



CRUISE LINES
INTERNATIONAL
ASSOCIATION, INC

MR. TERRY L. DALE

PRESIDENT & CEO

CRUISE LINES INTERNATIONAL ASSOCIATION

(CLIA)

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Good morning Mr. Chairman and members of the Subcommittee. My name is Terry Dale. I am the President and Chief Executive Officer of the Cruise Lines International Association (CLIA).

CLIA is North America's largest cruise industry organization with a membership of 24 cruise lines, 16,500 travel agencies and 100 Executive Partners, the industry's strategic business allies. Our member lines include US flag operators and foreign flag operators with vessels ranging in size from 50 passengers to 4,000 passengers. Our Executive Partners range from small service providers to major corporations employing thousands of persons. Our travel agent members range from the one-person home based agent to major consortiums. I am here representing all of them.

Mr. Chairman I believe you have received written submissions from a number of our travel industry partners that work closely with this industry both here in Washington and wherever our ships operate. I believe these have been submitted to the Subcommittee for inclusion in the record of this hearing and I ask that you do so. These include the Travel Industry Association, the Travel Business Roundtable, the American Society of Travel Agents, the National Business Travel Association the National Association of Cruise Only Agents, Vacation.com, Cruise Shoppes, and Cruise Planners. All of these groups, as well as the thousands of professionals they represent, can attest to the millions of satisfied passengers who cruise with us each year, as well as the great lengths that the industry goes to protect its passengers and crew. Several of these groups are represented here today. We thank them for their support of the industry.

I would be remiss if I did not express the industry's profound sympathy to the victims whose stories we have heard in the Congressional hearings on this topic, as well as during various meetings that we have held over the past six months. We all hear about bad things happening to good people, and sometimes in today's society we get overwhelmed with bad news, but to all of you, I would take this opportunity to say we have heard your concerns, and we are doing all that we can to eliminate these occurrences. Our industry is working hard to ensure that in the future if such incidents do occur, each passenger is treated with the compassion, respect and care.

As you know, Mr. Chairman, we have been asked to appear before your Subcommittee today to provide a six-month report on the collaboration between the industry and the survivor interest groups since your last Coast Guard and Maritime Subcommittee hearing on March 27th. We are pleased to report that much has been accomplished.

The cruise industry is committed to ensuring the safety and security of all our passengers and crew. I know you share this commitment and we have embraced your challenge to work together to see what can be done. CLIA and senior executives from several of our member lines have worked tirelessly over the course of the past six months in a collaborative effort with our partners. While the cruise industry has comprehensive security measures in place, we recognize that additional lessons can be learned and improvements made in our security practices and procedures. Our goal must be zero incidents of criminal acts onboard our ships. As we have continually said, one tragedy is one too many. As an industry we must and we do strive to meet this goal.

CRUISE INDUSTRY COLLABORATION WITH CRUISE SURVIVORS AND THE FAMILY

ASSISTANCE FOUNDATION: PROGRESS ON SPECIFIC ISSUES

First, I would like to provide the Subcommittee with an overview of the CLIA timeline and actions taken both in working with federal agencies as well as our collaborative efforts with the International Cruise Victims Association (ICVA), other survivors, families and other external resources like the Family Assistance Foundation (FAF). Highlights include:

- FAF Symposium in Atlanta in May
- Flying to Phoenix to personally meet with Ken Carver and Son Michael Pham in May
- Industry participation in the July 26th ICVA meeting in Washington DC
- CLIA hosted meeting with FAF and 13 survivors in Miami in August

These meetings and events are illustrative of our commitment to listen to the concerns of survivors, to develop programs that are responsive to their concerns, and to adopt improved training programs on passenger vessels operating throughout the world. Some of our members have been at this effort for years, others are working vigorously to enhance their programs, but all of our members have accepted your challenge to “get the cruise industry working with our partners to come up with solutions.” There is always room to fine tune our programs, and to ensure that the cruise industry fully educates our employees. We are all willing to work collaboratively to achieve our common goals.

During the course of our meetings one of the concerns identified has been the guest care provided to some of our passengers when an accident has occurred or a criminal event has taken place. In the past, we may have focused too much attention on onboard security and safety or incident reporting and response to authorities than to the compassionate care and understanding needed by each individual or survivor who has experienced a traumatic event. Improving guest assistance and encouraging open dialogue between past survivors has been the focus of our meetings with ICVA and the Family Assistance Foundation. As you will hear from Vicky Rey of Carnival Corporation, and Jeff Morgan of the Family Assistance Foundation there has been excellent progress on improving the industry's guest assistance programs as well as enhancing the training programs for cruise employees both onboard our vessels and shoreside. As the Family Assistance Foundation will testify, they have developed comprehensive training programs for our industry, and since 2005, have provided training to thousands of cruise employees on the responses necessary for individuals both during and following a traumatic or other bad experience. Creating awareness of what survivors need and want most is a challenge, but change and improvement will occur as a result of comprehensive education and training.

I believe that their testimony will further illustrate the commitment our industry has placed on this important matter.

A second important initiative taken by CLIA since the March Subcommittee hearing is illustrated in Annex I of this testimony. On July 13th and August 3rd, CLIA forwarded to the ICVA and other survivors a response to their 10-point action plan. CLIA has conducted or participated in two subsequent meetings with the survivors where these issues were discussed in further detail.

The following is a summary of the major issues addressed:

- 1) Industry's incident reporting practices
- 2) Security officer training
- 3) Investigative procedure and preservation of evidence
- 4) Background of crewmembers
- 5) Vessel surveillance systems
- 6) Structural safety requirements
- 7) Emergency procedures
- 8) Shore excursions
- 9) Guest assistance programs

I believe that this industry response was comprehensive and addressed the major concerns expressed by the ICVA. At this time, we will not go into further detail on these issues as I believe they are fairly laid out in Annex I. However, I or my colleagues can address any specific questions you may have in this regard.

The cruise industry's addressing these concerns and indeed is constantly striving to improve the safety practices and procedures on our vessels. Our goal is continuous improvement. Our industry has an extremely good safety record. However, we will strive to improve this record and to respond to each and every incident of crime onboard our vessels in the appropriate manner.

I would be remiss Mr. Chairman if I did not mention that this industry has had an excellent rate of growth and a very high satisfaction rating. These two factors are very significant indicators that the industry in general does a good job of meeting the expectations of its guests regarding safety and security. If we didn't, our guests would not be returning and the industry would not be growing. I say again, however one incident is one too many, and as it has been made painfully obvious today and during other occasions when we have heard first hand the experiences of those who have been victimized by accident or intentional act, we have more work to do.

CLARIFICATION OF MANDATORY CRIME REPORTING OBLIGATIONS

In March when I last testified before this Subcommittee, the FBI, Coast Guard and CLIA formalized a crime reporting protocol. This process has further strengthened reporting procedures for all serious violations of U.S. law alleged to have occurred aboard cruise ships and outlined the jurisdiction that the U.S. has over crimes committed aboard cruise vessels. Under these procedures, CLIA members will continue to report to the FBI and Coast Guard incidents or allegations of criminal conduct. The protocol requires that the reporting of all such serious incidents shall be by immediate telephonic communication. The protocol also requires that telephonic reports be followed by written reports of all alleged felonies occurring on board the ship involving U.S citizens.

The agreement standardizes the industry's existing practice of reporting all unlawful acts as required by U.S. laws adopted in 1998 and published in the Code of Federal Regulations (Title 33 CFR Part 120). We have also sought this agreement to further the industry's own Zero Tolerance for Crime Policy adopted in 1999. The agreement is in accordance with the reach of federal criminal jurisdiction to crimes against Americans on the high seas and even in foreign waters found in Title 18 of the United States Code as part of the "special maritime and territorial jurisdiction of the United States." Let there be no doubt, Mr. Chairman and members of this committee, we continue to be fully committed to bringing perpetrators of crimes on cruise ships to justice wherever and whenever they may occur.

There has been past debate whether reports of unlawful acts on board non-US flag vessels are required to be reported. We are grateful the federal government has now resolved the issue and clarified the reporting of alleged crimes to US authorities is **mandatory** onboard any ship that calls on US ports. Our members also report crimes involving U.S. citizens occurring on any ship worldwide. This clarification has already been confirmed in writing by the Departments of Justice and State, as well as the FBI and Coast Guard.

We are sincerely appreciative of the work the Coast Guard, FBI, Department of State and Department of Justice in reviewing the laws and regulations that are applicable, and in clarifying a standardized reporting protocol. We know they have many high priority issues and they have devoted considerable resources to this task. However, it is important for Americans to know that they are protected by US laws, and that their protection is being monitored by US agencies.

I would like to make note of an important international development on the issue of incident reporting and multi-lateral cooperation in prosecution of crime. Next month at the International Maritime Organizations' Legal Committee meeting, a draft maritime law will be proposed that would enhance international cooperation on reporting and prosecution of crimes against persons at sea as well as a multi-lateral treaty on international cooperation in reporting and prosecution of crimes at sea against passengers and crew will be discussed. CLIA will support the development of both of these initiatives. We believe that these initiatives will be important to protect not only US citizens but all passengers, regardless of nationality, that are carried onboard ships throughout the world.

I have attached as Annex II to this testimony a legal analysis of the crime reporting requirements, as well as CLIA's point by point response to ICVA's concerns on these matters. They are mandatory for our members and we are treating them as such.

We have taken note of the FBI's report of incident statistics, and would observe the following:

THE FREQUENCY OF ALLEGED CRIMES ON CRUISE SHIPS IS REMARKABLY LOW WHEN COMPARED TO THE SAME INCIDENTS ON LAND

Any discussion of statistics or crime figures must be undertaken with a high degree of respect and sensitivity for the victims and survivors of these incidents. CLIA offers the following discussion solely to address concerns expressed by members of Congress and other interested parties about the frequency of crimes on cruise ships compared to that on land. Although we believe cruise ships are safer than any comparable venues on land, we are firmly

committed to eradicating crime wherever and whenever possible and to bring all perpetrators to justice.

Professor James Fox, Ph.D., is a nationally renowned criminologist from Northeastern University who has been consulted by the cruise industry and testified last year before the House Subcommittee on National Security, Emerging Threats and International Relations. At that time he concluded “While virtually no place-on land or sea- is totally free of risk, the number of reported incidents of serious crime from cruise lines is extremely low, no matter what benchmark standard is used.”

CLIA asked Dr. Fox to update his analysis based on the number of incidents reported by the FBI over the past five months, April through August, 2007, since the time of the last Congressional Hearing before the House Subcommittee on Coast Guard and Maritime Transportation. Focusing on reported sexual assaults, which comprised the largest percentage of incidents reported, according to the FBI there were 41 such incidents reported during the five-month period, or approximately 98 on an annualized basis.¹ Based on the cruise industry population, Dr. Fox was able to calculate a sexual assault rate of 30.9 for every 100,000 persons.²

¹ In reality, the number of alleged sexual assaults reported in the cruise industry between April and August 2005 is higher than the yearly average because this time frame included Spring Break and Summer Vacation. Most experts agree that reports of sexual assaults are higher on land during this period. Therefore, the mathematical estimate of 98 incidents per year is likely inflated.

² During the same five-month period approximately 4.3 million passengers traveled on cruise ships, translating into approximately 10.3 million per year. However, because passengers are typically on board for only a week, the estimated passenger head count can be divided by 52 weeks to derive an annualized passenger population estimate of 198,462. There are 120,000 crew members employed on cruise ships at any given time, yielding a total estimated population of 318,462. These were the calculations Dr. Fox used to determine the rate of reported sexual assaults of 30.9 per 100,000.

By comparison, the rate of reported *forcible rapes alone* in the United States in 2005 was 31.7 for every 100,000 persons. (See National Uniform Crime Report at <http://www.fbi.gov/ucr>). This means that ***the rate of all alleged sexual assaults in the cruise industry still less than the rate of alleged forcible rapes alone on land.***

Unfortunately, the national uniform crime reporting program does not track the number of sexual assaults reported each year. CLIA therefore asked Dr. Fox if there was a reliable way to calculate the rate of sexual assaults on land in order to compare that number to the rate of sexual assaults in the cruise industry.

Dr. Fox responded that the number of sexual assaults on land can be estimated by reference to the arrest rate for forcible rapes and for other sex offenses which are maintained by the FBI. After consulting those figures, Dr. Fox concluded that the number of persons arrested for ***all*** sex offenses on land was approximately 4.59 times the arrest rate for forcible rape alone. This same multiplier can be used to estimate the total number of all sex offenses reported annually, which Dr. Fox determined was 145.5 per 100,000 persons in the U.S. ***Using the FBI's numbers of reported cruise ship sexual assaults from April through August, 2007, or approximately 30.9 for every 100,000 cruise ship inhabitants, the shore side rate is approximately 5 times higher.***

For the same 5 month period the FBI reported there were 28 "Other sexual contacts" that were not considered sexual assaults. Even adding that number of incidents to the sexual assault

total, and annualizing the total of all reported sexual crimes in the cruise industry during 2007, the rate is 52 such incidents per 100,000 persons on cruise ships. ***The national average of 145.5 per 100,000 persons on land is almost three times higher.***

CONCLUSION

Mr. Chairman, I began my testimony talking about the strong collaboration this industry has had since we received your charge six months ago to work with cruise ship survivors. I would like to close by announcing the establishment of a CLIA Survivor Working Group. This group will be comprised of cruise ship survivors, senior level cruise line executives, and CLIA executives. We plan to have quarterly working group meetings, either in person or by conference call. As in past meetings, the industry will reimburse all travel and participation expenses incurred by Working Group members. Our goal is continued open dialogue and continued improvement. We believe these efforts will further ensure our common goal of maintaining the best safety record in the vacation industry.

In closing Mr. Chairman we pledge our continued vigilance with cruise ship security and the safety and security of our passengers continues to be our number one priority. Thank you for the opportunity to appear before you today.

Annex I

August 3, 2007

Mr. Kendall L. Carver, President
International Cruise Victims Association, Inc.
5521 North Camelback Canyon Drive
Phoenix, AZ 85018

Dear Ken:

I am writing to express my appreciation to you and your colleagues at the International Cruise Victims Association (ICVA) for meeting with me and cruise line representatives on July 26, 2007 to continue our ongoing dialogue regarding cruise ship security. We found the meeting to be productive and hope you did as well.

On August 1, 2007, you provided a summary of the meeting as prepared by ICVA. We have reviewed that document and identified some discrepancies with our recollection of discussions at the meeting, particularly with regard to a number of the action items. In an effort to provide you with our best recollection and to clarify any misunderstandings, we are providing the enclosed. This document also serves as our additional responses to ICVA's 10 Point Program, as requested at the conclusion of the meeting. For ease of reference, we also note the sections of our July 13, 2007 letter in which we provided additional information on each of the 10 points.

I believe it is fair to say that the cruise industry agrees in concept with ICVA but differs in how best to achieve the end results. We, therefore, look forward to continuing our discussions with ICVA and others in an effort to reach our shared common goals. Toward that end, we will be meeting with survivors of cruise ship incidents on August 14. I am pleased that you will be joining us and again ask that you extend the invitation to other survivors both within and outside of ICVA membership.

Finally, at the end of the meeting, ICVA also requested that we comment on possible legislation to address the issues discussed. We firmly believe that collaboration, not legislation, is the answer. As evidenced by the substantial agreement we have with the concepts behind ICVA's 10 Point Program and the progress the cruise industry has made to date, there is no reason to believe that legislation would induce a more effective or more timely response.

We continue to believe that a strong partnership with cruise survivors is the best platform for suggestions on security initiatives and passenger care. We are committed to this partnership and look forward to ongoing discussions with members of ICVA and other survivors in the months and years ahead.

Sincerely,

Terry Dale
President & CEO

TD/lms

CC: Representative Elijah Cummings
Chairman
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Representative Steven C. LaTourette
Ranking Member
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

A meeting between representatives of the cruise industry and the International Cruise Victims Association (ICVA) took place on July 26, 2007. Attendees included the following: Kendall Carver, President of ICVA; Jeanne Olson, Secretary and Member of the ICVA Board; Lynette Hudson, Member of the ICVA Board; Son Michael Pham, Member of the ICVA Executive Board; Dr. Ross Klein, Member of ICVA as a friend; James Walker, Lawyer and member of ICVA as a friend; Phil Gerson, Lawyer and member of ICVA as a friend; Terry Dale, President, Cruise Lines International Association (CLIA); Gary Bald, Senior VP of Global Security for Royal Caribbean Cruises Ltd.; and Travis Winslow, Director of Maritime Security, Carnival Corporation. Based on clarifications to ICVA's "10 Point Program" provided by Mr. Carver, the cruise industry provided the following feedback:

Point #1 – Background checks and a “Blacklist” for terminated crew members.

- Concept: Vetting of crewmembers would be improved through use of a shared blacklist.
- The cruise industry questions the legality of maintaining an industry blacklist of terminated employees. Cruise industry representatives asked Mr. Walker, for assistance in identifying legal precedent that would allow creation and maintenance of such a list.
- The cruise industry provided additional details regarding this issue in the section entitled "Background of Crewmembers" in the letter sent to ICVA on July 13, 2007.

Point #2 – International Police/U.S. Marshals on cruise ships.

- Concept: A reliable, capable and well trained ship-board security component operating with a high degree of integrity and appropriate oversight must be in place on each of CLIA's ships.
- Cruise industry representatives support this concept but believe there are more viable alternatives to deliver this capability than that which was proposed by the ICVA and will continue to explore options in pursuit of this goal.
- The cruise industry provided additional details regarding this issue in the sections entitled "Security Officer Training" and "Crime Reporting" in the letter sent to ICVA on July 13, 2007.

Point #3 – Security crime scenes.

- Concept: Timely and effective handling of potential crime scenes is an essential element in responding to allegations of criminal activity; proper handling of crime scenes increases the odds of successful prosecutions.
- Cruise industry representatives agree to continue efforts to deliver this capability on each of its ships, with the caveat that cruise ship security personnel will not be expected to collect evidence from an incident site without direction from the law enforcement personnel with jurisdiction over the incident.
- The cruise industry provided additional details regarding this issue in the sections entitled "Security Officer Training" and "Investigative Procedures and Preservation of Evidence" in the letter sent to ICVA on July 13, 2007.

Point #4 – Structural enhancements.

- Concept: Ships should be designed to reasonably prevent guests from falling overboard.
- Cruise industry representatives believe this is a standard feature of its current fleet. Cruise industry representatives do not agree that raising railing heights or other such design changes are necessary.

- The ICVA recommended that the cruise industry fund a study to determine what additional steps may be undertaken to limit a person's ability to fall overboard.
- Cruise industry representatives will research this issue to determine if such efforts have already been undertaken and then consider the merits of this recommendation.
- The cruise industry provided additional details regarding this issue in the section entitled "Structural Safety Requirements" in the letter sent to ICVA on July 13, 2007.

Point #5 – Video/surveillance cameras.

- Concept: An effective video capability on ships is necessary and captured video must be retained for a reasonable period of time to support incident investigations.
- ICVA expressed concern that CCTV recordings are rarely made available to plaintiffs in civil proceedings against the cruise industry.
- Cruise industry representatives agree to discuss this complaint with their respective legal departments to better understand this issue. Cruise industry representatives will continue to review current technology for enhancements as appropriate.
- The cruise industry provided additional details regarding this issue in the section entitled "Vessel Surveillance Systems" in the letter sent to ICVA on July 13, 2007.

Point #6 – Access/security bracelets.

- Concept: Technology advances should be evaluated for use in locating missing guests onboard thereby aiding in the quick identification of a man-overboard situation.
- Such evaluations are underway within the industry, and in several important areas, have reached the pilot stage. Cruise industry representatives will continue to review current technology for enhancements as appropriate.
- The cruise industry provided additional details regarding this issue in the section entitled "Vessel Surveillance Systems" in the letter sent to ICVA on July 13, 2007.

Point #7 – Missing or overboard passengers.

- Concept: Technology advances should be evaluated that would increase the odds of detecting when a passenger goes overboard.
- This is currently the topic of research within the industry, and a pilot program is imminent.
- ICVA also suggested measures that would provide for better passenger awareness of shipboard dangers. Cruise industry representatives agreed to consider ways this could be accomplished.
- The cruise industry provided additional details regarding this issue in the sections entitled "Vessel Surveillance Systems" and "Emergency Procedures" in the letter sent to ICVA on July 13, 2007.

Point #8 – Medical care provided to passengers.

- Concept: Ships must provide capable and licensed doctors and an appropriate level of medical service, to include effective use of Pelvic Exam Kits.
- The cruise industry provides medical care consistent with American College of Emergency Physicians guidelines. Further details are available on the CLIA website at http://www.cruising.org/industry/medical_facilities.cfm.
- Cruise industry representatives will review any current medical advisories on the level of medical service offered on ships and determine if improvements should be made. A current

advisory regarding the availability of advanced medical services is provided on the CLIA website.

- The cruise industry provided additional details regarding this issue in the section entitled "Investigative Procedures and Preservation of Evidence" in the letter sent to ICVA on July 13, 2007.

Point #9 – Excursions sold and promoted.

- Concept: Excursion vendors must be appropriately vetted.
- Cruise industry representatives agree with Mr. Walker that vicarious liability law limits the responsibility of the cruise industry in regard to excursion injuries. The cruise industry representatives will review any current excursion advisories and determine if improvements should be made in the area of informing passengers of the extent of liability ships have for excursion mishaps.
- The cruise industry provided additional details regarding this issue in the section entitled "Shore Excursions" in the letter sent to ICVA on July 13, 2007.

Point #10 – Cruise lines' accountability and U.S. Congress intervention.

- Concept: Cruise lines must be accountable for the accurate and timely reporting of shipboard crimes, consistent with legislation, regulations and government guidance.
- The cruise industry understands that current legislation and regulations make reporting mandatory and that penalties attach for failure to report. The cruise industry, however, will continue to work with ICVA and appropriate government agencies to clarify any areas of disagreement.
- The cruise industry provided additional details regarding this issue in the section entitled "Crime Reporting" in the letter sent to ICVA on July 13, 2007.

July 13, 2007

Mr. Kendall L. Carver, President
International Cruise Victims Association, Inc.
5521 North Camelback Canyon Drive
Phoenix, AZ 85018

Dear Ken:

At the March 27, 2007 Congressional hearing of the Coast Guard and Maritime Transportation Subcommittee regarding cruise ship safety, Chairman Elijah Cummings expressed his desire to “get the [cruise] industry working with the other partners to come up with solutions.” The Cruise Lines International Association (CLIA) endorses this approach and believes that this is a productive and effective way of implementing improvements in a time efficient manner. Our collaborative efforts to date with (the International Cruise Victims Association (ICVA), families and other external resources like the Family Assistance Foundation, indicate our strong commitment to improving the areas of onboard security and guest care on CLIA member ships.

To recap some recent activities, I traveled to Phoenix in May and met with you to follow up on concerns you had raised at the March hearing. Also in May, CLIA members joined the Family Assistance Foundation in hosting a symposium for survivors and family members which proved extremely productive. I am pleased to report that due, in part, to our meeting, to the recommendations discussed during the symposium, as well as to internal enhancements already implemented by member lines, the cruise industry has made progress in addressing the concerns of our guests and their families.

Attached to this letter is a summary of the progress made to date in many of the major issue areas underlying the recommendations that have surfaced during this process. We have endeavored to address those points raised by the ICVA that involved the most pressing issues - based on concerns raised at the Congressional hearing and at the symposium – and to outline some of the initiatives, practices and procedures implemented or underway in the cruise industry to address those issues.

I am planning to meet with you and other ICVA representatives on July 26, 2007 at 11:00 a.m. to continue our discussion. I will be joined by: Michael Crye, CLIA’s Executive Vice President; Larry Kaye, CLIA’s maritime counsel; Gary Bald, Senior Vice President and Global Chief Security Officer of Royal Caribbean Cruises, Ltd.; and Travis Winslow, Director of Maritime Security for Carnival Corporation. We look forward to discussing any remaining ICVA concerns, including any issues you may have regarding the reporting agreement between CLIA and the FBI and Coast Guard.

You wrote prior to our April meeting, that it is essential “that all discussions and deliberations be done *in camera*.” I agree. As you can appreciate, many of the guests who experienced incidents on cruise ships or their families are involved in litigation against member cruise lines of CLIA. Representatives who attend our meeting on July 26 need to be able to discuss the issues

openly and candidly without concern that their statements or opinions will be introduced in pending or future litigation. As a condition of this meeting, we will be asking that all CLIA and ICVA representatives in attendance sign an agreement confirming that nothing stated in the meetings will be admissible in any court proceeding for any purpose. We will shortly forward that agreement to you for review in advance of the meeting.

Finally, CLIA is again working with the Family Assistance Foundation to provide another opportunity during a meeting to be held on August 14 for survivors and family members to provide additional input as we move forward on the common goal of providing a safe cruise vacation as well as emotional and practical support when an unforeseen event occurs. As Chairman Cummings suggested, we need to “work together to see what we can build on.” I hope you agree that the attached documents are evidence that this approach is proving successful.

I look forward to our meeting later this month and to the continued dialogue and exchange of views.

Sincerely,

Terry Dale
President and CEO

TD/tm

CC: Representative Elijah Cummings
Chairman
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Representative Steven C. LaTourette
Ranking Member
Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

CRIME REPORTING

Existing federal regulations (Title 33, Code of Federal Regulations, Part 120, et seq.) require the cruise industry to report to federal authorities allegations of criminal activity whenever the perpetrator or victim is a US national and the vessel embarks or disembarks its passengers in a US port.

The regulations further require such reports for all incidents arising in US waters, regardless of the nationality of the victim or perpetrator. On US flag vessels such incidents must be reported wherever and whenever they occur. Despite our belief that such instances of crime occur much less frequently in the contained shipboard environment than in any comparable venue on land, we are unaware of any other industry subject to such mandatory reporting requirements. Congressional hearings have demonstrated that in the recent past, the industry has, in fact, been consistently reporting known allegations to US authorities.

The cruise industry has repeatedly indicated its willingness to support the amendment of existing crime reporting regulations to resolve any perceived confusion or ambiguity regarding the requirements set forth in Title 33, Code of Federal Regulations.

In response to questions raised in December 2005 whether the industry had been reporting incidents as required, the cruise industry trade association initiated contact with the FBI and the Coast Guard in January 2006 to develop a standardized crime reporting protocol which would augment the mandatory reporting requirements already imposed by federal law.

In March 2007, a comprehensive crime reporting agreement was reached. At the industry's suggestion, this agreement exceeds the requirements of the existing federal regulations and establishes that we will also notify US authorities about incidents involving a US citizen wherever it occurs in the world.

The protocol requires immediate reporting for allegations of certain serious crimes and more routine reporting for incidents deemed less serious by the FBI.

- These categories, defined by the FBI, are based upon prosecutorial guidelines established by the Department of Justice with regard to cases they agree to prosecute and therefore justify the expenditure of FBI resources in the immediate investigation.
- Despite our understanding that the FBI will not respond immediately to all allegations of criminal activity, we continue to report all allegations of serious crime to the FBI.

The industry works closely with local and state authorities to ensure appropriate response to less serious violations of law.

Each cruise line has codes of conduct for its shipboard employees that will trigger disciplinary actions including termination if that code is violated by its employees. Each cruise line cooperates fully with law enforcement authorities to the fullest extent of the law in bringing perpetrators to justice.

As an industry we host a meeting of various federal agencies of the US government every 60 days. In these meetings the focus is on security, encouraging best practices, and exchange of information in areas where practices need to change.

SECURITY OFFICER TRAINING

Individual cruise lines have redoubled their efforts to include police department and/or FBI training in their security officer training programs. The industry has requested and received various modules of training from the FBI, to include training on response to allegations of serious crimes, crime scene management, and evidence preservation. When appropriate, this training is videotaped to maximize distribution and utility.

The cruise industry focuses on recruiting persons with previous law enforcement, military, or similar experiences to fill security positions on cruise ships. As discussed in the section on crew background checks, employment onboard cruise ships represents a highly desirable opportunity and well paid job in many countries. This ensures quality applicants for openings in security departments. In addition, more career US law enforcement personnel have been recruited into the industry to sharpen investigative protocols.

All ships engaged in international commerce must adhere to the International Ship and Port Facility Security (ISPS) Code. This international treaty requirement was enacted at the International Maritime Organization (IMO) shortly after the terrorist attacks of 9/11/2001, and it contains detailed requirements for shipboard and corporate security officials, their qualifications, and their duties. On a passenger ship, these duties extend well beyond protection of the ship into protection of each and every passenger carried onboard that vessel.

In the US, the Maritime Transportation and Security Act (MTSA) applies to ships as well as ports. Both the international and US requirements are built upon practices and requirements that have been in existence for cruise ships since well before 9/11. In developing the ISPS code, our existing practices were found to be appropriate for the entire shipping industry worldwide.

- Both the ISPS and the MTSA require that terminal security plans and vessel security plans be reviewed by the appropriate parties to include independent auditors in advance of departures and arrivals. In the US, security personnel from the port and ship must sign an agreement detailing who will assume specific security responsibilities. These measures further enhance the layers of security that exist to ensure the security of all passengers both before and after they board a vessel.

Cruise lines have corporate security training that is conducted for their security officials. Frequently, federal and local law enforcement officials conduct certain of the training modules and these are videotaped when appropriate so they can be shared with others within the cruise line and throughout the industry.

INVESTIGATIVE PROCEDURES AND PRESERVATION OF EVIDENCE

The cruise industry recognizes the importance of properly preserving evidence in conducting thorough and professional investigations. Depending on jurisdictional determinations, law enforcement authorities from the US or another country may direct evidence-gathering standards. The cruise lines recognize the need to engage law enforcement authorities early in the process to instruct the shipboard security officials in the investigative protocols to be used for the alleged crime in question.

Further, as stated in the section on security officer training, the industry has requested and received various modules of training from the FBI, to include training on response to allegations of serious crimes, crime scene management, and evidence preservation. When appropriate, this training is videotaped to maximize distribution and utility.

All CLIA cruise lines are aware of the significant penalties for failure to report unlawful acts, as set forth in the US federal regulations found at 33 CFR Part 120. In addition, there are penalties for destruction of evidence and/or impeding a federal investigation.

Failure to do the right thing by our guests will quickly cause a cruise line to lose reputation and business. Unlike most mass transportation facilities, cruise lines rely upon guest satisfaction for their very survival. We recognize the safety and security of our guests as a matter of the highest priority.

An example of the industry's efforts in this regard is our response to allegations of sexual assault. Pelvic examination kits are commonplace on cruise ships and are routinely used by ships' medical personnel in cases involving alleged sexual assaults. Biological samples and other evidence gathered on board is bagged and labeled for delivery to criminal law enforcement agencies to aid in their investigations.

BACKGROUND OF CREWMEMBERS

Cruise ship workers are sourced from throughout the world. The jobs crewmembers hold on ships represent highly desirable opportunities and well paid jobs in their home countries.

Turnover rates are relatively low and many members of the crew are multi-generational employees of the industry. The employees are generally recruited from manning agencies in their home countries that have a stake in providing quality and well-trained crew.

In certain countries, there is a well developed agency of the government that oversees all aspects of overseas employees.

- For example, in the Philippines, the Philippine Overseas Employment Agency is a major source of revenue for the government and it also has a very well established social security and health care system associated with its programs.
- The Philippines has a significant stake in providing quality employees to the cruise industry and is relied upon to assist in vetting candidates for positions on passenger vessels.

Other countries that are significant source countries, such as Indonesia and China, have similar programs.

Each crewmember employed on a cruise ship must undergo a layered vetting process.

- First, manning agencies are required to obtain a statement from the police in the crewmember's home country. That statement includes a requirement for information on any criminal history for the potential crewmember in that country. These statements are required to the extent permitted by host nation employment and/or privacy laws.
- Second, crewmembers must obtain US work visas and undergo the attendant US State Department background checks in order to work on US-based cruise ships.
- Third, crewmembers' names are included in ship manifests provided to the U.S. Customs and Border Protection prior to each entry into the U.S. As designed, this manifest is to be checked against various government databases. Any crewmember suspected of illicit activity by U.S. authorities would be identified through this process, and he/she would be subject to appropriate legal action.

While cruise lines work closely with law enforcement authorities regarding the disposition of individuals accused of criminal activity, crewmembers are subject to strict codes of conduct that can result in swift punishment and the loss of one's livelihood as well as the possible loss of their US visa for any criminal violation. These on board codes of conduct are much more stringent, and disciplinary action is much swifter and more determinative than for workers in other parts of the United States hospitality industry.

There are various international requirements either in place or shortly to be implemented that will place greater responsibilities on source country employment oversight and record keeping requirements by ships and owners.

- The International Labour Organization's (ILO) Convention on Seafarers Identification Documents (ILO Convention 185) and the Maritime Labour Convention of 2006, which consolidates most existing labor conventions into a single document are examples. These have been strongly supported by maritime industry. They provide a sturdy framework for managing crews into the future.

Most of the officers on passenger ships are sourced from countries with strong and established and highly-respected maritime traditions and educational institutions. They are largely British, Dutch, Norwegian, Italian and increasingly US nationals. These officers are licensed in their home countries and hold very desirable positions. They are true professionals who uphold the industry's excellent traditions and reputation. In our evolving society and technology, their duties become more complex with ever-changing requirements, but they know our guests' choice to take a cruise is a discretionary vacation that is based, in large part, on the industry's excellent reputation.

A proposal that would ban or "blacklist" an employee from working on board any cruise ship simply because he/she was the subject of an alleged crime, even when there is no arrest, prosecution or conviction, or when the allegations were determined to be unfounded, would likely violate the legal rights of those accused, just as it would if such a proposal were made for employees performing similar jobs on land in the US.

VESSEL SURVEILLANCE SYSTEMS

The cruise industry has significant surveillance and communications systems onboard its ships. These systems are upgraded as new and beneficial technologies are developed.

Cruise ships also have closed-circuit television cameras placed in strategic locations. Recordings from these cameras are made available to investigative authorities as appropriate.

From the moment that a guest completes their registration for a cruise, they have left a record that is submitted to officials of the federal government for screening against watch lists and government databases.

- Automated manifests are provided to the government prior to the ships departure and again prior to arrival in the United States.
- Before our guests board the ship, they are issued an access card that is used to check their identity each time they board and leave the vessel. That card is also used to provide them access to their cabin and to record their onboard purchases. These systems create a trail of activity for each person onboard a cruise ship, to include entries into a particular stateroom. A significant record of guests' activities can be obtained from the card's usage, if deemed appropriate. These systems can and have been used as part of investigations and to confirm the presence of a person onboard a particular ship.

Some of the newest technology being tested in an effort to detect the body heat of an individual who is overboard includes infrared and thermal imaging camera systems. These systems, in combination with potential application of other technologies, are being considered as possible ways to alert the bridge in the event that a person is detected going overboard.

None of these systems are failsafe and we have used lessons learned from unfortunate incidents to correct defective procedures and practices as well as ensure that equipment is working as designed. It is important to not only invest in new technology and procedures but to ensure that these systems are accepted by our guests and not unduly intrusive into their privacy. This is a constantly evolving area and one that requires ongoing vigilance to balance security versus enjoyment of one's vacation.

STRUCTURAL SAFETY REQUIREMENTS

The height of balcony railings is established by both international and US requirements. This height is very similar to the height requirements at hotels in the United States. While it is possible to construct railings at a height that would prevent a person from climbing or jumping overboard, the international safety experts have found that there is no inherent defect in the height of existing railings.

Potential structural safety changes must also be carefully balanced against enjoyment of the vacation and passenger safety and international vessel safety requirements. Instead of focusing on railings that would prevent anyone from harming themselves, we believe it more appropriate to focus on technology that would promptly detect a person who goes overboard. (Please refer to the discussion on surveillance technology above).

EMERGENCY PROCEDURES

Safety is the number one priority for any cruise line. With this in mind, cruise lines promote a culture of safety awareness, hazard and accident prevention and personal responsibility that extends to guests and crew, to everyday life on the ship, but most particularly to emergency events on board.

Cruise lines have the highest levels of requirements when it comes to providing instructions to guests with regard to safety procedures. This information includes not only a mandatory, 100% participation abandon ship drill, but specific guidance on what steps to follow when a person is seen going overboard, i.e., the use of a dedicated emergency phone line that connects a guest or crew member so that an immediate response can be initiated.

In addition to the in-cabin directory and safety emergency placard and the regulatory drill that takes place before sailing, a comprehensive safety video is displayed in the staterooms for 24 hours after departure outlining emergency procedures.

By law, before they enter service all crewmembers must be trained in safety and emergency procedures that are effective and well established practices in the international maritime community. The IMO's "Safety of Life at Sea" standards require that emergency drills be conducted and, within their first week of service, crewmembers undergo a competency evaluation with the ship's safety officer to ensure complete understanding of what is expected of them in the event of an abandon ship, man overboard, fire, or instance of violence. These events are encompassed in the Standards of Training, Certification and Watchkeeping (STCW) International guidelines that apply to all international voyages and outline minimum guidelines for training of all crew members involved in safety or emergency procedures. The internal training, exercises, and drill frequency across the cruise industry meets or exceeds the regulatory requirements.

There are frequent and regular drills, including crowd and crisis training that take place to ensure that skills and knowledge remain current and top of mind. Further, recurrent safety training is given every time a crew member renews a contract.

In addition to these internal measures, all lines are inspected regularly and crew competency is verified by the US Coast Guard, Classification Societies and Flag Administration through a series of inspections and drills

The important factor in the response to any emergency is early detection and communication. Crewmembers are well versed and well trained in emergency procedures and their roles during such an event.

SHORE EXCURSIONS

Providing a quality and safe shore side experience when guests disembark at ports of call is an important component of the vacation package that our member lines strive to provide. Activities commonly undertaken by cruise lines in connection with shore excursions made available to passengers during a cruise include: (1) vetting of operators and facilities to verify licensure and adequate capabilities; (2) assessment of operating history and experience with group operations; (3) direct participation in the excursion by representatives of the cruise line; (4) oversight of specific conditions at the time of the scheduled excursion, such as weather, seas, number of participants and adequate timing allotted for travel to or from the excursion; and (5) verification of level and form of casualty insurance available. Through CLIA's sister organization, the Florida Caribbean Cruise Association, the cruise industry has been instrumental in the development of appropriate insurance products to protect passengers on shore excursions throughout the Caribbean and elsewhere. Such insurance has invariably benefited American tourists on land vacations unrelated to the cruise industry as well.

Much the same as tours and excursions offered by any resort in the U.S. and throughout the world, shore excursion operators serving cruise passengers are independently owned and operated and cruise lines have no operational control over these businesses. Nonetheless, cruise lines do their best to communicate to these operators the high standards of care and professionalism that is expected of them and their employees. Due to the strong competition among shore excursion operators to offer their services to cruise passengers, complaints are taken seriously and monitored closely. Additionally, cruise lines closely track conditions in local ports and may issue warnings to passengers of possible dangers through the ship's daily newspaper, port lectures and/or public announcements.

Notwithstanding the independent status of shore excursion companies, in the event of an unfortunate accident involving cruise passengers on a shore excursion, cruise lines routinely provide a very high level of shore side oversight, assistance and logistical support to passengers and their families when the need arises. Through port agents retained by cruise lines in virtually every port around the globe, cruise lines maintain a network of shore side support that is unparalleled in any other industry. Assistance is routinely provided to passengers in need regardless whether they have purchased a shore excursion as part of an organized activity booked through the line, or on their own while ashore in ports of call. The work performed by the cruise lines' port agents is augmented by the ships' officers and crew and shore side employees of the lines, as appropriate. Recent examples have included religious and grief counseling, family assistance, coordination of medical care and evacuation in foreign ports for passengers involved in accidents or emergencies related to all types of activities and transportation by road, rail, air and sea.

GUEST ASSISTANCE PROGRAMS

CLIA lines recognize the fact that unforeseen events can sometimes occur. For this reason, many of our lines have organized teams of employees who are equipped to handle critical incidents of mass guest displacement, such as in the event of a cancelled or deviated sailing.

Though originally intended and trained to handle the logistical complexity of re-accommodating large numbers of people, Guest Care Teams have evolved significantly and now become active in handling the more day-to-day unexpected, and sometimes tragic, occurrences that result from medical and bereavement debarks, missing person situations or any other type of traumatic instance where guests may need emotional and practical support.

Today, CLIA lines have either well-developed teams, are in varying stages of developing teams, or partner with outside resources so that they can extend the right kind of care and support when these kinds of events occur.

When professional counseling services are necessary, the cruise lines are availing themselves of mental health professionals who can offer telephonic or on-site support with relatively short notice.

All CLIA members recognize the importance of treating any tragic event with compassion and sensitivity. The goal of each company is to provide a safe and comfortable environment where guests can complete their business with the line and be returned to their personal network of support.

Annex II

Crime reporting legal analysis

A. Timing, Form and Content Of SPV Reports

Pursuant to the SPV regulations an initial report must be provided to both the Commandant **or** Captain of the Port, **and** to the local office of the F.B.I. 33 C.F.R. 120.220 (a) as soon as possible. Additionally, for U.S. flag vessels, notification via a special telephone hotline is specifically required for incidents occurring outside the jurisdiction of the U.S., to the Response Center of the Department of Homeland Security at 1-800-424-0201.

Under § 120.220 (b), a written report in the form and substance required by IMO/MSC Circular 443 must be sent by the cruise line or ship's security officer to the Commandant (G-MOR), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593-0001. The formal written report may initially be filed with the Commandant (G-MOR) by fax at (202) 267-4085 or 4065. The § 120,220 (b) written report must contain the following:

- (1) Vessel name
- (2) Flag
- (3) Master
- (4) If moored to a terminal, name of terminal security officer
- (5) Account of incident

- (6) Date, time and place of incident
- (7) Number of alleged offenders
- (8) Method used to introduce any prohibited weapon, incendiary or explosive into or onto the vessel
- (9) Description of weapon, incendiary or explosive
- (10) Description of how weapon, incendiary or explosive was concealed and used
- (11) Description of how security was breached, and
- (12) Statement of recommended measures to prevent future similar incidents.

According to the 4-02 official Navigation and Vessel Inspection Circular (“NVIC”) issued by the Coast Guard, other forms apart from the standard form required by IMO/MSC Circular 443 are acceptable as long as they contain the above information. See 4-02 NVIC, section 3.3, entitled “Standard Report Form”, at p. 27. The 4-02 NVIC can be found at <http://www.uscg.mil/hq/g-m/nvic/4-02.pdf>. The report form agreed between the Coast Guard FBI and CLIA in March, 2007, a copy of which is attached, therefore clearly satisfies the Title 33 SPV Regulations as interpreted by the Coast Guard.

B. Penalties Are Imposed For Failure of Any Cruise Line To Report Actual Or Suspected Crimes

Failure to provide the reports required by the SPV Regulations can result in individual and corporate penalties up to \$6,500 and suspension or revocation of a mariner’s license. See

33 U.S.C. § 1236 (as adjusted by the Federal Civil Penalties Inflation Adjustment Act). That statute reads as follows:

“Sec. 1236. Penalties for violations of regulations

For any violation of regulations issued pursuant to sections 1233 to 1235 of this title the following penalties shall be incurred:

(a) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(b) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of \$5,000.

(c) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of \$5,000, unless the violation of regulations shall have occurred without his knowledge.

(d) Any other person shall be liable to a penalty of \$2,500.”

C. Concerns Expressed by the ICVA Concerning the March 2007 Agreement between the Coast Guard, FBI and CLIA for the Reporting of Crimes at Sea are Without Merit

As part of the ongoing communications between CLIA and the International Cruise Victims' Association (“ICVA”), ICVA has raised seven concerns regarding the March, 2007 Agreement between industry and the regulatory agencies governing the reporting of crimes on

cruise ships. As stated in prior testimony received by the Subcommittee at the March 2007 hearing, the purpose of the Agreement was simply to standardize the timing, manner and format for the mandatory reporting of crimes under the title 33 SPV Regulations. Thus the Agreement augments the SPV Reporting Regulations themselves.

CLIA has responded to each of ICVA's concerns as follows:

1. *"The Agreement does not extend to non U.S. Nationals."*

This statement is not correct. As clearly demonstrated by the SPV Regulations, in addition to the government's own interpretation of them, cruise lines must report any incident committed **by** or **against** a US national anywhere the ship travels on cruises to or from a US port. US flag ships must report every incident involving any person, regardless of nationality, wherever it occurs. Even on foreign ships, incidents committed by a foreign national against a foreign national must also be reported if the incident arose in US waters. The fact that CLIA has entered into the Agreement with the FBI/CG addressing incidents involving Americans does not mean we simply ignore everyone else. Our members routinely report to the port state at the next port of call, the vessel's flag state, and the embassy or consulate of the passenger's nationality. Foreign nations, like the FBI in the U.S., routinely get involved in investigating and prosecuting perpetrators of crimes at sea.

2. *"The Agreement is wholly voluntary."*

This statement is not correct. The email reprinted above establishes without doubt what the cruise industry has been telling Congress all along: that crime reporting is mandatory. All

the Agreement does is to standardize the manner, form and timing of the reports. There are fines and penalties imposed by federal statute for non-compliance and to date no cruise line has been cited or even criticized by the CG or FBI for not reporting or reporting late.

3. *“All data is kept secret and data is not made public; passengers cannot see if their incident was recorded”.*

This statement is not correct. The FBI has already reported to Congress on the data regarding crimes on cruise ships in the first congressional hearing convened by Congressman Christopher Shays before the House Subcommittee on National Security, Emerging Threats, and International Relations on March 7, 2006. CLIA understands the FBI will update its report to Congress in the September 19, 2007 hearing before the House Subcommittee on Coast Guard and Maritime Transportation.

It is true that specific investigative information cannot be made public at sea or on land for privacy reasons or if an investigation is ongoing. However, industry would welcome the compiled data being included as part of the Uniform Crime Reporting Program so consumers can compare shipboard safety to land side statistics. While even one incident of criminal activity on a cruise ship is one too many, we believe our statistics compare very favorably to those on land due to the inherently protected environment of a cruise ship. Any victim of a crime can contact the FBI to verify whether an incident was, in fact, reported. The FBI routinely boards cruise ships to investigate such incidents and interview the victim, alleged perpetrator, and any identified witnesses with relevant information. CLIA is unaware of any victims of alleged crimes on cruise ships who have testified in the last three hearings that their incident

went unreported.

4. *“There is no stated time frame for reporting; ‘as soon as possible’ is subject to differing interpretations.”*

Any confusion on this issue was, in fact, resolved by the Agreement, which states:

“CLIA members will telephonically contact the nearest FBI Field Office or Legal Office as soon as possible to report any of the following: homicide, suspicious death, missing U.S. National, kidnapping, assault with serious bodily injury, sexual assaults (as defined in 18 U.S.C. §§ 2241, 2242, 2243 and 2244(a)(c)), firing or tampering with vessels, and thefts overt \$10,000. After telephonic contact, CLIA members will follow-up with a standardized written report. A sample reporting form “Cruise Line Report of Serious Violation of U.S. Law” is enclosed.

. . .

Incidents not falling into one of the above categories and therefore, not requiring immediate attention by the FBI may be emailed or faxed to the Local FBI Field Office or FBI Legal; for example theft greater than \$1,000 but less than \$10,000 and abusive sexual contact (as defined in 18 U.S.C. § 2244 (b)).”

5. *“No commitment to report incidents in foreign territorial waters.”*

This is not a correct statement. The mandatory SPV Regulations specifically require a report of any incident by or against an American on any part of a voyage to or from the US, including the high seas and in foreign waters. Again, the government's correspondence clarifying this issue, copy attached, specifically states: "[A]n offense committed against a US national on the high seas **or in foreign territorial waters** aboard a foreign flagged cruise ship that embarked from or intended to call on a U.S. port would be subject to the reporting requirement as a de facto condition of port entry."

6. *"Definition of sexual assault may be construed as more limited in scope than sufficient to protect passengers."*

This is not a correct statement. The Agreement specifically refers to the federal statutes governing the sexual crimes that would constitute an assault under Title 18 U.S.C §§ 2241 thru 2246. These include sexual abuse, sexual abuse of a minor, aggravated sexual abuse, and even abusive sexual contact (i.e. unwanted touching), all of which are felonies that must be reported (and are routinely reported) under the plain language of the SPV Regulations and the Agreement.

7. *"The Agreement leaves it to the cruise lines to determine whether a death is a homicide or suspicious."*

This is not a correct statement. Under the mandatory crime reporting SPV Regulations, a cruise line must report an "actual or suspected" unlawful act to any person on board. See 18 C.F.R. Part 120 et seq. In the event of death CLIA members routinely report the incident to the FBI if there is any hint or suggestion whatsoever of anything other than natural causes.

Moreover, a death certificate must be prepared in all cases and arrangements must be made for repatriation and/or release of the decedent's remains. Thus there are numerous opportunities throughout the process for shore side agencies and authorities to independently determine whether any suspicious circumstances may be involved. CLIA is unaware of any complaint by the FBI or Coast Guard that a death that should have been reported was not reported as required by law.

The Departments of Justice and State, FBI, and the USCG have developed the following consensus position (reflected in the three numbered points below) regarding the scope and applicability of the 33 CFR Part 120.100 and 120.220 as presently published:

1. Current Federal regulations (33 CFR 120.100 and 120.220) establish reporting requirements for all passenger vessels over 100 gross tons, carrying more than 12 passengers for hire; making voyages lasting more than 24 hours, any part of which is on the high seas; and for which passengers are embarked or disembarked in the United States or its territories. The owner, operator, charter operator, or vessel security officer of a covered vessel must report each breach of security, unlawful act, or threat of an unlawful act against any covered vessel, or against any person aboard it, that occurs in a place subject to the jurisdiction of the United States.
2. We interpret the current regulations as applying to acts committed in US internal waters, U.S. territorial sea, and, to the extent permitted by international law, aboard any foreign vessel seaward of US territorial waters during a voyage having a scheduled departure

from or arrival in the United States with respect to an offense committed by or against a national of the United States. The latter category constitutes a de facto condition of port entry. For example, an offense committed against a US national on the high seas or in foreign territorial waters aboard a foreign flagged cruise ship that embarked from or intended to call on a U.S. port would be subject to the reporting requirement as a de facto condition of port entry.

3. Covered incidents must be reported to both the USCG Captain of the Port and to the local office of the FBI. U.S.-flag vessels must report each such incident that occurs in a place outside the jurisdiction of the United States to the hotline of the Response Center of the Department of Homeland Security at 1-800-424-0201, or, from within metropolitan Washington, D.C., at 202-372-2428; Fax: 202-372-2920. The requirements to report incidents under the current regulations do not effect and may not always be co-extensive with the extraterritorial criminal investigative and arrest authorities of U.S. law enforcement agencies.

The Department of State has asked me to take this opportunity to note that where a foreign state has concurrent jurisdiction with the U.S., that is, a crime takes place in the foreign state's territorial waters or on board a vessel in international waters flagged in a foreign state, the cruise line/cruise vessel should notify the appropriate authorities of the foreign state, at least simultaneously with notification to U.S. authorities.