



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

James L. Oberstar
Chairman

Washington, DC 20515

John L. Mica
Ranking Republican Member

September 17, 2007

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Coast Guard and Maritime Transportation
FROM: Subcommittee on Coast Guard and Maritime Transportation Staff
SUBJECT: Hearing on Cruise Ship Security Practices and Procedures

PURPOSE OF HEARING

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

BACKGROUND

Reporting of Crimes on Cruise Ships

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

With the exception of two cruise ships operating in the coastwise trade in Hawaii, all of the cruise ships that call on U.S. ports are registered in foreign countries. As such, these foreign-flagged vessels are subject to the laws of the countries in which they are registered and to applicable provisions from international treaties that address the safety of passenger vessels (predominantly the International Convention on Safety of Life at Sea ["SOLAS"]). Non-U.S.-flagged ships are not

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

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

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

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

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

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

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

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

For incidents that do not fall into any of the categories enumerated in the voluntary agreement (such as the theft of items valued at less than \$10,000), the agreement specifies that cruise lines may email or fax notification to the local FBI Field Office or Legat. The agreement further states that criminal activity not meeting the reporting criteria enumerated in the voluntary agreement can be reported to the proper state or local law enforcement authorities. Further, narcotics activities are to be reported as per agreements in place with the Drug Enforcement Administration, Immigration and Customs Enforcement, and Customs and Border Protection.

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

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

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

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

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

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

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

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

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

Meetings between CLIA and Cruise Incident Victims

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

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

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

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

Issues to be Considered During the Hearing

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

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

PREVIOUS COMMITTEE ACTION

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

WITNESSES

Panel I

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

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

Panel II

Mr. Ken Carver
President
International Cruise Victims Organization

Ms. Sue DiPiero

Ms. Lynette Hudson

Ms. Angela Orlich

Mr. Harold Ruchelman

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

Panel III

Mr. Terry Dale
President and CEO
Cruise Line International Association

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

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

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