

I request that this statement, on behalf of Cruise Planners, be included in the record of the Subcommittee's hearing for June 19, 2008 on keeping Americans safe at sea.

Cruise Planners is a consortium of approximately 700 agencies located throughout the United States. These agencies are leisure and cruise-oriented, meaning that they specialize in providing quality holidays for Americans on vacation. While their main focus is on cruising, they do sell a good amount of land-based vacations including packaged tours and resort stays internationally. We negotiate on their behalf with major travel suppliers for more advantageous business terms including marketing, technology, training, communication, promotions and commissions.

I believe I have a unique perspective in order to comment on the safety and security of Americans on cruise ships, and I absolutely believe that Americas are safe at sea. Cruising enjoys a 95 percent customer satisfaction rating and more than 50 percent of cruisers are repeat customers.

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 percent of American cruise travelers return safely.

I think it is a worthy cause for the Senate to make sure that the cruise industry is doing all they can to ensure cruise passenger safety, but I can also say that in all my years, I have only seen an industry that has strived to keep their passengers safe and sound and have reacted quickly to correct any problems with their crew, vessels or policies. Their life blood is the traveling American public, and they're not about to jeopardize it.

Today, I speak on behalf of my 700 independent travel agencies when I ask you to consider that for many years, our member agencies have been enjoying the business they continually receive from satisfied, repeat cruisers. Our future is based on this success, and we have never hesitated to promote cruising as anything but a safe vacation option.

Regards,

MICHELLE FEE, CTC,
CEO.

CC: Hon. JOHN KERRY
Washington, D.C.

AMERICAN ASSOCIATION OF PORT AUTHORITIES
Alexandria, VA, June 19, 2008

Chairman FRANK LAUTENBERG,
Subcommittee on Surface Transportation and Merchant Marine Infrastructure,
Safety, and Security,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Dear Chairman Lautenberg:

On behalf of the American Association of Port Authorities (AAPA), I request that this statement be included in the record of the Subcommittee's hearing of June 19, 2008, on cruise ship safety. AAPA represents the leading port authorities in the Western Hemisphere and our comments today reflect the views of our U.S. members who manage or lease cruise facilities in the U.S.

Cruising is a very dynamic and growing sector of the travel and tourism industry. It has become a major contributor to economic growth in the United States contributing \$ 35.7 billion and creating over 354,000 American jobs in 2006.

The cruise industry offers itineraries originating at numerous U.S. ports as well as many overseas points of departure. It is usually necessary for the cruise consumer to travel a considerable distance to take a cruise, most often by air, and they frequently stay at local hotels and frequent local tourist attractions prior to or after their cruises. Most consumables are sourced in the U.S. market and U.S. travel agents typically make arrangements for all aspects of the trip. Today's cruise passengers include individuals of all ages, many families, and many people of diverse ethnic backgrounds.

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.

The data reported at previous Congressional hearings indicates in objective terms that the risks of traveling on a cruise ship are minuscule. Travel agents continue to sell cruises with the highest confidence that the cruise environment is a welcoming and safe one. It is, of course, always possible to have a problem when away from home. The cruise passenger must exercise the same diligence and personal responsibility that would be expected when traveling by any method or when in any place where there is close contact with unknown persons. Cruise ships provide extensive facilities to facilitate protection of passenger property and to encourage responsible behavior by cruise passengers both on and off the ship.

At AAPA, we are aware that the cruise industry works very closely with a number of government agencies to facilitate safety, and be as responsive to consumer needs as possible. Because cruise itineraries frequently involve visiting a number of countries on a single voyage, there are a myriad of laws that apply. It is our experience that the industry works very hard at ensuring personal safety and security. We are also aware of a number of recent efforts to enhance the response to cruise passengers if an unfortunate incident were to happen.

We appreciate this opportunity to express the views of the public port industry related to cruise safety. We are committed to work with industry to ensure a safe and fun vacation experience.

Sincerely yours,

KURT A. NAGLE,
President.

BAHAMAS MARITIME AUTHORITY
London EC2N 7AR, 19 June 2008

Hon. FRANK LAUTENBERG,
Chairman,
Hon. GORDON SMITH,
Ranking Member,
Subcommittee on Surface Transportation and Merchant Marine Infrastructure,
Safety, and Security,
U.S. Senate,
Washington, DC.

Dear Chairman Lautenberg:

In March of this year as Director and Chief Executive Officer of the Bahamas Maritime Authority, I had the privilege and pleasure of attending a breakfast meeting with the Congressman Cummings which was arranged by Dick Fredricks and Jim Lawrence during the Connecticut Maritime Association Conference.

The breakfast with the Congressman was most interesting with robust and open dialogue amongst all participating. I particularly agreed with his messages about measuring and improving ones own performance rather than competing with others and also how we should recognize and learn everyone else's role in the performance or as in our industry the "chain of responsibility" as on our own we are of little value but being part of a strong chain have great strengths.

I recall also listening to Admiral Allen and the Congressman as they informed us about the growth of the Coast guard and the investment being allocated. This is all good news.

I was also delighted to participate in a panel discussion with Admiral Watson and a "Galaxy of Captains" from the USCG when they represented the U.S. as a "port State" and I represented the position of the Bahamas as a "Flag State." This conference session was well attended and the audience were able to get a greater understanding of where the responsibility lie (our respective roles) in the 'chain of responsibility for safety and security in shipping.

The Bahamas Maritime Authority is a “quasi” government body which has the “Flag State” and ship registration responsibilities on behalf of the Government of the Commonwealth of the Bahamas.

Our register is the World’s third largest with some 1700 ships and we currently have some 80 large international passenger ships. As an “open” registry we are an active delegation at IMO, are elected members of the IMO Council a signatory to UNCLOS and many IMO conventions which have the force of law in the Bahamas.

We are a large international registry, but instead of focusing on number of ships registered with the Bahamas, we focus on quality operators. We frequently turn down applicants to the Bahamian registry, because they do not meet our quality standards. I believe you will find that Bahamian registered vessels have an excellent safety record and our flag is on every port state control MOU white list in the world today.

We are a Nation with a well established legal system that protects the rights of people as well as their safety. It is recognized that the Bahamian penal code in many ways to be equal to that of the United States albeit based upon the British system. The Bahamian law does extend to vessels flying the Bahamian flag. We have this year appointed High Commissioner Farquharson the former Commandant, of the Royal Bahamas Police Force to be our permanent representative at IMO and a Superintendent of Police in Nassau to be our point of contact for Maritime Enforcement. This demonstrates and underscores our commitment to security in the maritime field.

We all know that vessels of various flags ply the four corners of this planet, and frequently it would be very difficult for Bahamian law enforcement officials to investigate and apply Bahamian law aboard a vessel sailing thousands of miles away. The Bahamas also has extradition treaties with a limited number of countries which means even though suspected perpetrators can be identified, bringing them to justice may prove impossible. It is equally difficult for U.S. law enforcement officials to do so on U.S. flag vessels operating in remote locations. In such cases, we have situations where the law of local countries can be applied or even agreements where by agreement U.S. officials may assist Bahamian officials in investigating and applying Bahamian law. Even in the territorial waters of the Bahamas, U.S. law enforcement assets and officials assist Bahamian law enforcement officials in enforcing Bahamian or U.S. law pursuant to mutual cooperation agreements, particularly in the areas of drug and immigration enforcement. I know of no policy restrictions in the Bahamas on extending such mutual cooperating to those instances where U.S. citizens are involved in other alleged criminal acts. I would be pleased to work on such agreements with the relevant agencies of both governments.

As a practical matter, today passenger ships that have incidents involving U.S. citizens routinely notify both the Bahamian and U.S. governments. I know of no case where the Bahamian government has stood in the way of U.S. law enforcement officials investigating or prosecution of crimes occurring onboard passenger ships. The safety and security record of passenger ships flying the Bahamian flag is excellent. I believe this is in no small part due to the cooperative relationship of the major trade association the Cruise Lines International Association (CLIA) with agencies of the U.S. Government and with my agency the Bahamas Maritime Authority. I deeply respect the proactive approach of the passenger vessels on the matters of vessel and personal safety and security.

I thank you for the opportunity to include these comments in the record of your hearing and would be pleased to answer any questions you may have relating to this information.

Respectfully,

KENNETH MCLEAN,
Director and CEO,
Bahamas Maritime Authority.

CC: Hon. JOHN KERRY
Washington, D.C.