



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

**Washington, DC 20515**

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**SUMMARY OF SUBJECT MATTER**

**TO:** Members of the Subcommittee on Coast Guard and Maritime Transportation  
**FROM:** Subcommittee on Coast Guard and Maritime Transportation Staff  
**SUBJECT:** Hearing on Crimes Against Americans on Cruise Ships

**PURPOSE OF THE HEARING**

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

**BACKGROUND**

**Cruise Ship Crime Statistics**

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

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

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

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

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

### **U.S. Jurisdiction**

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

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

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

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

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

## **Crimes under Special Maritime and Territorial Jurisdiction of the United States**

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

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

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

## **Reporting of Crimes to U.S. Authorities**

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

However, over the past several years, cruise lines have voluntarily reported what they consider serious crimes to the FBI. This week, the cruise lines signed an agreement with the FBI and the Coast Guard that establishes standards for the types of crimes that will be reported as well as the form and timeliness of that reporting. Under these procedures, Cruise Lines International Association (CLIA) members will telephone the nearest FBI field office as soon as possible to report any of the following incidents involving serious violations of U.S. law: homicide, suspicious

death, missing U.S. National, kidnapping, assault with serious bodily injury, sexual assaults (as defined in 18 U.S.C. 2241, 2242, 2243, and 2244), firing or tampering with vessels, and thefts greater than \$10,000. After that telephone contact, CLIA members will follow-up with a standardized written report. Those written reports will be submitted to both the Coast Guard and the FBI.

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

### **Responding to Crimes Reported on Cruise Ships**

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

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

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

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

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

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

## **Background Investigation of Cruise Ship Employees**

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

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

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

### **WITNESSES**

#### **PANEL I**

**Salvador Hernandez**  
Deputy Assistant Director  
Federal Bureau of Investigation

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

#### **PANEL II**

**Ken Carver**  
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#### **PANEL III**

**Terry Dale**  
President  
Cruise Lines International Association

**Charles Mandigo**  
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