

# CRUISE SHIP SECURITY PRACTICES AND PROCEDURES

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(110-69)

HEARING  
BEFORE THE  
SUBCOMMITTEE ON  
COAST GUARD AND MARITIME TRANSPORTATION  
OF THE  
COMMITTEE ON  
TRANSPORTATION AND  
INFRASTRUCTURE  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED TENTH CONGRESS  
FIRST SESSION

SEPTEMBER 19, 2007

Printed for the use of the  
Committee on Transportation and Infrastructure



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U.S. GOVERNMENT PRINTING OFFICE

37-916 PDF

WASHINGTON : 2007

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

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Chairman

Washington, DC 20515

**John L. Mica**  
Ranking Republican Member

September 17, 2007

David Heynsfeld, Chief of Staff  
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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, CLLA, 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, CLLA 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, CLLA 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
<b>Total</b>	<b>207</b>

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
<b>Total</b>	<b>135</b>

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.

## HEARING ON CRUISE SHIP SECURITY PRACTICES AND PROCEDURES

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Wednesday, September 19, 2007

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

The Subcommittee met, pursuant to call, at 11:00 a.m., in Room 2167, Rayburn House Office Building, the Honorable Elijah E. Cummings [Chairman of the Subcommittee] presiding.

Mr. CUMMINGS. Before I begin, I ask unanimous consent that Representative Matsui, a Member of the Committee on Transportation and Infrastructure, may sit with the Subcommittee today and participate in this hearing and, without objection, it is so ordered.

I also want to commend Congresswoman Matsui for her continuing leadership on this issue. In March of this year, responding to a request made by the gentlelady from California, I convened the Subcommittee to examine the extent of crimes committed against Americans on cruise ships.

All cruise ships calling on ports in the continental United States are registered in foreign nations. American citizens who travel on such ships are essentially stepping into a little floating piece of foreign soil, and therefore they are not afforded the same protection under U.S. law, they would be afforded in the United States.

Nonetheless, during the hearing I convened in March, we heard truly poignant and compelling testimony from several individuals who were either the victims of crimes or safety incidents on cruise ships or who were the family members of victims. These individuals explained that given the unique jurisdictional circumstances of cruise ships, they had encountered practices, procedures and responses that did not support the effective investigation or prosecution of their cases, in some instances, did not even ensure that they received sensitive and supportive care in moments of great vulnerability and need.

At the time of the March hearing, the Coast Guard and the FBI, both of which are joining us on our first panel today, had just concluded with the cruise lines' international association known as CLIA a voluntary agreement which sought to define the processes which cruise ships would follow to report criminal activity to the FBI and to the Coast Guard.

Today's hearing will give us the opportunity to hear from the Coast Guard, the FBI and CLIA, their assessments of whether the

provisions of this voluntary agreement are ensuring the timely and adequate reporting of incidents to United States authorities.

At the conclusion of the March hearing, I asked the cruise lines if they would meet with the victims and families of victims of crimes and incidents on cruise ships to develop recommendations that the cruise lines could implement on a potentially voluntary basis to improve passenger safety and security on these cruise ships, to provide all reasonable assistance to victims and to support the investigation and prosecution of alleged crimes.

We will receive an update today from both CLIA and the victims and families of victims of incidents on cruise ships regarding the status of these discussions as well as recommendations on what the next steps should be.

The FBI has informed the Subcommittee that a total of 207 incidents have been reported to it by cruise lines from the time of the implementation of the voluntary agreement at the beginning of April through August 24th of this year. The Coast Guard reports that during that timeframe, nearly 4.4 million passengers have sailed on cruise line members of CLIA, meaning that fewer than .01 percent of passengers sailing on the cruise ships during that time period were involved in incidents reported to the FBI.

Of the 207 incidents reported to the FBI, the Bureau reports that 72 incidents are considered potentially serious violations of U.S. law including 41 sexual assaults, 13 incidents of assault causing serious bodily injury, 13 incidents of theft of items valued at more \$10,000, 4 missing persons and 1 incident in which someone tampered with a ship. Under the terms of the voluntary agreement, these 72 incidents constituted the kinds of violations that are to be reported by telephone.

These are also the incidents that the FBI will consider investigating, but that does mean that the Bureau will investigate each of these incidents. In fact, FBI reports that it opened only 18 case files between April 1st and August 24th, meaning that many of the incidents that are considered potentially serious violations of U.S. law were not investigated by the Bureau though they could have been investigated by some other law enforcement entity, and in some cases they were.

The remaining 135 incidents reported to the FBI between April and August were classified by it as "other" incidents, meaning that they did not constitute the potentially serious violations of U.S. law that the FBI would consider investigating. These cases included 41 thefts of items valued at less than \$10,000, 36 simple assaults, 28 incidents of sexual contact, 2 suicides, 1 death from natural causes and 1 accidental death and 26 other incidents.

The statistics I have just mentioned suggest that cruising is actually quite safe, though we look forward to assessing the adequacy of current incident reporting procedures. However, when an incident occurs, it is our Subcommittee's goal to ensure that the crime victims have the opportunity to receive justice.

People taking cruises have paid to be there, and they often anticipate trips that will be the highlight of their lives. They deserve to know that if they are victims of crime, there is a reasonable chance that the perpetrators can be identified and brought before a legal proceeding and be brought to justice.



I am also particularly eager to hear from CLIA and the cruise lines as to what measures they have or will put in place to ensure that women who are the victims of sexual assault receive appropriate care to meet both their physical and mental health needs.

Ms. Brown, in our last hearing, spent quite a bit of time emphasizing the importance of having women involved in the processes, and one of the things that the FBI will talk about is that a number of the cases that they considered or came to their attention, a substantial number of them, were with regard to sexual assaults. Such measures must include ensuring that cruise ships' care teams always include female professional staff members.

I believe that all sides to this very difficult circumstance will accomplish the objectives of improving the security and safety of cruise ships if they approach this issue with a pragmatic and reasonable attitude. Some of the cruise lines, which are eager to protect their image and rightfully so, need to bring an attitude of reasonableness about what they can do right now to improve security and safety, and improving safety is certainly the best way they can protect their corporate interests and image.

I look forward to the testimony of all who will appear before the Subcommittee today, and I hope that all will approach this matter with the reasonable and pragmatic attitude I have just described. I truly want this to be a win-win process.

I also want to note that in preparing for this hearing, our Subcommittee spoke to a number of individuals who had experiences and observations to share about the discussions that have occurred over the summer and about what they believe the next steps should be. Many of these victims and family members of victims shared very personal and profound observations and deeply wish to testify today.

To all those individuals, I wish to thank you for your dedication to improving security practices and procedures on cruise ships to ensure that no one else must endure the suffering you have endured.

While we were unable to accommodate all the requests of those who wanted to testify, I invite everyone who was unable to testify to submit a written statement for the record to ensure that your words and experiences are part of the record of these proceedings.

With that, I want to recognize our Ranking Member, Mr. LaTourette and, Ms. Jackson Lee, you will come after Mr. LaTourette.

Mr. LATOURETTE. Mr. Chairman, thank you very much for holding this hearing.

This morning, the Subcommittee is meeting to review the practices and procedures in place aboard cruise vessels to secure and safeguard passengers and crew. Now this hearing, of course, builds upon the testimony that the Subcommittee received in a hearing held six months ago on these topics.

Each year, more than 10 million Americans vacation aboard cruise ships. The cruise line industry is an important component of our national economy and the economy of many coastal States. It is everyone's interest that actions are taken to prevent serious accidents and crimes on cruise ships to the greatest extent possible.

The hearing that this Subcommittee held six months ago focused on the existing framework of international and U.S. laws and industry practices that govern safety and security practices on U.S.-based cruise vessels.

I understand that the Coast Guard, the FBI, the cruise lines and representatives of several victims groups have worked over the past six months to review this framework and identify areas that can and should be improved. I hope to hear more this morning about the steps that have been taken and those that will be taken in the future to improve shipboard anti-crime practices and procedures.

All of us on this panel are committed to doing what we can to further improve the safety and security of passengers and crew on cruise ships. The testimony that we will receive from the witnesses this morning will further assist the Subcommittee in this process.

I want to especially welcome the DiPiero Family from my home State of Ohio, a little bit outside my district in Canfield, for appearing here this morning and for their efforts to improve cruise ship safety so that other families are spared the loss that they have experienced.

Again, Chairman Cummings, I want to thank you for your continued attention to these critical issues and the witnesses for assisting the Subcommittee with our efforts.

I am particularly interested in some of the comments that I thought came out of the last hearing relative to evidence retention and crime scene retention and things of that nature, how rape kits are processed and the training that goes into that aboard cruise ships, and I hope that our witnesses will talk about what, if any, progress has been made in those areas during their testimony today.

I thank you and yield back.

Mr. CUMMINGS. I just want to amend what I said a moment ago. We are going to hear from Ms. Brown, and then we will go to Mr. Mica and then to you, Ms. Jackson Lee.

Ms. Brown.

Ms. BROWN. Thank you, Mr. Chairman, and Ranking Member for holding this hearing today concerning the cruise industry.

I was encouraged by the positive focus of today's hearing, but I do hope that we are coming to the end of having these hearings. I was watching television this morning as I was getting dressed to come up here, and I was watching CNN. It indicated that we were having this hearing today, and it was on the crime on the cruise ships. Now that is misleading.

It implied that crime on the cruise ships was higher than what it is right here in the Capital or what it is in my district or in your district, and so I think part of it is that it is misleading.

As a Member from the Florida delegation and representative of the Port of Jacksonville, I have a particular interest in the cruise industry. The cruise industry is one of the most important economic engines in Florida. Over 5 million passengers embarked from Florida in 2006, and the industry contributed to more \$5.8 billion in direct spending. In addition, the cruise industry is the second largest employer in Florida, generating more than 125,000 jobs,

and they do so at the same time for every community that they touch.

I am also a personal fan and have taken several cruises. In fact, I used to be a travel agent in my real life before I came here, and I thoroughly enjoyed it. In fact, later this year, I am sending my mother and a group of friends on a cruise. You need to know that if I felt it wasn't safe in any way, I wouldn't be sending my mother.

I believe that the cruise industry is committed to protecting its passengers and providing information about accidents that occur. It makes sense for the cruise industry to ensure that their passengers are safe while traveling on cruises. Unfortunately, crime happens everywhere, but you are safer on a cruise than you are walking down any major city in America and to say anything different is misleading.

People also need to take personal responsibility for themselves and use some common sense when they take on a cruise and don't leave that common sense when they dock the cruise ships.

It is important that risks be minimized and the procedures are in place. I am eager to receive an update from the FBI and the Coast Guard on the crime reporting procedures that we discussed and what procedures have been taken and put in place.

I am looking forward to the hearing. One of the points that I made that I want to know an update on, how many women have been hired or what procedures are to put women in security and in medical positions.

So I want to make sure that we have a fair hearing. I want to make sure that the industry is treated fairly by Congress and make sure that the victims are treated fairly.

I am here to hear what the witnesses have to say. I want to thank you again, Mr. Cummings, but like I said, I want to make sure that we don't send a message to the public that is not fair to the industry. Thank you.

Mr. CUMMINGS. I want to thank you very much, Ms. Brown.

Let me say this. The title of the hearing is CLIA's title. They asked for this title, and they got it.

As far as testimony is concerned, we have bent over backwards, and I told CLIA that in my experience as a Chairman, I have not engaged in not even one-tenth of the conversations with any witness group than we have with CLIA.

We have tried to work with them. I believe that we have been extremely fair to present a hearing that is well balanced, and so I understand.

Any comments that I may have made have been purely neutral to the press, but I appreciate what you said.

Ms. BROWN. Mr. Chairman, I want to point out that I think you have been extremely fair, and it is not you. But I am saying when you put this message out and when the media pick it up, they are looking for the entertainment in it.

Mr. CUMMINGS. I understand.

Ms. BROWN. It is not entertaining. It is serious for the victims, and it is serious for the industry.

Mr. CUMMINGS. I understand.

Let me just say one other thing too which is that the way I conduct these hearings, and I have said this before. You have been

here a little longer than I have, and I just want to say this to the Committee.

A lot of people say, well, why do you bring people back? Having been in Congress now for 11 years, I notice what happens. You will have a hearing, and then people make commitments, and then they don't have to worry because they know that you are not going to bring them back for another two or three years. So in order to try to get things resolved, and one of the things that we have tried to do is try to go around the legislative process and get some things done voluntarily.

To your credit, Ms. Brown, I think you will hear some testimony about women and the role that women have played, and it was a direct result of these hearings that that happened.

I think there are a lot of good things that have happened with regard to the industry. I know everybody will not agree, but I think that there are a lot of good things. I am just trying to make sure that we do everything in our power with this opportunity we have so that we have that win-win situation.

But I really do appreciate what you have said.

We are very pleased to have now the Ranking Member of the Full Committee, Mr. Mica.

Mr. MICA. I thank you for holding this hearing.

I want to associate my remarks with Ms. Brown. Ms. Brown and I come from the State of Florida, and we do have a very strong, active and vibrant tourism industry in that State. We also have a responsibility as Members of Congress to make certain that we do have in place proper cruise ship security practices and procedures that ensure the safety and security of those who enjoy tourism in our State.

We don't want the hearing to be a bashing of the industry, but I think we all have attempted to work together to find some reasonable things that can be put in place, working with the industry, that make their cruise experience or tourism experience safe and that the families enjoy that experience and feel comfortable that we have taken those steps.

I know we are going to hear from some folks that had some experiences, incidents and some crimes committed. But, as Ms. Brown has said, unfortunately we do have that in all aspects of society.

Looking at what the industry has done, though, and working with them, I don't think we have seen anybody that is more responsive or who has put in place more measures to secure the safety and security of their clients and those who enjoy their tourist experience. In fact, I don't know of anyone who they photograph you and have entry and exit counts on their property and on their boat.

The additional steps that have been taken to screen their personnel, and screening personnel is difficult for any employer today, not to mention a cruise ship that is internationally flagged and enters and exits many foreign ports.

It is a big business, but we want to make certain it is a responsible business. I think, to date, if we look at the statistics of incidents on a cruise ship as opposed to any other tourist experience or just within our communities, it is probably one of the safest venues that you can find.

Of course, today we will hear some exceptions to that. I think we are also looking for any way that we can make that safe experience even more secure.

I know how important this business is to not just Florida, but we stop and think of Baltimore, Hawaii or any of these other places, Texas. I see Members here from different States.

I guess it would be easy for the industry to stop boarding people at our ports, look at places like Bermuda, offshore and the Bahamas and the many islands, and not have them board or enter or be responsible to the United States. That might be a possible solution for the industry and then ignore us, but I think it is much better to have them as a viable part of our economies, easy access for people who want to enjoy that experience and then also work with them to make it safe.

I hope this can be a productive hearing rather than destructive.

Finally, I do have one concern. As the ranking Republican, I am not really pleased with setting a precedent to have people who are involved in litigation—and we have I see at least one witness here—and pending litigation, testifying on behalf of their client here, again with pending litigation. I think that sets a bad precedent and puts us in an awkward position in this Committee.

So I take issue with having that particular witness as a member of one of these panels, but otherwise I do welcome the opportunity to show the American people and the Congress how working together with an industry we can achieve some positive results.

I yield back.

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

Let me just clear up one thing. The witness that you are talking about was requested by several Members of Congress. One of the things that has happened is that this hearing has generated more interest from Members of Congress wanting people in their district to testify than any hearing that I have been involved in, and so we basically had to say to many Members that we just could not accept their witnesses. But I understand, and I appreciate that.

Ms. Jackson Lee, and then we will get to the others' opening statements. Thank you very much.

Ms. JACKSON LEE. Mr. Chairman, Mr. LaTourette, Ranking Member, let me thank you for your courtesies, first of all, and thank you for your enormous leadership, not only on these issues but a number of issues of which you have been on the frontline of innovativeness and oversight, and I applaud this Committee.

Thank you again for allowing me to come before you this morning and to cite comments made by our colleague, Congresswoman Brown, this is about the victims and certainly it is about an industry.

I come to address the question maybe as it relates to a particular incident and procedure, the question of cruise ship security practices and procedures. I understand that the purpose of this hearing is to enable the Subcommittee to receive an update from persons who have been victims or family members of victims of alleged crimes on cruise ships regarding potential refinements in procedures for reporting alleged crimes on cruise ships to U.S. authorities and specific measures that could be implemented to improve the safety and security of passengers on cruise ships.

While I agree that procedures for reporting crimes on cruise ships to U.S. authorities and the measures to improve the safety and security of cruise ship passengers can be improved, I am not offering a specific suggestion, I am hoping to be part of the solution and possibly not part of the problem.

I come before this Committee to highlight a recent experience that I have had that involved a tragic incident of a constituent in my congressional area. That is the late David Ray Ritcheson.

Many of you know that I have long been one of the House's strongest advocates for Federal hate crime legislation, and I am proud to have played a leading role in the passage earlier this year by the House of H.R. 1592, the Local Law Enforcement Hate Crimes Protection Act of 2007.

Most of you also know that the late David Ray Ritcheson was instrumental in passage of this landmark legislation. In a case that drew national attention, the 16 year old David Ray Ritcheson, a Mexican American, was severely assaulted in April 23rd, 2006, by two youth while attending a party in the Houston suburb of Spring, Texas.

One of his teenage attackers, a skinhead, yelled ethnic slurs and kicked a pipe up his rectum, severely damaging his internal organs and leaving him in the hospital for three months and eight days, almost all of it in critical care.

For the supposed crime of allegedly kissing a white girl, this Hispanic young man was punched unconscious, kicked in the head, suffered 17 cigarette burns, sadistically inflicted that scarring on his body. His assailants poured bleach on his face and body and then assaulted him with a pipe taken from a patio umbrella. He was left unconscious and unattended in the back yard of a house for more than eight hours, and he has endured more than 30 operations. I cite this to show the atrocities he suffered on land.

After surviving this horrific attack, the young man said that he was going to live, and so he participated in hearings before the House Judiciary Committee and indicated in his concluding words: It has been a blessing to know that the most terrible day of my life may help put another human face on a campaign to enact a much needed law dealing with hate crimes. I can assure you from this day forward, I will do whatever I can to help make our great Country, the United States of America, hate free.

This testimony, I think, helped the passage of this legislation.

As he went on to live his life, he sought to join some friends from Texas on a Carnival cruise. David Ritcheson went on that cruise over the July 4th weekend of last year. David Ritcheson then died this past July 1st of a blunt force trauma sustained when he jumped from the upper deck of the cruise ship, Ecstasy owned by Carnival Cruise Lines, while a passenger on a cruise from Galveston to Cozumel and Progreso, Mexico.

I gave the backdrop of his life experience so that we can know the trauma that he had gone through, through life.

Cruise staff tried unsuccessfully for perhaps a period of time to talk him out of jumping from the ship. According to media reports, at least one of his friends witnessed the suicide. The ship's captain quickly alerted passengers that the boat was being turned around to rescue a man who had gone overboard. The rescue crew recov-

ered David's body later that morning, and the captain made a second announcement telling passengers that a man had gone overboard.

I was notified as I reached out to any sources that I could find to understand what had happened—and I want to qualify and indicate that this is still ongoing but, quickly, Mr. Chairman—by Tom Dow, the Vice President for Public Affairs.

We spent the entire day of July 2nd, attempting to determine what happened, finding how we could bring relief and response to the parents of David and to work through getting his body back to the United States. The cruise line provided us with a care team, provided assistance to David's family, provided travel arrangements, and I hope these are procedures that could be reinforced.

None of this is final. We are still in the midst of an investigation and certainly more answers would come. But I only offer the fact that this cruise ship and this organization were intimately involved in helping the parents avoiding the media, getting them to get on board, getting the medical examiner's involvement and moving the body to the United States along with the Mexican Embassy and Consul, so they did not have to stop midway to Mexico but come back to the United States.

These are procedures that I hope can be reinforced, but I wanted to share an experience that impacted the victim and the cruise lines to suggest that we might have a meeting of the minds of how we can work through some of these tragic incidents.

I offer my greatest sympathy again to David's family, and I am grateful, however, for the attention and the extended time that was spent with us in Houston, trying to work through this very tragic incident.

I submit my entire statement to the record, and I thank the Chairman and the Ranking Member for their courtesies.

Mr. CUMMINGS. Mr. Oberstar.

Mr. OBERSTAR. Mr. Chairman, I just want to thank you for following up on the hearing that you held earlier this year. As you said, you would stay on top of this issue, and you have done.

I thank Ms. Jackson Lee.

We really need to get on with the other witnesses.

I have a statement to be included in the record.

Mr. CUMMINGS. Thank you.

Mr. Poe.

Mr. POE. Thank you, Mr. Chairman.

I appreciate your also having this follow-up hearing. I have only been here three years, but it has been obvious to me so many times we have Committee hearings. Then things are said and promised by witnesses and they disappear into the abyss and we never find that out again. So I appreciate the follow-up hearing.

As a founder and co-chair of the Congressional Victims' Rights Caucus and a former judge in Texas, hearing 25,000 felony cases, I am concerned about what takes place on our cruise lines. We have a cruise line that goes out of Galveston, Texas, not far from my congressional district, and we certainly need to find out and make sure that those cruise ships are secure.

I am concerned about victims of crime and crime that occurs on cruise ships. I am sure they are safer than most big cities in the

United States, but it is something we have to deal with and have to figure out the jurisdictional problems and resolve the issue because victims of crime certainly need to have a voice and an answer and to make sure that those cruise ships are safe.

So, with that, I yield back the remainder of my time. Thank you.

Mr. CUMMINGS. Thank you very much.

I am sorry, Ms. Jackson Lee. Thank you very much. I don't want you to just sit there. I know we love looking at you, but I know you have got things to do.

Ms. JACKSON LEE. I was ready to answer a litany of questions.

Mr. CUMMINGS. Oh, I am sorry.

[Laughter.]

Ms. JACKSON LEE. Let me thank Chairman Oberstar. Let me thank you very much for your courtesy.

Mr. CUMMINGS. Were there any questions for Ms. Jackson Lee? I am sorry.

Ms. JACKSON LEE. Thank you.

Mr. CUMMINGS. Thank you very much.

Ms. Matsui.

Ms. MATSUI. Thank you, Mr. Chairman. First of all, I want to thank you for calling this important and necessary second hearing, and I look forward to hearing from the cruise industry as to what steps they have taken to improve their security on their ships.

I had asked Chairman Cummings to hold a hearing in March of this year after learning about a young woman from my district who came to me for assistance after she had been a victim of a violent crime on February 21st, 2006, on a cruise ship. The Committee heard from my constituent, Laurie Dishman, at the first hearing. Laurie is here with us today, and I want to publicly thank her for her continued and brave efforts to make sure that no one else goes through what she has endured.

Laurie, thank you very much.

Since our hearing last March, I know that individuals like Ken Carver and Laurie Dishman have been working hard to secure a meeting with the cruise industry. While there were seemingly unnecessary delays and even a few false starts, I was pleased to learn that the discussions did take place just a month ago in August. The International Cruise Victims Organization-CLIA meeting was the first time that there has ever been a discussion of the various issues concerning cruise lines by an independent group with a cruise line industry.

I look forward to hearing the reforms the cruise industry is undergoing based on this meeting. I am particularly interested in the timeframes for which these reforms will be enacted and what information is being shared with passengers about the potential for danger onboard a cruise ship.

As Laurie testified at the last hearing, as a passenger onboard the Vision of the Seas, a ship operated by Royal Caribbean, she was raped by a crew member. One of the most disturbing aspects of Laurie's case is that the cruise ship on which she was raped was short security staff. As a result, the cruise line promoted someone with no training to perform security personnel duties. The tragedy that ensued in something that Laurie will never forget.



I continue to be concerned about the lack of security personnel on cruise ships, many of which are essentially floating cities with thousands of passengers and few security guards. Similarly, passengers may hear that background checks are performed on all crew members. However, what Americans do not understand is that many of these individuals are foreign nationals and that their countries do not have the same system in place for background checks as we do.

The story of Laurie's and other victims' experiences are shocking enough. Unfortunately, most of these victims and their families continue to experience difficulties after the crime occurs.

In Laurie's case, she was forced to collect her own evidence after she departed the ship and experienced difficulty in getting information about the incident from the cruise line. Proper evidence collection and victim's assistance after a crime are important and seemingly missing from cruise ships.

I hope that the cruise industry has worked during these last six months not only on ways to prevent crimes from occurring but also on working to take care of victims and their families after a crime has occurred. The more I have inquired about crimes on cruise ships, the more I have been alarmed that there is no shortage of cases of rape, sexual assaults of minors, alcohol-related fighting and abuse, and persons overboard.

The last hearing highlighted how crime numbers reported to Congress dramatically differed from the cruise industry's internal crime statistics. The cruise industry insists that they are voluntarily reporting more crimes than they are statutorily required to. I feel that their actions have been less than forthcoming. Unfortunately, it seems that without continued congressional oversight or penalties for noncompliance, the cruise industry reports what and when they want to.

We continue to hear media reports of passengers falling overboard, passengers going missing and passengers being raped and sexually assaulted. Sadly, many of these cases remain unresolved because of a lack of security personnel and standards for crime scene preservation. Worse yet, many cases go unreported because there is no industry reporting mechanism.

The results of our first hearing combined with numerous media reports of crimes on cruise ships point to the need for increased safety and security for these passengers. Prevention can be an important tool, and prevention begins with making people aware of the potential for a crime to occur.

There will be 12 million Americans traveling on cruise ships this year. The industry is growing. With growth comes a greater responsibility. This is an opportunity for all of us. Working together, we can and we will improve the safety and security of Americans who travel on the high seas.

I thank you, Mr. Chairman, and I yield back.

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

I want to thank all the Members for your opening statements.

Mr. Bishop, you did not have a statement?

What we are going to do is we are going to recess for probably about 30 minutes. We have three votes, and we will be back. You might want to go and get a bite to eat. Thank you.

[Recess.]

Mr. CUMMINGS. Thank you very much. We will now resume our hearing.

Rear Admiral Wayne Justice—is he here—and Salvadore Hernandez. I guess the Rear Admiral will be joining us momentarily.

Mr. Hernandez is the Deputy Assistant Director of the Criminal Investigative Division with the Federal Bureau of Investigation, and Rear Admiral Wayne Justice is the United States Coast Guard's Assistant Commandant for Response.

I want to thank all of you for bearing with us.

Rear Admiral, if you have now caught your breath, you may proceed.

**TESTIMONY OF REAR ADMIRAL WAYNE JUSTICE, ASSISTANT COMMANDANT FOR RESPONSE, UNITED STATES COAST GUARD AND SALVADOR HERNANDEZ, DEPUTY ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATION**

Admiral JUSTICE. Good afternoon, Mr. Chairman, Ranking Member LaTourette and distinguished Members.

I am honored again to appear before you and to provide an update on the Coast Guard's role and actions within the interagency to assess and address concerns about crimes on cruise ships. I intend to focus my brief remarks on apprizing you of our progress since March to both clarify and highlight the scope of mandatory cruise ship crime reporting requirements and to implement more expansive voluntary reporting of crimes on cruise ships.

The primary role of the Coast Guard with respect to cruise ship crime is establishing and facilitating Federal reporting requirement and procedures in a manner consistent with domestic and international law to enable notification to and decision-making by appropriate investigative agencies. By establishing maritime crime reporting requirements and facilitating delivery of incident reports through the Coast Guard's network of maritime command and operation centers, the Coast Guard supports the FBI in its lead investigative and statistical analysis roles.

In furtherance of our role, the Coast Guard led a successful effort this year to ensure national level interagency and industry alignment regarding the application of current Federal regulations. In order to facilitate increased reporting, the Coast Guard worked closely with the FBI and CLIA through 2006 and early 2007 to reinforce the scope of the mandatory reporting requirements and to develop voluntary reporting procedures for serious offenses committed by or against U.S. nationals aboard cruise ships that are beyond the scope of the mandatory reporting requirements. This effort represented the first disciplined attempt to gather serious crime statistics with respect to cruise ships frequented by U.S. nationals regardless of whether such vessels call on the United States.

Given the legal and operational environment that I described to you when I testified in March, we viewed this voluntary reporting system as the most promising and viable option for improving and expanding cruise ship crime reporting and investigative response in the near term. As expected, many in the cruise industry reinforced

compliance with existing mandatory reporting requirements and embraced the opportunity to report and improve responses to serious crimes affecting U.S. nationals.

Sir, as you mentioned this morning, collectively the Coast Guard and the FBI have received and processed 207 incident reports in the first six months of the program. That is 207 reports from the same vessels that carried over 4 million passengers during the period.

It is the Coast Guard's role to establish reporting requirements and the FBI's role to determine the appropriate Federal investigative response in specific cases and compile crime statistics and policy analysis. Accordingly, I will defer to the FBI to provide more detailed investigative and analytical context for the reporting.

From the Coast Guard's overall maritime security perspective, we have no evidence to suggest that there is significantly more or more serious crimes affecting U.S. nationals aboard cruise ships than indicated by the reporting data.

Based on consultation with the FBI, the Coast Guard believes that clarifying the scope of the mandatory cruise ship reporting requirements and implementing additional voluntary reporting procedures are working well, contributing to improved situational awareness through transparency and helping to better inform both the discussion and response with respect to allegations regarding crimes on cruise ships.

We continue to recommend that perspective cruise ship passengers assess the level of security and safety on foreign-flagged cruise vessels on which they may embark just like they would evaluate their safety and security risks when visiting a foreign country. Congressional hearings like this help highlight that responsibility and encourage the cruise ship industry to embrace transparency in reporting and crime prevention strategies to remain economically competitive.

It is clear that some serious acts affecting U.S. nationals aboard foreign-flagged cruise ships have brought great sadness to the families of victims. The Coast Guard mourns the losses these families have suffered, and we are committed to improving the overall safety and security environment within the maritime domain.

The Coast Guard will continue to work with the FBI to ensure effective implementation of both mandatory and voluntary reporting procedures and intervene at sea when appropriate while recognizing the collective jurisdictional and resource limitations of the United States. Taken together, the mandatory reporting regulations and the voluntary reporting requirements contribute to improving the safety and security of U.S. nationals aboard cruise ships by leveraging partnerships with industry and international partners as well as improving transparency for consumers.

Thanks for the opportunity to testify, sir, and I will be happy to take questions as they come.

Mr. CUMMINGS. Thank you very much.

Deputy Assistant Director Hernandez.

Mr. HERNANDEZ. Good afternoon, Chairman Cummings, Ranking Member LaTourette and Members of the Subcommittee.

I appreciate the opportunity to be here today to provide an update on the FBI's work with the U.S. Coast Guard, the cruise line

industry and the victims of cruise line crime regarding crime aboard cruise ships.

I testified earlier this year that after many months of development, in March 2007, the FBI, the U.S. Coast Guard and the Cruise Lines International Association, or CLIA, reached an agreement on voluntary, standardized protocols for CLIA member lines to report allegations of serious violations of U.S. law committed aboard cruise ships. These reporting procedures are in addition to, but not in lieu of, the mandatory reporting requirements under the Code of Federal Regulations, the Maritime Operational Threat Response Plan.

Pursuant to the agreement, on April 1st, 2007, the FBI began collecting and tracking the incidents as they were reported by CLIA member lines. I would like to take a few minutes this afternoon to report on the results of this effort.

Through August 24th, 2007, the FBI received 207 reports from CLIA members. Many of these matters did not require criminal investigation and, as such, should be viewed as "incident reports," not "crime reports." For example, reports were received of attempted suicides of passengers as well as matters with purely civil implications.

Sixteen, or 8 percent, of all reports involved incidents that occurred while a passenger was ashore outside of the United States and, therefore, outside the jurisdiction of the FBI or other U.S. law enforcement. For example, a passenger reported that he was robbed by two subjects in a vehicle while ashore in the Bahamas.

In matters such as these, the reporting agreement holds that although cruise lines may report incidents which occurred outside the United States' jurisdiction to the FBI, they are not required to do so.

Of the 207 reports received by the FBI, 39 incidents, or 19 percent, were responded to and/or investigated by law enforcement other than the FBI. These law enforcement agencies included local police departments in the United States, as well as foreign law enforcement agencies.

Nineteen reported incidents occurred while the ship was docked. In the United States, the respective State has jurisdiction when a vessel is moored or otherwise connected to the land of the State. Accordingly, a report of a theft of items estimated at \$30,000, which was stolen while the ship was docked at Galveston, Texas, was investigated by the Galveston Police Department.

In further breakdown of the incidents that were reported to the FBI during the initial rating period, I provide the following:

The agreement with CLIA and the United States Coast Guard lists eight categories of incidents which are to be telephonically reported by CLIA members to the nearest FBI field office or legal attache office. These matters—homicide, suspicious death, missing U.S. national, kidnapping, assault with serious bodily injury, sexual assault, firing or tampering with vessels and theft greater than \$10,000—involve potentially serious violations of U.S. law and are to be called into the FBI as soon as possible following the incident.

After telephonic contact, CLIA members are instructed to follow up with a standardized written report. All other less serious mat-

ters are reported under a general "other" category and are brought to the FBI's attention by submission of a written report.

During the first month's reporting under the agreement, there were no reports of homicide, suspicious death or kidnapping aboard CLIA member ships. There were four reports of missing U.S. nationals. Of these four reports, one involved a husband and wife who took most of their belongings with them and chose not to reboard after docking at a foreign port. The three remaining reports involved passengers whose past histories and behavior while on board the ship strongly suggested that they had taken their own lives.

CLIA members reported 13 assaults with serious bodily injury. The FBI opened two investigative cases from these reports, both of which are ongoing. Several matters submitted in the "assault with serious bodily injury" category were, in fact, of lesser seriousness.

The FBI investigates sexual assaults as defined in Title 18 of the United States Code, Sections 2241 through 2243 and 2244 (a) and (c). Since April 1st, the cruise lines have reported 41 instances of sexual assault. Of these 41 incidents, 19 represented allegations of sexual activity generally categorized as rape, 3 of which occurred on shore and, thus, outside the jurisdiction of the FBI.

Based on the 41 reports, the FBI opened 13 investigative cases. Five of these cases have been closed for reasons of victim reluctance to pursue prosecution or prosecutive declination from the United States Attorneys' Office. Eight investigations are pending.

During the reporting period, there were 13 incidents of theft of more than \$10,000 reported. Nine of these involved jewelry, two involved cash, one involved miscellaneous items from aboard ship, and one involved food products.

There was one report of firing or tampering with vessels.

The remaining 135 reports, or 65 percent, of all of them involved less serious matters such as simple assault, low dollar loss theft, fraud, suspicious activity, bomb threats, sexual contact or activity that was criminal in nature.

Sexual contact, as defined in 2244 (b) as, essentially, uninvited touching of a sexual nature. That made up 28 reports.

Thirty-six of the one hundred thirty-five reports involved simple assault matters to include punching, slapping or pushing actions, and forty-one reports were related to theft of less than ten thousand dollars.

I would like to briefly update this Committee on the other matters which the FBI has undertaken in support of its role in investigating crimes aboard cruise ships.

Since I last testified, the FBI has met again with members of the International Cruise Victims Association. Kendall Carver, whom you will hear from today, came to FBI Headquarters in July, accompanied by two members of his group. I met personally with Mr. Carver and his associates to hear their concerns and to explain the work being done by the Coast Guard, CLIA and the FBI.

Over the past six months, my associates at the FBI and I have met or spoken with CLIA and the Coast Guard regularly to check on progress.

In closing, the FBI is committed to continuing his work with the cruise line industry, the U.S. Coast Guard and victims' groups to

ensure full reporting of crimes aboard cruise ships and to facilitate more effective first response to such crimes.

Thank you, Chairman and Members of the Subcommittee, for the opportunity to testify today. I am happy to answer any questions.

Mr. CUMMINGS. Thank you very much.

First of all, I want to thank you all for what you all have done in working with the industry and with the victims' groups. I realize, believe me, I realize that the Coast Guard and the FBI have tremendous responsibilities, and I understand that. The fact that you all would take the time to try to work through this is much appreciated by all of us. I really do thank you.

I want to go to you, Deputy Hernandez. In your testimony, you talked about the 72 cases being serious. How do you decide which cases are serious?

I think then you went on to investigate 18 open files. How do you then go on to open a file?

Are you following me? In other words, what do you take into consideration?

Mr. HERNANDEZ. Chairman, basically, we have defined up front what we consider serious through the reporting requirements that we have established with the cruise lines, and they are, as I said, homicide, serious violation; death, if it is suspicious in nature; a missing U.S. national is considered a serious matter; kidnapping, obviously; assault with serious bodily injury or sexual assault in certain instances.

This is a product primarily of investigative and prosecutive thresholds that are driven by resources, ultimately. We understand that there may be many other instances of alleged criminal activity which occur aboard a cruise ship. Cruise ships are invited to report that to us if they desire, but the truth is only certain kinds of matters will actually receive investigative attention because of resources and ultimately will only receive prosecutive attention if resources are available.

So what we have tried to do is narrow this, making sure that we get full reporting on the most serious crimes and give permissive reporting or allow for permissive reporting when the crimes are not considered as serious.

Mr. CUMMINGS. Now one of the things that I have been very interested in is, I think, as Mr. Dale mentions in his testimony about how CLIA is not only concerned about security but also concerned about the way people are treated.

I realize that you have training program going on basically about preservation of evidence, is that correct?

Mr. HERNANDEZ. That is correct.

Mr. CUMMINGS. What is the name of that program?

Mr. HERNANDEZ. We currently have in place.

Mr. CUMMINGS. The new one.

Mr. HERNANDEZ. Right, it has just been concluded. It is a PowerPoint presentation by our evidence response team at Quantico that will be distributed to all the cruise lines that will instruct them on crime scene preservation, evidence retention.

Mr. CUMMINGS. How long is that presentation? How long is the PowerPoint?

Mr. HERNANDEZ. I have not seen the presentation.

Mr. CUMMINGS. Okay. But this is something, I take it, that you shouldn't take, I mean if you were guessing, no more than a day or so.

Mr. HERNANDEZ. I would say far less than a day. I am guessing it would be a couple of hours.

Mr. CUMMINGS. What is it, on a DVD? What have you got there?

Mr. HERNANDEZ. It will be available on a DVD.

Mr. CUMMINGS. We would like to have a copy of that. But I am just wondering, do you think that should be something that is required of all cruise lines with regard to security?

In other words, part of the complaints coming from Ms. Matsui and others is this whole idea of evidence and how evidence is addressed. You can't get a better agency than the FBI, I think, trying to instruct security, boat security, CLIA security as to how to preserve that evidence because once that evidence is disposed of or tampered with, a case, even if you had a case, is kind of difficult to prosecute.

So I am just wondering, what is your opinion on that and have you had any discussions with the CLIA folk with regard to that?

Mr. HERNANDEZ. We haven't had recent discussions. We did talk earlier in the year, actually probably last year when we first began the process.

The CLIA members, as represented by those that attend their CLIA headquarters' meetings, were very interested in this. They have repeatedly asked for training from the FBI, and I would guess other law enforcement agencies.

So it is available. It will be available, and my guess is that CLIA members will want this training and will put it to use.

Mr. CUMMINGS. Now how soon, if you know, will that be available to them? It sounds like it is hot off the press.

Mr. HERNANDEZ. My understanding is that it has been completed, so it should be anytime.

Mr. CUMMINGS. All right.

Rear Admiral, let me ask you this. The incidents reports that you receive, are they ever made available to the public?

Admiral JUSTICE. No, sir. I guess they could be FOIable.

Mr. CUMMINGS. But they are not now, is that right?

Admiral JUSTICE. That is correct.

Mr. CUMMINGS. In your testimony, you write that: "We continue to recommend perspective cruise ship passengers assess the level of security and safety on foreign-flagged cruise ships on which they may embark just like they would evaluate their safety and security risks when visiting a foreign country."

Do you recall that?

Admiral JUSTICE. Yes, sir.

Mr. CUMMINGS. If they don't have the information, other than word of mouth, I guess, recommendations, how are they supposed to do that, accomplish that?

Admiral JUSTICE. There are a couple of different ways. The State Department has information about other countries that would be of interest, and they post that.

But, specifically, the cruise ships have stepped up. Cruise lines have stepped up, and they have information available about where they are going and what concerns you might have. I think there

has been an effort by the cruise lines to articulate more awareness, particularly if you are going to do an excursion in another country or what is going to happen on your ship. They are making it available to the public.

Mr. CUMMINGS. Perhaps Mr. Dale could address that because part of the problem, in fairness to both sides, is the cruise industry is concerned that putting out this information to the public may send the wrong message.

On the other hand, when I read your statement, I am talking about incidents that would fall within the jurisdiction of what you and the FBI do together. I am not talking about other things that may happen on land or whatever while a person is on a cruise.

But I think that perhaps if there was a way that they could know, have some kind of idea, they could make those kinds of judgments. When I read your statement, it just jumped out at me, and I was trying to figure out how they would accomplish that.

I am not just talking about threats, problems in a country, where there are security risks and things of that nature. I am talking about the cruise ship itself, the line itself. Are you following me?

Admiral JUSTICE. I do. Again, I would expect Mr. Dale to answer that there for a preventive side. It is a preventive piece here to be aware of where you are at, what you are doing, the condition you are doing it in, those sorts of things. As we all know, we don't always have our situational awareness up when we are at some place and particularly in a different environment on a ship like that. I think that is where they would go with this.

Mr. CUMMINGS. Mr. Hernandez, are there any specific security or safety improvements that you believe that cruise ships should implement at the present time to improve passenger safety and security? If so, what are they, from what you have seen?

Mr. HERNANDEZ. Mr. Chairman, we really haven't assessed what it is cruise ships do. We have been, since the beginning of this process, more interested in working with them about how it is they report information under what circumstances. We have had general discussions. So I am really not in a position to make that kind of judgment today.

Mr. CUMMINGS. I got you. I understand.

All right, Mr. LaTourette.

Mr. LATOURETTE. Thank you, Mr. Chairman, and I thank both of you for your testimony.

I want to talk a little bit about this agreement and how it is working based upon your observations and then follow up on some preservation of evidence questions that the Chairman was talking about.

This agreement has been described as a voluntary agreement between CLIA members and the Government. What I take from that is, either or both of your opinions, that there is no provision currently in law that could have compelled them to make this agreement, that it is something that they voluntarily chose to enter into.

Admiral?

Admiral JUSTICE. There are mandatory requirements that are regulated. The effort was made to look at where there are holes above that aren't regulated, and this voluntary construct fills in



those gaps, those holes. So now we feel that crimes that should be reported are being reported. The good news is that it is happening.

Mr. LATOURETTE. Right. Is it your observation that this agreement, I know that it is new, but it seems to be working well?

Admiral JUSTICE. Yes, it is. It is working well, and we feel. I would use the point that we don't have instances of crime being public or aware to us that haven't been reported. So that is good news.

Mr. LATOURETTE. The other thing, the thing that strikes me about the agreement is that the reporting requirement is as soon as possible. I understand that reporting is happening, 207 or whatever the number is. Has either the Coast Guard or the FBI determined whether or not they are being reported in a timely fashion in the spirit of the agreement?

Admiral JUSTICE. We feel they are.

Mr. LATOURETTE. Mr. Hernandez?

Mr. HERNANDEZ. Yes, as soon as possible means by telephone, and our experience has been that the cruise lines are telephonically contacting the nearest FBI office or legal attache office.

Mr. LATOURETTE. The Chairman was talking about evidence preservation, and I think one of the things that was alarming about Ms. Matsui's constituent was the notion that you had to collect your own evidence.

Mr. Hernandez, I heard what you said about the DVD presentation or the presentation that is now going to be distributed for people to be instructed on preservation, but have you either talked to or you personally had the opportunity to view any of these open files that you talked about?

For instance, I think that there are 13 open files on rape cases or serious sexual assault cases. Have you talked to any of the case agents or yourself looked at those?

Mr. HERNANDEZ. No, I have not. Those cases, of course, are in our field offices. I have a sense from discussions from some of the people at headquarters what those are about, but I haven't reviewed the files.

Mr. LATOURETTE. Well, my question is do you, from your sense, have any sense as to whether or not, while we are all waiting for this evidence collection instruction going out, as to whether or not the cruise line industry is doing a good, decent job of evidence collection at this moment in time?

Mr. HERNANDEZ. I don't know that. I take it from what I have seen that there is sufficient evidence in some of these cases to move forward with a prosecution, with an investigation or prosecution. I can't say with certainty in what percentage of those cases evidence was properly collected at the very beginning.

Mr. LATOURETTE. You talked a little bit about the fact that some of the cases have been declined for prosecution by the United States Attorney. Are you aware of any of those prosecutorial declinations being based upon the fact that evidence was poorly collected?

Mr. HERNANDEZ. I am not aware of any being declined on that basis.

Mr. LATOURETTE. Okay.

The other thing that we sort of got into and I think the folks from CLIA are going to talk about it a little bit later, obviously, in an allegation of serious sexual assault or rape, it is very important that the rape kit or the pelvic examination be performed professionally. Have either of you worked with or asked the question of the cruise line industry as to whether or not their personnel are trained and have the ability to properly administer those examinations after an allegation is made?

Mr. HERNANDEZ. I have not. We have not.

Mr. LATOURETTE. Admiral, anything?

Admiral JUSTICE. No, sir, I can't answer that question.

Mr. LATOURETTE. Okay. I think we will wait for them to talk a little bit about that.

Are you aware as to whether or not the cruise line industry has protocols relative to the collection of evidence?

Mr. HERNANDEZ. I am not aware of the protocols. I believe that there are standard operating procedures in place with respect to each cruise line. I think they will be able to answer that.

Mr. LATOURETTE. Okay.

Then the last question would be on this voluntary agreement business with the reporting that you describe is going well. If this agreement of timely reporting, as soon as possible reporting continues to go well, in your opinions, either of you, does it enhance the ability of law enforcement to make judgments as to when to enter a case quicker than it would have if we didn't have this voluntary agreement in place?

Do you think we are going to see a positive impact in terms of prosecution for those cases that are real cases?

Mr. HERNANDEZ. I think we will, and I will make one observation about the voluntary reporting. The issue here has been for many months now the difference, the distinction between what is our jurisdiction and what is required to be reported. The voluntary reporting mechanism was established because, in truth, the cruise lines came to us and said we would like to be able to report more. We would like some rules about how we report.

There has been, I think, a good faith interest from the very beginning to establish some procedures that would allow them to report beyond what was required under CFR regulations. So that has worked well.

My belief is that because we have about as many cases proceeding to prosecution given a five month period compared to what we have had over the last five years, that we have about as many crimes being reported that we did before. Now before, we didn't know because we were only capturing those cases that actually were opened as investigations by the FBI.

My sense is that the cruise lines have probably been reporting at about the same rate all along. Now it is just standardized.

Mr. LATOURETTE. Admiral, is there anything you want to say in response?

Admiral JUSTICE. No, exactly what my partner says, sir.

Mr. LATOURETTE. Thanks very much.

Thank you, Mr. Chairman.

Mr. CUMMINGS. Before we get to Ms. Matsui, let me just ask you this, Deputy Hernandez.

The DVD, I know you haven't reviewed it, but is it likely to contain protocol? I mean just following up on the Ranking Member's question.

In other words, the DVD tells them how to preserve evidence. Would you consider that some type of protocol that they might adopt or do you think that it is just some general information? Do you follow what I am saying?

Mr. HERNANDEZ. Yes. Yes, we would like to be able to provide onsite training, FBI agents training cruise ship personnel. We simply don't have the resources to do that in great numbers, so the DVD is the next best option.

I believe that, and again I haven't seen it, but my instructions in moving this forward were to put together protocols, guidance about how to collect evidence and preserve crime scenes. So my belief is that it does just that and that these will be accepted by the cruise lines as part of their standard operating procedure.

Mr. CUMMINGS. I take it these are the same kinds of instructions that you, that FBI agents would likely have to go by. I mean they are at a different level of law enforcement, but it would be the same things that they would be looking for as agents, is that right, in other words, preservation issues?

Mr. HERNANDEZ. Generally speaking, we would like in the end to preserve crime scenes and collect evidence as FBI agents wherever possible. My guidance has been to preserve primarily, to preserve a crime scene, so evidence can be collected by true collection professionals, but I am sure that there will be some guidance there that explains how to deal with evidence that simply could be dissipated if not collected quickly.

Mr. CUMMINGS. I see. Thank you very much.

Ms. Matsui.

Ms. MATSUI. Thank you, Mr. Chairman.

I want to thank both of you for working together on this. I know that it hasn't been a very long time, and you have had to bring yourself up to speed on processes.

I wanted to know, Admiral Justice, since the Coast Guard is in charge of overseeing the reporting requirements for the cruise line industry, I think part of the problem is that there is no mechanism to get this out to the public. You mentioned a couple things. The State Department has some things about how different things are happening in different countries, and the cruise lines themselves have information.

But I believe that what we have here is a situation where there is a lack of trust, and the Coast Guard is certainly an institution that we trust. Is there a way that we can get some of that information available to the public? What kind of mechanisms do we need to work out in order for that to happen?

Admiral JUSTICE. Ma'am, I go back to what I said before. I truly believe that the cruise ship industry, it is in their best interest, if there is a way to do things better, they are going to do it. If there are better ways to have processes on ships for people to do things, that is safer, it is in their best interest to do that.

As far as reporting this information, it is not available. I would submit that we would be happy to work with industry talk about.

Of course, they have the same information we do, but what might they do more to help better inform their passengers?

Again, I wouldn't be so—I mean I am absolutely positive that not only is it in their best interest but they have demonstrated the commitment to doing that, to working to make things as safe as possible and to construct processes that support that.

Ms. MATSUI. I believe you understand, though, that we are here at this hearing because the victims didn't believe that they had adequate information, and they also believe too that the picture presented about the cruise industry, the things you see on television or the brochures you get in the mail. It is perfectly safe, everybody is having a great time and, in a sense, it lulls you into thinking that there is no crime on board at all. You can bring your families and your young kids and have them go off on their own.

We understand. Yes, you should have some idea that it is like everywhere else, but that is not presented by the cruise industry. I think, in a sense, we need to really understand that things have happened. Bad things have happened, and we really need to understand that we need to not just trust the cruise industry.

I know we want to work together. I also believe too that it is in their best interest to do this. However, we almost need another party to be a part of this too, to work together, to get a neutral party involved in this to get some crime statistics out there.

It is not that we are going to say that it is perfectly unsafe. No, we are not going to do that.

But I remember the hotel industry a couple decades back when there was a lot of media frenzy about the unsafe hotels, how women were having difficulties, and I think that they have improved so much that I really believe that there is an opportunity here for us to get beyond this, but we still need to understand what is the real story. At this point in time, I can't trust that it is the real story.

Admiral JUSTICE. Yes, ma'am. Thank you.

What I would say is the information is available through the Freedom of Information Act. Information could be published by the cruise industry or by us. But I will tell you that I take your point and we will talk to them, work with them and make sure we do better to paint the proper picture.

Ms. MATSUI. I also believe that you really need to be talking with the victims too because they have actually gone through some of this and understand the situation that they have been put into.

I understand that the Coast Guard puts in lines' safety violations in a database called PSIX, is that right?

Admiral JUSTICE. Yes.

Ms. MATSUI. Why doesn't the Coast Guard put online from each reportable crime on the cruise line? Can we do that?

Admiral JUSTICE. Different safety, security, a different venue. We could. We don't do it right now. We don't want to do it.

Ms. MATSUI. But we could do something like that, is that what you are saying?

Admiral JUSTICE. Yes, ma'am. Yes, ma'am.

Ms. MATSUI. Okay.

Admiral JUSTICE. I had to check with my barrister to make sure. Yes, ma'am.

Ms. MATSUI. All right. Well, I will follow up on that later.  
Thank you very much, Mr. Chairman.

Admiral JUSTICE. Thank you.

Mr. CUMMINGS. Thank you.

Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Admiral, the gentleman from Ohio may have touched on this. Let me put a three-part question to you.

Are cruise ships required to report crimes (a), (b), if so, to whom are they reported, and (c) does the cruise industry comply with these reporting requirements?

Admiral JUSTICE. The answer is yes, sir, they are required to report certain crimes, and they report them to the Coast Guard and the FBI, and they do do it.

Mr. COBLE. Does the United States have the authority to require foreign-flagged vessels or cruise ships to carry aboard Federal marshals?

Admiral JUSTICE. Sir, the answer is no.

Mr. COBLE. Do you think we should?

Admiral JUSTICE. No, sir. That is an extraordinarily complicated, multi-jurisdictional international rule of law challenge that could be explored through the International Maritime Organization. It would take a very complex multi-year effort. It could be looked at.

It is a private industry, cruise ship responsibility, and I know two panels from now they are going to step up there and tell you that they accept that responsibility and they do. I think they do extraordinary efforts to properly secure their vessels.

Mr. COBLE. Mr. Hernandez, this may be more appropriately put to you. How does the Federal Government respond when receiving a report of an alleged crime or accident?

Mr. HERNANDEZ. First, we look at what has been alleged. If it meets one of the criteria as a serious violation, we are going to respond. Whatever form that may take depends. That means going to the ship, collecting evidence, taking statements.

Mr. COBLE. Would the track usually go from the cruise ship to the Coast Guard to the FBI? Would that be the normal pattern?

Mr. HERNANDEZ. No. By virtue of this agreement, any of those kinds of alleged violations would be reported to us at the same time as the Coast Guard. They would be called into us.

Mr. COBLE. Okay, it would be simultaneously reported.

Mr. HERNANDEZ. Yes.

Mr. COBLE. Again, I want to follow the pattern here, Admiral. Can passengers make reports of alleged crimes or accidents or the occurrence of accidents directly to the United States, i.e., Coast Guard or FBI or does the process require that they go through the vessel security officer?

Admiral JUSTICE. There is no requirement to go through the vessel's security officer. They can make the complaint or bring to our attention the issue.

Mr. COBLE. Thank you, gentleman, for being with us.

Thank you, Mr. Chairman.

Mr. LATOURETTE. Mr. Coble, will you yield the balance of your time to me?

Mr. COBLE. I will indeed.

Mr. LATOURETTE. I thank you very much.

Admiral, I wanted to follow up on what counsel has brought to my attention. In your testimony, you have a statement that foreign-flagged cruise ships that visit a U.S. port would be required to comply with reporting requirements as a de facto condition under port State control.

My question is: Is this something that is new? Have the captains of the port been instructed of this policy? Has the Coast Guard ever denied entry to a vessel for failure to report and what would be the penalties for that?

Admiral JUSTICE. Yes, sir. We have not. We have never not allowed entry. It is civil. It is a civil penalty that could be affected. I don't have the exact details of what they are, but the answer is it is new. Yes, we could penalize them, but no one has been denied entry because of that at this time.

Mr. LATOURETTE. It being a new initiative, have the captains of the port been instructed on the new initiative?

Admiral JUSTICE. Yes, sir.

Mr. LATOURETTE. Thank you very much.

Thank you, Mr. Chairman.

Mr. CUMMINGS. Thank you.

Just one last two or three questions, Deputy Hernandez, let me ask you this. I note from the FBI report, it says of the 18 cases open, 13 were alleged sexual assaults. When you are dealing with a sexual assault, are there certain preservation issues that come up that are different, say, from other crimes, preservation of evidence issues?

Mr. HERNANDEZ. Well, it depends on the other crimes you are speaking of. The FBI has very broad jurisdiction, but when we discuss personal crimes that the FBI might investigate, certainly rape kits are critically important, that that be done forthwith, that evidence be collected properly. So, yes, there are special requirements.

Mr. CUMMINGS. Say, for example, in rape cases that you get the report, you have 18 files open. Thirteen of them are sexual assaults, and we don't know. I don't know the extent of them, but I am sure a lot of them know the extent of them. But let us assume there is a rape case in there of the 13. I mean this is kind of significant. You open 18; 13 of them are sexual assaults.

I guess what I am trying to figure out, and you may have to answer this in writing if you don't have the answer, is that are there issues, are there things that the cruise industry should be doing to make those cases more likely to have positive prosecutions? That is what I am concerned about here, and that is why I was asking about the training, this DVD, and exactly how that plays into all of that.

This is a very sensitive issue. I am not a woman as you can see, but I am concerned about that issue because I think if you tell me 13 of your 18 open cases are sexual assault, I would bet everything I have got that they were probably mostly women victims, if not all.

I think maybe that is something that we need to really make sure is tight with regard to just not the reporting, we want prosecutions, and I think the industry wants prosecutions too. The last thing they want is somebody assaulting women on their ships.

So, perhaps we can get you some written information. I understand that you have got open cases. Maybe you all can give us some information on things that have been closed.

Mr. HERNANDEZ. Sure.

Mr. CUMMINGS. But I don't want to interfere with anything that is ongoing. I just want to make sure that we are doing everything that we can to provide the FBI and other agencies because it may not even be the FBI—it may be other law enforcement agencies that may be involved—that they get everything that they need to be able to do what they have to do. That is all.

Mr. HERNANDEZ. I understand your concerns, Mr. Chairman. I will say that within this area, we view very seriously these kinds of assaults, and it is one of the reasons there are so many open cases. Of the 18, 13 are sexual assaults, and that is because we take that seriously and the prosecutors take it seriously. So there is no effort to walk away from that in any way, shape or form.

The remaining five cases are of a serious nature, but I think are on par with those sexual assaults. And so, I just want to give you an assurance that we do take that very seriously, and we do want the cruise lines to do everything they can to provide the best evidence to us.

Mr. CUMMINGS. Do you know, with regard to crew members when it comes to these assaults, how many are alleged to have been committed by crew members?

Mr. HERNANDEZ. I don't have numbers. I know that some of them do involve crew members.

Mr. CUMMINGS. Do you have any knowledge with regard to how these crew members are vetted?

Mr. HERNANDEZ. I do not.

Mr. CUMMINGS. Very well.

Anybody else?

Ms. Matsui.

Ms. MATSUI. How many agents do you have, Mr. Hernandez, on cruise line cases?

Mr. HERNANDEZ. There is no number per se. They are agents that work within our violent crime program. So each field office has a certain number of violent crime program agents.

When a case meets the qualifications, an agent is assigned. So it could be anywhere from a small number to a large number depending on the number of crimes alleged.

Ms. MATSUI. So the type of crimes that they are all involved in, are they similar types of crimes as far as in the unit that you are talking about that they are involved in?

Mr. HERNANDEZ. Well, they could be anything from a homicide to an assault with serious bodily injury to a sexual assault to a firing to an arson, whatever it might be.

Ms. MATSUI. Okay. I appreciate the Chairman's questions regarding sexual assault and the follow-up to it as far as preserving the crime evidence.

As a woman, there have been so many instances—forget about the cruise industry—of sexual assaults. Women, because of the very nature of that, don't come forward at all, and it is very difficult for them. I think we are getting to the point now, I hope, that women are coming forward, difficult as it is.

I think there is a protocol established, particularly here in this Country, and there is an expectation obviously with all these Americans going on cruise lines, that you would have the same type of protocol. I know that Laurie Dishman expected that, and it was not only that there was no protocol but the fact that the people who were actually in charge of a medical unit weren't even there.

So I think, in a sense, I have to look at this and say a PowerPoint, a DVD to me is not enough. It might be if in fact, and I believe both of you when you say the cruise industry understands and really wants to make things right here. I think we have to go a step further with the cruise industry in a sense that we need to have onsite training. It might therefore be the cruise industry bringing in people.

It is a very sensitive area. In the case of Ms. Dishman, she didn't have anybody at all. She had to collect her own evidence. She was lying there for I don't know how many hours, waiting.

I just feel that a DVD isn't going to do it. There is going to have to be other training to actually make the people on the ship aware of what they need to do. I think once you do that, I think all the other aspects of it will fall into place much more easily. So that is my comment.

I really do appreciate the Chairman and his questioning on that regard. I just hope that it is possible for you to work with the cruise industry, and maybe we might suggest to them that. I know your resources are limited, but in a sense if there is at least some onsite training where you have a lot of people together to train people, it would be great.

Thank you.

Mr. CUMMINGS. As we move to the next panel, let me just say this to Ms. Matsui. I do know that for the cruise industry, I think it is Mr. Bald will be testifying, who is a former FBI agent, and he is now doing some security. He will tell you exactly what he does when he testifies.

But I am just wondering if maybe the cruise industry would consider possibly, since you are already reaching to former FBI agents, perhaps find ways to incorporate that training in what you do. It seems like you have already got superstars on board. It seems like you would just use them along with the DVD. I hope they will take that into consideration.

Thank you all very much. We really do appreciate your testimony. Thank you.

We will now call Ken Carver who is President of the International Cruise Victims Organization, Ms. Sue DiPiero, Ms. Lynette Hudson, Ms. Angela Orlich and Mr. Harold Ruchelman.

I am sorry. I didn't mean to leave you off. I was wondering why there was an empty chair over there.

We are going to ask you to stay within the five minutes because we have another panel, and I know there will be a number of questions.

Mr. Carver, thank you very much for being with us and thank you for your leadership.



**TESTIMONY OF KEN CARVER, PRESIDENT, INTERNATIONAL CRUISE VICTIMS ORGANIZATION; SUE DIPIERO, LYNETTE HUDSON; ANGELA ORLICH; HAROLD RUCHELMAN; WILLIAM M SULLIVAN, JR., PARTNER, WINSTON AND STRAWN, LLP**

Mr. CARVER. Thank you for the opportunity to speak today.

We have had a series of meetings, so it is difficult to cover it in five minutes, but we will go through it as quickly as we can.

It was just three years ago today that I was looking for a daughter who was missing, one of my four daughters, and found out after months of investigation that she had been subject to a cover-up by a major cruise line concerning her disappearance.

As a result of that, a group was founded called International Cruise Victims. This group now has members in 15 countries, several hundred members and has, I guess you would say, brought this issue to the forefront.

Through their individual experiences, victims soon realized acting on their own was ineffective. You had to do this as a group.

In the March, 2006 hearing, not only did we testify but we presented a 10-point program. At the last congressional hearing, the Chairman asked for what I think was an historic meeting, that the victims group meet with the cruise lines to discuss these various issues.

I would like to discuss very quickly four meetings that we have had since our last hearing. On May 7th, Son Michael Pham and myself met with Terry Dale to establish the guidelines for the meeting.

On July 25th, we initiated a meeting with the FBI here in Washington, D.C. It was held with Salvador Hernandez, Deputy Assistant Director, and John Gillis who is the director of the Violent Crime Division. The purpose was to review the agreement that they entered in March, 2007.

Both FBI representatives were unaware in that meeting that in 1999 the cruise line industry had entered into a policy of zero tolerance for crimes and were required or voluntarily indicated that they would report all crimes. This new agreement was only dealing with a form in which those crimes would be reported.

Of most significance at that meeting was the fact that the FBI indicated they did not have the resources, which they have said today, to follow up on crimes on cruise ships unless it reached certain thresholds. This is why, in 2005, only 50 cases were opened and there were only 4 convictions of cruise ship crimes in a year in which they had approximately 10 million passengers.

In the summer of 2006, knowing that they were working with CLIA, the Coast Guard and the FBI, three ICV officers came to Washington and met with the FBI and the Coast Guard separately to show them the plans that we developed, indicating that we wanted to be part of that. In fact, we were excluded from those discussions.

On July 6th, 2007, I sent a request to the Coast Guard to enter into the same type of meeting we had with the FBI. They never acknowledge the letter until the morning of July 27th when it was too late to schedule the meeting.

On July 26th, we had our first formalized and only meeting with CLIA. We actually had sent them 60 pages of documents on April

15th, and we didn't have our first meeting, I am sorry to say, until July 26th.

Certain information which we provided to the cruise lines at that time, and I have heard the questions asked today was were there data individually and how did these crimes occur. Based upon court released documents from Royal Caribbean from the year 2003 to 2005, close to 80 percent of these crimes involved crew members. I believe that question was asked earlier, and it is in the documents that I provided to the Committee.

Also the rate of sexual assaults was 50 percent greater on cruise ships than on the average American city. That is from the court documents covering several other cases.

The cruise lines also took the position that they do not investigate crimes. That is their legal position. That information is in the material that I have given to you.

Since the FBI has indicated they do not have the resources to follow up on many of these crimes, in effect, no one is looking or taking action on these crimes. I think that is a major problem.

We just discussed the video surveillance, that the cruise ships like to say we have 300 cameras on a ship but, number one, they are not monitored. In the documents that I have submitted, we show a deposition that occurred in my daughter's case in which they indicated that was privileged information and not available to us.

James Walker, who is on our committee, indicated that in 50 cases he has never been able to get to the videos. Only in a couple of cases and one is sitting right next to me, Sue DiPiero, where they had her son going overboard, did they show that video, and I am aware of one other case. But they have evidence that nobody can get to.

We approached this meeting with a positive attitude, and when it adjourned I honestly felt that both organizations had set the stage for future positive discussions.

Here is what Terry Dale said in a letter to me: I believe it is fair to say that the cruise lines agree in concept with ICV but differ in how best to achieve the end results. We, therefore, look forward to continuing our discussions with ICV in an effort to reach our shared common goals.

Mr. Chairman, you set an historic meeting in place, and we feel it is essential to continue these discussions between ICV and CLIA to understand what their alternatives are that they are proposing. We don't know that their alternatives are.

Prior to the above meetings, on June 25th, they sent out a letter that was addressed to cruise passengers and their families. It was an expense paid trip to Miami to talk about issues regarding victims and how to address that.

In early July, I started receiving, I guess you would, tremendous pressure to invite the members of ICV to that meeting. So I wrote CLIA, Terry Dale.

Mr. CUMMINGS. Mr. Carver, I am going to have to ask you to kind of summarize.

Mr. CARVER. Okay.

Mr. CUMMINGS. We have your testimony. I know we have read it. I have read it, and we will have some questions of you. But why don't you summarize by telling us where you and what you expect?

Mr. CARVER. Okay. Well, I will just say this. The August 14th meeting, we were given no information. We went, and it targeted only ICV members and yet, they have hundreds of victims. We were disappointed that they would only select our members.

So, in summary, I sit here today as President of International Cruise Victims. I have lost a daughter and for all the victims and their families. You and the Government and the U.S. Congress, I am sure would like to have families, parents, wives, husbands and children, and you would not like to encounter the tragedies we have encountered. We deserve to be protected.

We thank you for your time. I will be happy to answer questions.

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

Ms. DiPiero.

Ms. DiPIERO. Good afternoon. I would like to thank Chairman Cummings and the Committee for inviting me to testify today.

I am Sue DiPiero. I am here with my husband, Ron. Our son was lost at sea from Royal Caribbean's Mariner of the Sea.

Following the hearing last March, Ken Carver approached CLIA and proposed a meeting. It was set up by Ken to include an expert panel consisting of attorneys, Ross Klein, a few ICV board members and CLIA. No other victims were invited. The focus of this meeting was a 10 point plan.

Meanwhile, Terry Dale, Gary Bald and Kimberly Edwards from the ICV discussed what Congressman Cummings' order meant. It was confirmed through his office that the cruise lines should meet with all victims and get our ideas.

On June 25th, an invitation was sent out by CLIA for a meeting in Miami. This invitation was sent to Ken Carver, asking him to forward it to the members of the ICV. It was not forwarded until August 6th. Due to the short notice, some may not have been able to attend.

Invitations were sent to other victims with whom the cruise lines had contact, and it was immediately forwarded to Ron and myself by Kimberly Edwards at Gary Bald's request.

On August 14th, we joined 18 victims, representatives of CLIA, the Family Assistance Foundation, Royal Caribbean and Carnival cruise lines. Some victims told their stories and offered suggestions that would improve the safety on cruises and treatment of victims and their families. Ron and I each spoke and handed out a list of our ideas.

The ICV had time to speak. Ken gave a presentation of the 10-point plan. Letters were read, one from an ICV member who could not attend and one from the ICV board asking that CLIA deal only with the ICV board in the future. I spoke with Terry Dale and was assured that all victims would be included in future correspondence and meetings.

Gary Bald and Travis Winslow discussed technology and safety features that they were researching. They also discussed improved security training. Terry Dale concluded the meeting by saying that he felt that the day's discussion was helpful and suggested continued conversations with victims in the future.

He also suggested working groups be formed. Terry Dale has begun organizing working groups. He asked the victims that attended the meeting if they would like to be included. As of yet, we are not sure what being part of this group means.

No promises or proposals were made in Miami by CLIA or the cruise lines as far as safety is concerned. It is in my nature to believe that people will do the best thing, but there are no signs that the industry will do their best to protect their passengers. The working group should be a channel for sharing ideas and brainstorming, but unless the idea results of the working groups become the goals of action groups that implement, they are nothing more than an illusion by the industry to appear to be making change.

The subject of expense comes up when discussing safety. The goal of every business is to show the maximum profit. The decision to make change is in the hands of the people who control the purse strings. Unless it becomes more profitable to make ships safe than to settle lawsuits, all of the necessary changes will not come at the hands of the industry.

I believe we should support bill H.R. 2989. This would change the Death on the High Seas Act to allow non-pecuniary and punitive damages to families of a person who has died at sea while aboard a ship. Congress has deemed the DOHSA limits unfair in the context of aviation cases and removed the limitation of damages that previously applied.

It makes no sense to limit damages to surviving families in a wrongful death when the death happens to be at the high seas on a ship. Why is there different treatment for survivors of maritime accidents and survivors of a plane crash?

In the cases of my family, George Smith's, Annette Mizener's and Merrian Carver's families and others involved in death at the high seas, the cruise lines used DOHSA to limit their responsibility. This thwarts the goal of our tort system which is full compensation to survivors. If full compensation is allowed, the cruise lines will improve safety in order to prevent liability. Currently, DOHSA does not permit punitive damages, and the cruise lines get away with murder.

I believe our Government needs to create legislation to set standards, create laws and monitor accidents and crime statistics. Fines and consequences need to be substantial so that it is more profitable to follow the law.

I believe legislation needs to be updated as technology changes. As technology is developed, the cruise industry will incorporate all features that will entice people to take a cruise and increase their profits. Safety standards and legislation need to be updated as well to meet the changing situations.

Care teams, infrared imaging and improved reporting are great. However, these things are used for after a rape happens, a person dies from smoke inhalation or a young man goes overboard. Our goal should be to prevent these accidents and crimes from ever happening.

I believe cruise lines should be regulated like a business in the United States. U.S. businesses are required to update products for the safety of consumers. There are regulations on all consumer goods and activities in the U.S. Government agencies enforce these

regulations. The cruise industry should be regulated in the same manner as any U.S. business as they are doing business from our ports and transporting our citizens.

In closing, I would like to say in order to achieve change, all victims, CLIA, the industry and our Government must work together. Change cannot be hindered by efforts of individuals with an agenda to punish cruise lines to get even. Efforts by the cruise lines must not mean changes are minimal and at minimal cost to only appear to be improving their way of doing business.

There must be legislation to assure that all U.S. citizens and those leaving from a U.S. port come back safe and sound. Legislation cannot be defined in a single 10-point plan but must set forth a flexible plan that allows for continuous improvement.

Thank you very much.

Mr. CUMMINGS. Thank you very much.

Ms. Hudson.

Ms. HUDSON. Good morning, Mr. Chairman and Members of the Subcommittee. I would like to thank Chairman Cummings and the Committee for inviting me to testify today concerning cruise ship security practices and procedures.

I would also like to personally thank my Congressman, Mike Castle, for his continued support of legislation to protect Americans on cruise ships.

My name is Lynnette Hudson, and I am the daughter of Richard Liffridge. My father died after a fire erupted on the Star Princess on March 23rd, 2006.

I would like to take this opportunity to acknowledge my family who is present here today as well as the other members and victims of the ICV who have come to support us.

I have submitted my written statement which outlines recommendations to ensure this type of tragedy does not happen to another family. I just want to take a few minutes to point out major points regarding some defects in security and safety practices onboard cruise ships.

During the early hours on March 23rd, 2006, a fire erupted on the balcony of a stateroom on the 11th deck. The cause of the fire was determined to be a smoldering cigarette that was improperly discarded. The cigarette landed on a towel or clothing that was left on the balcony furniture. The furniture and the balcony partitions were made of highly combustible polycarbonate materials.

Let me just describe a few of the shortcomings that I believe contributed to the death of my father. First of all, there were no fire detection or fire suppression systems on the balconies. The ship's emergency number which is manned 24 hours per day was not manned after the crew alert signal was sounded. This left the 911 call center vacant during subsequent emergency calls.

The self-closing alleyway doors were propped open with a wooden wedge which allowed the toxic smoke to reach internal alleyways.

One of the six members of the engine fire party was unable to dress because his suit was too small.

No member of the engine fire party or any other party carried the thermal imaging camera because it was considered to be too heavy and cumbersome. This camera would have provided necessary visibility.

It is clear that changes need to be made in the area of fire safety training, emergency response and in the protocol of handling emergency situations. Smoking is still a big issue on cruise ships. Although some lines have banned smoking in certain areas of the ships, the probability of another fire occurring is extremely high.

During the last Subcommittee hearing in March, 2007, Chairman Cummings, you recommended that the cruise industry work with the victims to develop solutions to the current problems. On July 26th, 2007, I attended a meeting with CLIA along with the ICV President, Ken Carver, and others representing victims. As a board member of the ICV, I felt that the process to bring CLIA to the table for discussions took too long.

Many suggestions were made at that meeting regarding how the cruise industry could improve in areas of safety. There has been no follow-up meeting or any acknowledgment that CLIA acted on any of the suggestions that were offered.

CLIA held a meeting this past August where they flew certain victims to Miami. They told these victims that they could not bring their legal representatives nor were the media welcome.

At the end of the meeting, CLIA wanted to form an advisory committee for the purpose of providing possible solutions to the industry's safety and security problems. CLIA had the sole discretion of picking the members themselves. It is unclear to me why CLIA would want to form a separate committee instead of working with the ICV, an organization that consists of over 200 members and friends.

I am concerned that there has not been true progress since the meeting last March. If the industry has committed to changes, they have not shared them with the ICV.

In my situation, not only were the circumstances surrounding my father's death difficult to accept, the mishandling of the fire emergency and aftermath compounded the situation. Despite being listed as my father's emergency contact person, no one from Princess Cruise Line contacted me. Not one person from Princess Cruise Lines or from the cruise industry told us what happened to my father. I, in fact, had to read about it in this 52-page marine accident report.

Let me just take a minute to tell you a few things about my father. Not only was he a devoted husband, father, grandfather and great-grandfather, he was also my friend. After 20 years of honorable military service, he retired from the Air Force. He proudly served this Country in the Vietnam and Korean Wars. He was also a Mason. One of the things he enjoyed most was traveling and spending time with his family and friends.

In closing, I am hoping that we as victims can work together with CLIA to make cruising safer for passengers.

I often struggle with wondering what my father felt those last few minutes of his life. I find peace in knowing that he thought about his children and the people he loved the most.

I also struggle with the fact that knowing the moment I woke up that morning, he was already gone and no one from Princess Cruise Line bothered to call me. It took nine hours—nine hours—after the fire before I received a call, and it still wasn't from Princess Cruise Line.

Thank you for conducting this important meeting and listening to our concerns and comments. Thank you.

Mr. CUMMINGS. Thank you. I really appreciate it. Thank you.

Ms. Orlich.

Ms. ORLICH. My name is Angela Orlich, and I am from Springfield, Massachusetts. Thank you for providing me the opportunity to tell the ordeal that I encountered during a Royal Caribbean cruise with several of my friends. Our group consisted of approximately 40 individuals from a local hospital where I worked.

During the cruise, I purchased a shore excursion which was promoted and sold to me while on the Royal Caribbean cruise ship. This excursion was to a resort in Cozumel, Mexico, which included scuba diving. The excursion in question was part of Royal Caribbean's shore excursions promotion called Explorations which is one of the attachments.

The cruise ship I sailed on, Nordic Empress, offered many different types of excursions, all of which sounded like great fun. I decided to purchase an excursion which was described by Royal Caribbean as parasailing, banana boat, snorkeling and diving tours. I signed up for the excursion, completed the Explorations shore excursion information and order form bearing the Royal Caribbean International Get Out There official logo and paid my \$28. Little did I know that it would result in a horrifying experience.

I had previously taken scuba lessons at home but had not been certified. I am claustrophobic and the Atlantic Waters were too murky for me to get certified. I thought it would be a good idea to take additional lessons in the clear waters of Cozumel.

The dive instructor told me that he was a PADI master diver. I asked for a wetsuit, but the dive instructor told me it was not necessary. I also asked not to go out very deep, but I was nervous.

During the dive, the instructor took me to a depth of approximately 60 feet. I did not want to go that deep, but it was too late. I was already on the boat. We stayed underwater longer than I wanted, and I became tired.

While still underwater, the dive instructor began to rub his hands over my body and molested me. He grabbed my buttocks and ran his hands up and down my legs. I shook my head no and began to panic, but I tried to maintain my composure.

I motioned to return to the surface. I grabbed the rope to get back up to the boat, trying to get away from him, but he grabbed and began to pull me back down. I tried to fight him off, but he continued to molest me.

Then he turned off the air in my tank. He pulled my top down and bit my breast. I was terrified. At this point, we were about 30 feet underwater. I was afraid that I would die, that my body would never be found and that no one would ever know what happened to me.

Finally, I managed to get back to the surface and return to my group. I was so frightened that my friends thought a shark had attacked me while I was running towards them. I was horrified, shaking and crying. My friends were also very upset and tried to find a police officer, but in Cozumel, Mexico, there are none to be found.

When I returned to the Royal Caribbean ship, I reported what had happened to me. I could not believe that something like this could happen to me during a cruise. I didn't know what to do.

I reported the assault to the cruise employee, Jessica, who had coordinated passenger activities. I made a report to the ship security officer, and I went down to the ship's doctor. The ship doctor refused to examine or treat me. He was totally dismissive and told me to see a doctor when I returned home tomorrow to Massachusetts.

When the cruise ship returned to Miami, there were no FBI agents waiting to interview me or any other agents. The cruise line offered no assistance whatsoever.

My life changed on the day that I was attacked. I could not sleep. I was traumatized and forced to seek treatment from a doctor and help from a counselor.

It was clear to me that the instructor needed to be arrested and sent to jail and only then could other women be protected. I did not want anyone else to experience anything like this. I took it upon myself to report what happened to the U.S. Consulate's Office in Mexico and Anne Harris.

The excursion company told me that the diving instructor would be fired. However, I wanted him to be criminally prosecuted. Six months after the cruise, in an attempt to have the dive instructor prosecuted, I returned to Mexico, made a formal declaration against him, but the criminal prosecution has gone nowhere. This has been a very frustrating and fruitless experience so far, and it has also been expensive.

The cruise line response? Not only did Royal Caribbean refuse to help me, it refused to reimburse me the \$28 which I had spent for the excursion.

But what did I receive instead? A form letter from the President of Royal Caribbean thanking me for giving them an opportunity to send you home with an experience to remember. The President also enclosed a \$50 coupon because you can expect just as many memorable experiences on your next cruise vacation, which is another exhibit.

In February, 2006, I sought advice on what I could do from a maritime lawyer. The purpose was not to file a lawsuit but to obtain information and to prevent this from happening to others. He sent a letter to the President of the cruise line and its risk management department, asking for basic information about the assault on me, also an attachment. There was no response from Royal Caribbean.

I would actually, in closing, like to say how many other victims like me have not survived their attacks at the hands of the same individual as well as other dive or snorkeling instructors. Who will be his next victim? Is this individual still employed as a scuba instructor?

I would like the cruise lines to investigate the excursions they sell. Go to the excursion location to make certain that the activity is safe. Make certain that you can send your family to this site. Warn you in advance that you are really on your own the second you leave the cruise ship even on an excursion the cruise line promotes and profits from it.



Maintain a database of sexual predators both on their cruise ships and the excursions they promote. Respond to passenger complaints in a timely and meaningful manner. Notify the FBI and the U.S. Consulate immediately.

Provide a trained female crisis counselor aboard the ship so that the female victims have other female to turn to. It was very difficult to talk to a security officer as a male and I am a female and not a female in there.

Mr. CUMMINGS. Believe me, we are very sensitive to that issue.

Ms. ORLICH. Yes.

Mr. CUMMINGS. I am going to have to ask you to wrap up because we have got some votes and time has run out anyway.

Ms. ORLICH. Fine.

Mr. CUMMINGS. But I want to hear from Mr. Ruchelman and Mr. Sullivan, and then we are going to have to take a break. I would just ask you to move through it as fast as you can. I am sorry.

Mr. RUCHELMAN. Good afternoon, Mr. Chairman, Ranking Member and Members of the Subcommittee. Thank you for inviting me to testify before you today.

My name is Harold Ruchelman, and I understand that I am here to help you determine how the cruise line industry should deal with tragic events. My story is an example of how they should handle such situations.

My story is about what Celebrity Cruises did for me in March of 2006. It was Thursday, March 22nd. We docked in Arica, Chile. One of our friends had made arrangements for a tour, a tour that was not sponsored by Celebrity. It was an enjoyable one, and we were on our way back to the ship when the accident occurred, an accident that changed my life forever.

Our driver lost control of the van, and we toppled down the steep slope of the mountain. The next thing I remember was coming to on the side of the mountain with a broken right leg. My friends' bodies were strewn about the mountain with the remnants of the van near the bottom of the slope.

I could not see where my wife was. The guide, the only one who was mobile, told me that most of the people perished including all the women. That meant I had lost my wife.

Here I was in the middle of nowhere. How do I get in touch with anyone? What do I do now? I felt cut off from my world and totally helpless. All I could do was wait and see.

It took about an hour and a half before any help arrived. No one spoke English, and I didn't speak Spanish. It was so bad that when people asked me how I felt, I thought they were asking for my name.

I was taken by ambulance to a hospital in Arica. My clothes were cut off in the emergency room when I was taken for x-rays to determine my condition.

Coming back from that procedure, I got my first taste of the care that Celebrity Cruises would be giving me. One of the doctors and one of the nurses from the Millennium, the ship we were cruising on, were there at the hospital.

When I was in the ICU, the doctor asked me if there was anything I need on the ship. I suffer from sleep apnea and use a CPAP

machine which was in the cabin on the ship. I asked if he could get it as I doubted that the hospital in Arica had one.

He also told me that the doctors there said my x-rays indicated I may have a problem with my aorta. I was taken for a CAT scan. When the doctor came back with my CPAP machine, he conferred with the doctors and told me that my CAT scan proved negative.

I was concerned about the cost of everything and how I was going to pay for it. Seeing my anxiety over this issue, the doctor, after taking it upon himself to look into this matter, told me that Celebrity would pick up all the costs associated with the accident. I was astounded as this excursion was not sponsored by them.

I was then moved to a ward which I shared with the guide and the other surviving member of our group. Being in a hospital in a small town in a third world country was unsettling to say the least. Air conditioning was opening a window which let the flies in. The food left much to be desired even for hospital food.

But the worst was the language barrier. My leg, now in a full cast, kept me bedridden. If I needed anything, how could I let them know?

Two American volunteers from a nearby university came to help. They remained until Celebrity Cruises brought two people from the States to remain with us, myself and the other survivor for the duration of our stay in the hospital. They stayed with us day and night just in case we needed anything.

These two wonderful people were my connection to the rest of my world. The attention they provided was both comforting and greatly appreciated. They treated me as if I was family. When I stirred during the night, they jumped to see if I needed anything. I will never forget them.

They were only one facet of the help and concern offered by Celebrity. A member of their strike force came to see what he could do for us. He was constantly on the phone, trying to make all sorts of arrangements. Seeing what gyrations he was going through gave me a secure feeling, a feeling that I was not alone in Arica. There were people who were extremely concerned with my situation.

Celebrity flew in a rabbi from Florida. Being of the Jewish religion, we avoid autopsies if at all possible. However, when one is required by law, certain procedures must be followed. This rabbi was there to make sure that religious protocols were followed in our wives' autopsies as well as meeting our spiritual needs.

They thought of things that I was in no condition to think of. They even flew in a counselor to talk to me.

Many people came in to see us. A rabbi from Santiago, an individual from Israel, officials from the U.S. Embassy, officials from Chile, but the ones that stood out as trying to do the most for us were the people from Celebrity Cruises. They were obviously making a concerted effort to meet our every need and bring the situation to a satisfactory conclusion.

They made arrangements for my children to fly down to Chile. You can imagine how welcome that news was since I thought I would be in that hospital for some time. Later that day, I was told we would be flying home Friday afternoon. I asked if my children knew of the change in plans and was told they had been informed.

Another problem was solved, how could I get in touch with my kids and let them know I was okay. I was elated when the person making all the arrangements handed me his cell phone with my son-in-law at the other end of the line.

Mr. CUMMINGS. Mr. Ruchelman, I am going to have to ask you to wrap up because we have got to get to Mr. Sullivan and we only have about six and a half minutes.

Mr. RUCHELMAN. Okay.

Soon I was whisked off to a waiting ambulance and taken to a local airport together with other survivors and put on a chartered plane. I cannot believe what was done for us, that Celebrity chartered the plane just for the two of us and the remains of our wives.

On board were the doctor, the nurse and two guardian angels, the counselor and the rabbi. They, along with the flight crew, were constantly checking up on us. The doctor, in order to monitor us, sat facing us the entire trip. The doctor accompanied us all the way to Newark, New Jersey.

The plane landed at Newark, taxied to a private hanger where our children came on board. The doctor checked me out one last time to ensure I was well enough to go home, and I was then put in an ambulance that took me to my daughter's house.

I cannot begin to express the feeling I had then or have now at the consideration, concern and efforts the Celebrity Cruise organization extended to me and to think that this all began with an excursion that they had not sponsored. Yet, they still chose to do something, and they did an astonishing job. They more than extended themselves in helping me get through my ordeal. I do not know what I would have done without them.

Mr. CUMMINGS. Mr. Ruchelman, I have been very kind. I have got to get to Mr. Sullivan.

Why don't we let you? You go ahead and finish. Mr. Sullivan, we will get you on the way back. Please wrap up.

Mr. RUCHELMAN. I will be eternally grateful for their humanity, compassion and thoughtfulness. I don't know if my case is an aberration, but Celebrity has set a standard that the rest of the industry should emulate.

Thank you again, Mr. Chairman, for the opportunity to be here today.

Mr. CUMMINGS. Thank you very much.

We have four votes. We should be back in a little bit over a half an hour.

[Recess.]

Mr. CUMMINGS. Mr. Sullivan.

Mr. SULLIVAN. Good afternoon, Chairman Cummings, Ranking Member Mr. LaTourette and Subcommittee Members and staff.

I, in fact, am the mystery guest earlier referred to by Congressman Mica. I am a former Federal prosecutor, and I spent over 10 years pursuing any and all manner of Federal crime as an Assistant U.S. Attorney in the District of Columbia. Now, ironically, I represent corporations.

I know how and when and why things go wrong in corporations, and I understand how to correct them. I am sorry to report that based on what I have seen Royal Caribbean does not.

Today, I represent a young college woman who was horribly and brutally raped while asleep behind a locked stateroom door while on a Royal Caribbean cruise.

Contrary to Congressman Mica's suggestion, there is no pending litigation right now between my client and Royal Caribbean. I am here at her request to pursue the legislative process.

Chairman Cummings was also correct when he represented that my appearance was also requested by other Members of Congress, and he very graciously extended me an invitation to appear here today. I am grateful and so is my client.

You have heard a lot of reassurances from Royal Caribbean and will hear more today. The story I am here to tell you occurred just three weeks prior to the testimony that you heard from Royal Caribbean in March of 2007. The company chose not to tell you about it because it is in stark contrast to the portrait Royal Caribbean publicly paints. In fact, this story is the classic case of how a company should not behave.

I would like to draw your attention as some backdrop to the written testimony of Mr. Bald who said that where situations occur, their goal is to effectively respond, to restore safety and security, to treat and care for guests, to identify those responsible, to preserve evidence and to facilitate and support the investigation of the incident.

Nothing of the kind happened. While those are laudable goals, there was no evidence of that practice when it came to my client in March of 2007, three weeks before the testimony you heard. I implore you to question Mr. Bald closely today about what happened to my client.

In March, Laurie Dishman testified about being raped by a Royal Caribbean employee and then victimized by a company that managed its own risk instead of caring for her. She warned there would be another Laurie Dishman.

I represent the next Laurie Dishman. To respect my client's desire for anonymity and because of her youthfulness, I will refer to her as Jane Doe throughout my testimony. She was raped two weeks before the March hearing and, like Ms. Dishman, she was raped by a crew member. I would like to tell you just a part of her story which is significantly at odds with the portrait Royal Caribbean painted for you in March and ask that you refer to my written statement for more detail.

In March, Jane boarded a Royal Caribbean ship with several of her college age female friends to experience a fun and relaxing spring break. Midway through the cruise, the cabin steward who was assigned to Jane's quarters used his Royal Caribbean-issued pass key after hours to enter a cabin and rape Jane while she slept.

The crew member who did this was a predator. He knew Jane and her friend were fast asleep when he let himself into the room. Without waking Jane or her friend, the crew member removed Jane's shorts and bikini bottom and forcibly raped her. She awoke as a result of the rape and was able to struggle free.

Jane's friend reported the crime immediately by dialing 911 on the ship's phone. All she met with by the Royal Caribbean operator

on the other end of the line was a laugh. The report wasn't taken seriously when that first call was placed.

Jane was next taken to the ship's infirmary where she expected to receive the urgent medical care, forensic treatment and even a bit of compassion that she so desperately needed at that time. Instead, she encountered a medical staff whose actions served only Royal Caribbean's risk management interests.

The medical staff did not examine Jane, did not ask her if there were any alcohol or prescription medications in her system, did not perform a rape kit examination, did not give Jane the anti-retrovirals and other medications that are critical to preventing HIV and other sexually transmitted diseases after a rape.

The only thing Royal Caribbean's medical staff did was to immediately inject her, without her consent or any discussion whatsoever, with a powerful drug, a drug called Lorazepam, a potent sedative and an amnesic drug, one that induces forgetfulness. Lorazepam is also known to dangerously interact with other medications and alcohol, but the nurse never inquired.

Further, the nurse gave the injection, knowing that Royal Caribbean's doctor would soon compel Jane to make a written statement about the rape and that Jane would be interviewed by local law enforcement. Obviously, she would not have been in any condition to forcefully describe the trauma and the facts of the rape that she suffered half an hour or so before when she was sedated.

Shortly after the injection took effect, the doctor ordered Jane to complete and sign a Royal Caribbean statement form without informing Jane that the information she provided would be turned directly over to Royal Caribbean's risk management personnel and lawyers.

After obtaining the statement, the doctor abandoned Jane in a sedated state on an infirmary cot for almost six hours when she was in need of emergency medical care. The inexcusable delay placed her outside the recommended timeframe for receiving anti-retrovirals and allowing evidence of the rape to deteriorate within and outside of her body. Further, the doctor initially refused the request of Jane and her traveling companions to call their parents for help and guidance.

Contrary to the company's testimony in March, Royal Caribbean did not assign the most senior female officer to serve as Jane's advocate. Indeed, she had no advocate. The shipboard personnel were scrambling to protect Royal Caribbean's liability interests from the consequences of her action.

After six hours, while Jane was left in repose to herself on a company cot, her friends were allowed to leave the ship, and she was abandoned at the foreign port of call to the local authorities. Ship members did nothing to ensure that she was taken to the best possible hospital. She was taken to a developing nation's public hospital where in fact she received only half the standard dosage of the anti-retrovirals she desperately needed.

After Jane left the ship, Royal Caribbean continued its risk management tactics. Witnesses have reported that Royal Caribbean failed to promptly secure the crime scene such that unauthorized individuals had easy access to it and, in fact, entered it.

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

Mr. SULLIVAN. Despite the fact that Jane's rapist was apprehended by local authorities and will stand trial, Royal Caribbean to this day refuses to turn over evidence it retains that is needed to bring Jane's rapist to justice. We also have been without and have requested many times the rapist's medical records, so we can make determinations as to whether or not my client is at risk for HIV or STDs.

I want to jump to the recommendations that I think are important and, of course, most of them are outlined. All of them are outlined in my written testimony, but again I want to offer a backdrop. In terms of Mr. Bald's written testimony, in terms of the enhanced safety and security requirements, he has, what I think, offered nothing more but amorphous and ambiguous happy talk phraseology.

He talks about instituting a deterrent presence without describing it, revising of several key processes and exchange of information, continuing discussions, quarterly reviews of shipboard incidents, formal after-action processes, development of incident metrics, whatever those might be. The amended policy on incident responses in place and SeaPass program is happily now in the request for proposal phase.

My recommendations are concrete.

Chairman Cummings, I think the key to this case is that there was no pass key technology whereby a crew member was allowed to enter a stateroom after hours without the knowledge or consent of the victim inside. I call for a pass key technology, a very simple technology. Make them inoperative after the duty shift of the particular employee or simply have them turned in.

I have also requested for the installation and monitoring of security cameras in the hallways of these ships just like what is done in hotels. There would be evidence of individuals entering the room, in this case, unauthorized entry.

Thank you very much for your time.

Mr. CUMMINGS. We will probably get to some of yours. Did you finish your suggestions, your recommendations? We will be able to get to them in the questions.

Mr. SULLIVAN. Those are the two primary recommendations and, of course, I have a few in my written testimony.

Mr. CUMMINGS. Thank you. I am just trying to keep it all even-stein here.

Mr. Carver, do you support or oppose the establishment by CLIA of a working group comprised of victims and the families of victims of crimes and incidents on cruise lines to advise CLIA on the adoption of safety and security improvements?

Mr. CARVER. Let me answer the question this way. Here is what I am against.

Mr. CUMMINGS. As briefly as you can.

Mr. CARVER. Yes. CLIA targeted only ICV members. If you read their invitation, no one would know that that was the target of their invitation. I, in fact, wrote them a letter and said, who has been invited to this meeting, because you surely can't tell from that.

There are hundreds of victims and which ones are chosen to come to the meeting, a select group of victims? What was the program? I could get no answer to that, to those two simple questions.

I think CLIA, to be honest and sincere, needs to go to the thousands of victims that they have to solicit information and not just target ICV.

Now why did they target just ICV? Because we are organized. We are an organized group of victims. The rest of their victims, and there are hundreds of them, are not organized. So they are no problem to the cruise line.

Here is a list of hundreds of victims that they could have solicited for their advice. They ignored them.

So I say this. If they are interested in setting up a group, then they need to be balanced and go after all of their victims and not just a select group of ICV members.

Mr. CUMMINGS. What do you think should be the next step?

I had asked you all to get together. Certainly, there were efforts to pull it together. I understand you had a meeting and you described all of that. I guess I am trying to figure out do you see a way forward.

Mr. CARVER. Yes, I do because we had a meeting on July 26th. We went through the 10 points, and there seemed to be agreement on a lot of the 10 points, but Terry Dale came back and said, well, we would like to do it another way.

So I think we need to have another meeting required by the Chairman to look at what are they proposing. All we know is what we proposed. They have come back and said, well, we have got other ways to do it although we agree in principle.

I think the one concern that I have is that they want to do these things on a voluntary basis. That deeply concerns us, but I think we need a second meeting for them to respond to what their exact proposals are.

Mr. CUMMINGS. One of the things, Mr. Carver and to all of you, is just trying to get the parties to come together to try to bring some resolution, like you said, voluntarily, but I don't want to waste our time and don't want to waste yours.

Mr. CARVER. Sure.

Mr. CUMMINGS. We have one life to live. This is no dress rehearsal. This is it. This is the life.

Mr. CARVER. You are right.

Mr. CUMMINGS. What I am trying to get to is that I am trying to create a win-win situation.

Mr. CARVER. Absolutely.

Mr. CUMMINGS. If you still have confidence—it sounds like you do,—that there is something that you can go forward to try to do and accomplish, we will see what the industry says in a few minutes. I am just curious.

Mr. CARVER. Yes, I think we need that second meeting to get their feedback, so we know whether we can agree with it or disagree with it, and that seems to be a reasonable approach.

Mr. CUMMINGS. Let me ask you, Mr. Sullivan. I want to thank you for your testimony.

One of the things that I am concerned about, I think you were here earlier when we were talking to the FBI, and we talked about

evidence. One of the things I am going to ask the industry to do is to make sure that they have already reached out to the FBI—as you know, Mr. Bald, used to be with the FBI—and to try to create this CLIA protocol with regard to these sexual assaults and other crimes, by the way.

But it is just so interesting that out of the 18 open cases, that 13 of them are sexual assaults. That seems to be kind of glaring, making sure that we preserve evidence and hopefully address some of the issues.

I understand what you said about the pass key, but do you have any comments with regard to the preservation of evidence? You are a lawyer.

Mr. SULLIVAN. Absolutely.

Mr. CUMMINGS. And I ask you to be brief.

Mr. SULLIVAN. Thank you. I did prosecute crime, so I know a little bit about the collection and preservation of evidence.

What the experience I have testified to you about tells me is that contrary to what we have heard from representatives of the FBI and the Coast Guard this morning, it doesn't seem to me that Royal Caribbean is interested in prosecuting criminals, predators, people who prey on American citizens or any other individual on shipboard cruises.

Why? Because that exposes them to liability, and that is not something that they are interested in.

There were many reports. We have seen reports from 1999, commissioned reports by consultants, that the cruise industry in particular has asked: How do we enhance our security processes?

Video camera surveillance, the pass key that I referenced a few minutes ago is easy; the installation of peepholes; a victim/witness advocate; having the rape kit onboard actually used.

The rape kit was not even attempted for my client who sat there under sedation for six hours. As I think about that, what possible purpose could be served by sedating my client without her consent, knowing that she is about to give statements to law enforcement as well as statements to Royal Caribbean personnel under that condition?

You are a lawyer. I am a lawyer. Everyone knows that for purposes of providing information or testimony, one of the first questions asked is are you under any medication, is there anything in your body which might influence your ability to relate what you perceived as to an event that happened to you.

Royal Caribbean did this intentionally because they wanted to undermine the potential for pursuing this case because that might lead to exposure, and I frankly represent that it is probably more cost effective for them to attempt to handle a case by case situation as opposed to installing the broader range of preventive measures although I don't think that is the case.

There is testimony before you or evidence before you that installing peepholes per door is only \$11.00. It is very easy to have personnel trained in the collection and preservation of evidence. It is very easy to have video surveillance. It is very easy to have a victim/witness advocate, and it is extremely to make those pass keys inoperative after the duty shift of the crew member is over.



The cruise lines have been on notice of these problems for years. Those commission reports were in 1999. We are in 2007.

Royal Caribbean knew about the fate of my client in March, 2007. Three weeks prior to that, she was victimized.

So my recommendation at this point, respectfully, is that it is long gone for purposes of the two sides reaching an accommodation on their own. It is time for legislation. It is time for Congress to step in and mandate that specific security procedures be installed onboard these cruise lines to protect American citizens primarily but to protect anyone else who buys a ticket where they are implored to go and enjoy themselves under a safe and fun environment when in fact there is nothing of the kind that is available for them. They go on these cruises at their own risk.

I submit that the cruise industry could take these preventive measures, Chairman Cummings, with a minimum of expenditure in light of the profits they obtain on a yearly basis.

Mr. CUMMINGS. Let me ask Ms. Hudson and Ms. DiPiero, Ms. Orlich and Mr. Ruchelman. Can you each of please state which of the meetings held between the victims and families of victims and the cruise lines you attended, if any? Please give the Subcommittee your sense of these meetings and then comment on what you believe needs to be done next in terms of ongoing discussions between the victims and cruise lines to improve safety and security on cruise ships.

We will go with you, Ms. Hudson. You are first.

Ms. HUDSON. Okay. Thank you.

Mr. CUMMINGS. I ask you all to be brief. I just want to get a feel.

Ms. HUDSON. Okay. I attended the July 26th, 2007 meeting that was held here in Washington, D.C. along with a few other members of the ICV and a couple of members and friends to the ICV. It was five hours long. We went five hours straight. There were a lot of great recommendations that came out of that meeting.

Terry Dale, they did take notes. There was an attorney, Phil, who recommended the cruise industry possibly using an outside vendor to take a look at the security setup and practices. So I thought there were a lot of good suggestions that came out of it.

My problem and concern is that was the end of it. We never heard anything like, well, this is what we did. This is what we are going to do.

So that is the only meeting I attended. I did not go to the August meeting because I didn't get an invitation to the August meeting, not like the other two, but that was one meeting.

I thought it was helpful. They listened to our 10-point plan. They did give their recommendations, but I thought we were trying to move forward, but unfortunately I don't know what came of that. It kind of went by the wayside.

Mr. CUMMINGS. In other words, you are saying you felt good about that meeting.

Ms. HUDSON. I felt good about that meeting.

Mr. CUMMINGS. When you walked out the door, you felt optimistic that you would be able to work something out?

Ms. HUDSON. I thought they were going to work something out, yes, sir.

Mr. CUMMINGS. All right. Do you want to try to continue that effort?

Ms. HUDSON. I would like to. I am very skeptical about the voluntary agreement. Also legislation, I would love to see legislation here, but if they would commit to making the changes that we are asking, like Congresswoman Brown said, use common sense. There are things that they can do common sense-wise.

Mr. CUMMINGS. Ms. Orlich?

Ms. ORLICH. I did attend in March, 2006, the first hearing here in D.C. I didn't testify. I was just with my fellow ICV people here. But I also attended in August in Miami and met with CLIA, Terry Dale, Gary Bald, and I actually thought at that time that there would be things done. That was approximately a month ago. Nothing has been done since then to my expectations that I thought.

I also spoke to someone underneath Gary Bald, a Mike Giglia—I am sorry if I am ruining his name—who is a former FBI agent. He took my case, took all my information, and I thought by now I would hear something back about Cozumel. He did call me last week and told me that he sent an email to the American Consulate, again this Anne Harris that I had dealt with a couple years ago, but he has not yet received anything back. So he actually did try, but there hasn't been anything else.

I would like to see it continue if possible.

Mr. CUMMINGS. Ms. DiPiero?

Ms. DIPIERO. I attended the meeting in August in Miami. We all had great ideas. I gave them four pages of ideas. They seemed very receptive. They said, yes, you have great ideas.

We left there. There were no proposals. There were no promises. As of yet, I have seen no written contract saying, we will do this, this and this.

Like I said in my testimony, any change is going to require money and that is held in the purse strings of the companies. Until those people are the ones that come forward and say, okay, you have the money to do whatever you need to do, I don't think they are going to do it. They are going to be on a budget. There has to be things that have to be done, and they need to be told how to do them and they need to be given a timeframe to do them in.

I think that the people we were with in Miami truly would like to go in and do all the changes in the world, but they don't have the money to do it. I think it is really going to be forced upon the industry.

We forced it upon the automobile industry. There didn't used to be airbags in our cars. There didn't used to be seatbelts. There didn't used to be rollbars within the bodywork to protect our heads should a car roll over. I believe that the automobile industry has done those things because they were require to do it, and we need to require the cruise lines to make change.

Mr. CUMMINGS. Mr. Ruchelman?

Mr. RUCHELMAN. Mr. Chairman, I didn't attend any meetings.

Mr. CUMMINGS. All right. I want to thank all of you.

We are going to now go to the Ranking Member, but I just want to express our heartfelt thanks to all of you. I know it is kind of difficult.

Ms. HUDSON, I guess that is your sister back there. Is that your sister?

Ms. HUDSON. Yes, my sisters.

Mr. CUMMINGS. Is that your sister?

Ms. HUDSON. Two of them, yes.

Mr. CUMMINGS. Okay. I mean the one in the red. She looks just like you.

Ms. HUDSON. Oh, no, that is my niece. That is my niece.

Mr. CUMMINGS. Oh, okay.

The thing I appreciate is that you all have taken a difficult circumstance that is so very, very painful and then tried to put the anger aside and try to make things better for other people. I have never been in that situation, but I imagine it is not always easy.

I know the industry. I have talked to the industry many times. I know they are trying to do a lot of things, but we have to have this balance.

I have said to the industry that they have to be reasonable and try to work with you all, but you all have to be reasonable too so that we can come up with a win-win because I think that when we are constantly battling, nothing comes out of it. I think we are aiming in that direction, but I just wanted to thank you all very much.

Mr. LaTourette.

Mr. SULLIVAN. Chairman Cummings? Oh, I am sorry, Mr. LaTourette.

Mr. LATOURETTE. Do you want to say something before I start? Go ahead.

Mr. CUMMINGS. Very briefly.

Mr. SULLIVAN. I just wanted to make one point before we leave. I think in light of the anguish suffered by the people in this panel and my client and where we are in terms of the lack of communication even though it was earnestly attempted, that this panel has an obligation to inquire as to whether the cruise industry is incentivized to believe that it is more effective on a cost basis to defend individual cases, especially where on those ships and in those cases evidence is intentionally not preserved, rather than to implement the broad base of security measures that have been out there in this industry since 1999 and that they have been generally aware of. That is the dynamic.

What is more effective from a cost basis?

Mr. CUMMINGS. Mr. Sullivan, let me say this. I am hoping.

Thank you, Mr. LaTourette. I just want to answer this real quick.

You made some very strong statements, and I am hoping that the industry is listening to what you just said because I am very interested to hear what they have to say to what you have been saying, and I know they will respond. So let us hear from that group. Thank you.

Mr. SULLIVAN. Thank you.

Mr. LATOURETTE. Thank you, Mr. Chairman.

Just a housekeeping matter, I would ask unanimous consent that additional opening remarks by Mr. Mica, the Ranking Member of the Full Committee, be made part of the record.

Mr. CUMMINGS. Yes.

Mr. LATOURETTE. Thank you very much.

I want to thank all of you for your observations today. An editorial observation is one of the reasons I enjoy being a Ranking Member on the Subcommittee is working with just a fine man and gentleman like Chairman Cummings.

Mr. Carver, I was heartened by your observations that you described the meetings that occurred as historic, and I think that we all recognize that they came about as a result of the attention that the Chairman has played to that. I know that he doesn't need plaudits from me, but he is going to get them anyway. I commend him for that and his continued diligence on this issue.

I am interested in the line of questioning that you had. I don't know if I subscribe to your statement, Mr. Carver, that anybody that has ever been victimized needs to be invited to a meeting. I think that what needs to happen are the ideas.

I jotted down that you presented the 10 things that your group wanted to see. Ms. DiPiero had a number of items in her observations such as raising railings and nets after dark. Somebody had—it might have you, Ms. DiPiero—had a little different slant. I think you wanted people with bracelets and GPS and yours is a pass with a GPS finder that is activated by salt water and, today, Mr. Sullivan's testimony about the pass keys and the peepholes and things of that nature.

I think somewhere in the world there is a body of things that reasonable people could agree would make ships safer when it comes to crimes committed aboard ships. I guess it would be my hope that there be continued dialogue.

Mr. Sullivan, maybe you can help me with this. You weren't at our March hearing. Were you at our March hearing?

Mr. SULLIVAN. No, I was not.

Mr. LATOURETTE. Okay. One of the things that we sort of got into was it is difficult. One, it is tough to pass a law, even if you have got a great idea. Two, this particular issue, when you are dealing with foreign-flagged vessels and you are dealing with treaties, we can pass a lot of rules and regulations about the structural integrity so that when they come into our harbors, they don't break apart and pollute our harbors and our bays, but these issues are a little bit tougher.

I don't mean to suggest that you said that there is something simple that we could, but I think that it is more complicated. Do you have an observation on that?

Mr. SULLIVAN. I would respectfully suggest that to the extent legislation proceeds on the basis of such foreign-flagged ships using our harbors, the analogue would be such foreign-flagged ships sell tickets to our American citizens and that would provide a justifiable basis for the enhancements for security under legislation that I suggested a few moments ago.

Mr. LATOURETTE. I don't know if I agree with you 100 percent. I do know that when the Coast Guard was here, they made the observation on this reporting agreement, that if people don't report, you can deny entry to ports. I suppose there are things like that we could, but it is something to look at.

This is my 13th year here and getting something through both houses, signed by the President of the United States is a difficult thing. I think that the path that the Chairman has put you on is

one that has the opportunity, at least in the short run, to have some tangible results and success. We will hear from the industry in just a minute about what their thoughts are.

But I guess the question would be in addition to the things that you have outlined, your 10 points, your group's 10 points and, Ms. DiPiero, you had made some observations and, Mr. Sullivan, you have made some observations.

Are there any other ideas out there in terms of changes that aren't included in the 10 points, aren't included in the nets, the cameras, the peepholes, that you all have contemplated and thought about, rape kits—we are going to talk about rape kits with the industry—that you think would address the issues to bring us all together here today? Anybody?

Mr. CARVER. I will just comment. I want to go back to that earlier comment. Literally, I am not expecting the cruise lines to invite thousands of people. What I did resent was that they targeted only our members without telling us.

Mr. LATOURETTE. I understand that, and language is tough, the use of "target" has kind of a sinister insinuation; that they targeted you because you are organized and they don't care about everybody else. I don't think I would accept that argument.

I would make the argument that, for instance, if I was interested in accepting the views of people who like baseball, I would probably get a hold of some organized Major League Baseball organization.

So I take it. I mean without ascribing a sinister motive to them, I might take it as a compliment that they reached out to you because you are organized and you know what you are doing and you actually have a plan.

Mr. CARVER. Right.

Mr. LATOURETTE. You have 10 points that are reasonable and rational and everything else.

Mr. CARVER. But the dates here, your second question, there could be many, many items. Sue has got some items that we haven't used that we think are great. I am sure the gentleman at the end of the table has some ideas.

But we have got to start some place, and we started with 10 points which would dramatically change things and you add to that. You can take some of Sue's things. Our 10 points is a fluid document. We changed it in May or in June. We added. Where we had just rape kits, we added medical care. You know. So, sure, you have got to start some place.

Mr. LATOURETTE. I think that would be my invitation. If you all want to get together and send the Subcommittee a list of those things. If the Chairman makes a further inquiry about this in terms of progress, we can talk about progress.

I have your 10 points. Ms. DiPiero, I have raising railings, sensors to determine if something big goes overboard, the netting issue of after dark to make sure people don't hit the water, and the GPS chips.

We also have yours, Mr. Sullivan.

We are going to hear from the industry on the next panel, but the invitation would be that there needs to be a body of good ideas somehow memorialized in one place, and then that is a good starting point. Rather continuing to have hearings where we come in

and we say the industry is good, the industry is bad, why don't we just solve the problem and solve the problem with good ideas?

If you would be so kind as to do that, and Ms. Hudson also has some ideas on fire safety that she talked about. So there is a body of ideas.

Do you want to say something?

Ms. HUDSON. I am sorry. I do. Just some of the things that the industry already does, in my situation, they have emergency escape breathing devices already on the ships. They are just for the use of crew members.

The practice is or their protocol is if someone is stuck or trapped in a cabin, if they need the emergency escape breathing device, they are to call the 911 phone. In our situation, no one was manning the 911 phone.

That little unit, emergency escape breathing device, holds at least 15 minutes of air. As you see in my written statement, I mentioned how long my father was left in the alleyway. So maybe if there was that unit in his cabin, I possibly wouldn't be sitting here today in front of you.

Mr. LATOURETTE. I think those are the types of things that I am talking about. If you all could either individually or as a group get together and just submit that list of best practices.

We have the same thing in all industries. In the railroad industry, I had the family of an engineer who passed away in Graniteville came in and said if he had had a self-contained breathing apparatus in the locomotive, he might be with us today.

So any thoughts, we would appreciate. Under the Chairman's great diligence, we can then review progress about how these talks are going forward.

Mr. SULLIVAN. Mr. LaTourette, very briefly.

Mr. LATOURETTE. Yes.

Mr. SULLIVAN. There has never been a dearth of great ideas. I referenced the consultant's reports back in 1999. The fundamental problem is there has never been devised a mechanism to compel the cruise industry to implement the good ideas that people have been coming up with for years and years. That is the issue.

Mr. LATOURETTE. I appreciate that. I am also struck by the remarks that the meeting that the Chairman urged, the set of meetings are historic. I think that the industry gets it, and there are carrot and stick approaches. I understand exactly what you are saying.

Mr. SULLIVAN. Thank you.

Mr. CUMMINGS. First of all, Mr. LaTourette, I want to thank you for your comments.

I do think that the industry gets it, and we are going to keep trying to keep this train on the track.

We all know it is a two-way street, and there has to be trust on both parts. The industry has to trust that it is dealing with people who are going to be reasonable with them and work through things, but the victims and the families have to feel trust with regard to the industry. Without trust, nothing works. No relationship works.

Ms. Brown.

Ms. BROWN. Mr. Chairman, I don't have a question. I want to hear the last participant, and I think they just called a vote. So can you just tell me what the schedule is going to be?

Mr. CUMMINGS. What we are going to have to do is we are going to finish our rounds of questions. Then we are going to have to come back to hear the industry.

Mr. Coble, I am sorry.

Mr. COBLE. Mr. Chairman, very briefly, as the Chairman and the Ranking Member said to the panel, we very much appreciate your all being here today.

Mr. Carver, in your testimony, you included suggestions on how to enhance passenger safety and security aboard cruise vessels. Have you approached them or have they approached you to discuss the possibility of implementing some of those suggestions?

Mr. CARVER. That is exactly what we talked about in July, July 26th. We laid out fairly detailed documents. We probably have given the cruise line 100 pages of documents on how these things can be done. Their response was we like the idea, but in fact we want to do it another way.

But one of the key items, the very first item was setting up a database of employees that are terminated. Their position was or the concern was it was not legal to set up such a type of database. In fact, we gave CLIA a legal document a week ago saying, in fact, it is legal to do that.

So they agreed to that in that meeting. We agreed to that. We have given them a supporting legal memorandum concerning that subject. It would seem that the next step is to do it since they agreed to it and we agreed to it.

That was our number one point. Since 80 percent of the crimes involve crew members, it makes sense that they are able to identify these people and they don't terminate them off one ship and go to another ship.

So, in fact, it would appear that we might have reached an agreement on that. I have not gotten a response from the industry to the letter that was sent to them a week ago, but our legal counsel felt it was legal.

So we agreed to it. They said it is a good idea. Here is the legal paper. Now they can disagree with it, but that is where we are with our number one.

Mr. COBLE. Let me ask you one final question, Mr. Carver. How many victims are represented by ICV?

Mr. CARVER. We have several hundred members, and I would say 60, 70 victims.

Mr. COBLE. I thank you, sir.

I yield back, Mr. Chairman.

Mr. CUMMINGS. Thank you very much.

Ms. MATSUI. Thank you, Mr. Chairman. I will just make it short.

I just want to thank all of you for your courage and your commitment and your willingness to work on this. I believe if it weren't for you all and your concern that you do not want this to happen to anybody else, we would not be here today.

I believe that you are making progress. I believe that the fact that we are having hearings has been very helpful. I also believe that there is a situation here where I think there is now going to

be more, I hope, give and take on this. There are some very good suggestions at the bare minimum that could be done by the cruise industry to start the process of developing trust.

I think about it. I brought up the subject of hotels and the fact that years ago people felt somewhat unsafe in hotels, and now I think most people feel fairly safe. There are peepholes. There are security cameras, security keys, all manner of things that can be done.

I think these steps have to be made first. These suggestions have been made, and I think they have to be implemented.

The trust factor is very, very important. I brought that up before. If this is to be voluntary, we have to trust that it will happen. I know that the victims here are going to keep with this, but their goal is not to let this happen to anybody else. I think we owe it to them to ensure that doesn't happen.

So I thank you so very much, all of you, for being here today. Thank you.

Mr. CUMMINGS. With that, we thank you.

We have one vote, and so we will be back in about 15 minutes.

We want to, again, thank all of you.

I am going to back to what Mr. LaTourette said. I do not like doing this, this hearing stuff. I think it is a difficult way to get things done, but it is attention-grabbing and it puts it out to the universe, but I think there are other ways to get this done.

We are going to hear from the industry in a moment to see where they are, and then it is quite possible that Mr. LaTourette and I will get together in an informal way sometime soon to see where we are progressing, but we will try to push this process along as best we can.

Again, we want to thank all of you for taking the time out to make a difference. Again, I just thank you. I really do.

We will be back in about 15 minutes to hear from the last panel. Thank you.

[Recess.]

Mr. CUMMINGS. As we call the next witnesses, I hope these witnesses will concentrate. You had the opportunity to hear the testimony already.

Let me see. How do I say this in a nice way? We don't want to hear a lot of syrupy stuff. We want to know what we have achieved, what can we expect to achieve and where do we go from here.

I have read all the testimony. I know Mr. LaTourette and Ms. Matsui and others have. We are trying to figure out where do we go from here, what have we done, what have we accomplished and let us see what your testimony will be.

Terry Dale, President and CEO of the Cruise Lines International Association; Gary Bald, Senior Vice President and Global Chief Security Officer with Royal Caribbean Cruises; Ms. Vicky Rey, Vice President of Reservations Administration with Carnival Cruise Lines; and Jeff Morgan, President and Co-Founder of the Family Assistance Foundation.

Mr. Dale.



**TESTIMONY OF TERRY DALE, PRESIDENT AND CEO, CRUISE LINES INTERNATIONAL ASSOCIATION; GARY BALD, SENIOR VICE PRESIDENT AND GLOBAL CHIEF SECURITY OFFICER, ROYAL CARIBBEAN CRUISES, LTD.; VICKY REY, VICE PRESIDENT, RESERVATIONS ADMINISTRATION, CARNIVAL CRUISE LINES; AND JEFF MORGAN, PRESIDENT AND CO-FOUNDER, FAMILY ASSISTANCE FOUNDATION, INC.**

Mr. DALE. Good afternoon, Mr. Chairman and Members of the Subcommittee.

My name is Terry Dale, and I am the President and Chief Executive Officer of Cruise Lines International Association, CLIA. CLIA is North America's largest cruise industry association with a membership of 24 cruise lines, 16,500 travel agencies and 100 executive partners.

Mr. Chairman, I believe you have received written submissions from a number of our travel industry partners that work closely with the industry today. I respectfully ask that they be submitted for the record.

Joining us today, and I would ask that they stand when I read their association name, are the American Society of Travel Agents, the National Association of Cruise-Oriented Agencies, Cruise Planners and Vacation.com. 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. They also know the great lengths our industry goes to protect its passengers and crew. I thank them for their support and for being here today.

On a personal note, I would be remiss if I did not express the industry's profound sympathy to the victims whose stories we have now heard in four congressional hearings on this topic. To Ken Carver, Son Michael Pham, Sue and Ron DiPiero, Angela Orlich, Lynnette Hudson and others who I personally met and learned from over the past five months, I thank you for the opportunity. As we have heard today from the Chairman and Congresswoman Matsui, trust is critical, and I believe we can trust and continue the positive foundation that we have laid.

To all of you, I take this opportunity to say we have heard your concerns. Our industry is working hard to ensure that in the future, if such incidents do occur, each passenger is treated with the necessary compassion, respect and care.

Mr. Chairman, the cruise industry is committed to ensuring the safety and security of all of our passengers and crew. I know you share this commitment, and your directive to us to work together has strongly been embraced by this industry and I believe by the survivors as well.

CLIA and senior executives from our member lines have worked tirelessly over the past six months in a collaborative effort with our partners including the Federal agencies we have heard from today as well as the International Cruise Victims Association, other survivors, families and resources like the Family Assistance Foundation.

Shortly after the last hearing, our industry members co-sponsored the Family Assistance Foundation's symposium in Atlanta in May at which I participated. Following this important symposium, I flew to Phoenix to personally meet with Ken Carver and Son Mi-

chael Pham. CLIA then met with the ICVA in July here in Washington, D.C., to discuss their 10-point plan, and this was followed by a CLIA-hosted meeting with the Family Assistance Foundation, ICVA members and 13 survivors in Miami on August 14th. Significant information has been shared, and significant lessons learned.

The list of these meetings is illustrative of our commitment to hear the concerns of survivors, to develop programs that are responsive to their concerns and to deploy these programs to the ships that operate throughout the world. We have all embraced your challenge to get the industry and partners working together for solutions.

There has been past debate whether reports of unlawful acts onboard non-U.S.-flagged vessels are required to be reported. We are grateful to the Federal Government for clarifying once and for all that reporting of crimes in the cruise industry under existing Federal law is mandatory, not voluntary.

On August 7th, 2007, CLIA received the following written statement from the Coast Guard: The Departments of Justice and State, FBI and U.S. Coast Guard have developed the following consensus position: An offense committed against a U.S. 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 requirements as a de facto condition of port entry.

This policy clarification was laid out in the Coast Guard's testimony and is the formal position of the U.S. Government.

Mr. Chairman, I began my testimony talking about the strong collaboration this industry has had since it received your charge six months ago to work with the survivors of cruise ship tragedies. Today I would like to announce that CLIA is creating a survivor working group that will be comprised of survivors of accidents and crime, families, CLIA staff members and senior level cruise line executives.

This group will meet quarterly 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 common goal will be continued open dialogue and creating ways to achieving the best possible safety record in the vacation industry.

Before I close, I would like to reiterate from the FBI's written testimony that a passenger has a .01 percent chance of something bad happening during a cruise. While one incident is one too many, that percentage speaks highly of the cruise industry's record on passenger safety.

Let me just reemphasize that the cruise industry has as its highest priority the protection of our most precious cargo, our passengers.

Thank you for this opportunity.

Mr. CUMMINGS. As we go forward, again, I want to emphasize that I want to know what the industry is prepared to do and, Mr. Bald, I think you are my next best hope of getting that. I am not trying to be smart, but I think we have heard a lot here today, and I just want to know where we are. That is what the hearing was originally about.

And so, I am satisfied that we got the reporting thing. The only question is whether or not it would go public. I think we are there. It is the reporting piece that we are pretty straight on.

I usually don't do this, but I want to make sure we use our time wisely. The question is where do we go from here, what have we been able to agree upon and what have we accomplished?

I use a term. Muhammad Ali, when he used to fight, he had something. He did something called the rope-a-dope, and he would lay it on the ring, on the ropes, and he would take all the punches. Eventually, he would come out of the rope-a-dope, have saved his energy and beat his opponent.

I don't want any rope-a-dopes here. I don't want to be meeting to be meeting to be meeting to be meeting, and I know Mr. LaTourette doesn't either.

So, Mr. Bald, as you begin to address us, so you can use your time wisely, I want to know about what you all are willing to do with the things that I have asked about with regard to protocol, say, to protect against sexual assaults. What are you all prepared to do with regard to that?

You heard about the DVD. I know you haven't gotten it because the FBI hasn't released it yet, but I just want to have some testimony on that and anything else you might have to say.

Ms. BROWN. Mr. Chairman, before they move forward, let me ask you a question because as they form their testimony and let me just say, since I hadn't said it, I wanted to thank the witnesses that have come forward. I am very sensitive to the problems that we are addressing.

But we have been dealing with homeland security and in transportation, when there is a list of names that may be on a list and those names should not be on the list and some names sound alike, we could be putting people's names out there that is not the person. When you get that person's name on a list, how does that person get their name off the list? You know we are having that problem in aviation. We are having it in transportation, period.

So I think as they develop whatever procedure and whatever recommendations, they need to make sure that everybody is protected.

Mr. CUMMINGS. I understand. Thank you. Thank you very much.

Mr. Bald.

Mr. BALD. Good afternoon, Mr. Chairman, Congressman LaTourette and Members of the Subcommittee. I would like to take this opportunity to thank you again for holding these hearings.

After 29 years in the FBI, I have come to appreciate the oversight you provide and the reform it can bring about when conducted in a fair and productive manner. I have been particularly impressed with your recommendation, Mr. Chairman, in support of our industry partnership with cruise incident survivors. I thank for your encouragement and collegial inclinations in this important area.

I would like to begin by expressing my deepest sympathies to the incident survivors who appeared before you today. Lynnette Hudson, Ken Carver, Sue DiPiero, Angela Orlich and Harold Ruchelman are good people who have suffered as a result of events that occurred while they or their family members were on a cruise.

They have also devoted time to assisting us with our improvement efforts, and for this I am grateful.

Mr. Chairman, a variety of issues were raised by these witnesses earlier today as well as by Mr. Sullivan, and I am certainly prepared to comment on their concerns. However, I do not want to risk responding to aspects of their testimony in a way that may cause further pain for these fine people or perhaps undermine the important relationships we have begun to form with them.

Instead, I intend to focus my testimony on the positive steps we are taking and my strategy for future shipboard security. I will, of course, be happy to answer any questions that you have about their concerns. However, in the few minutes that I have I would like to address several important areas, first, my guest security strategy onboard our ships.

At Royal Caribbean, my guest security strategy is to implement processes that prevent and effectively respond to security incidents. Prevention is being pursued through a dual effort of effective deterrence and understanding and eliminating the factors that contribute to incidents.

In those situations where an incident does occur, our goal is to effectively respond in a manner that restores safety and security, treats and cares for our guests appropriately and with compassion, identifies those responsible, preserves evidence, and facilitates and supports Government investigation of the incident and prosecution of those responsible.

It is important to note that although I believe we have come a long way in our security efforts, we still have much more to accomplish. Ultimately, this process is not about statistics or even about past incidents although both are important. It is about preventing even a single incident like those you have heard about today. This is no small task but one that I am confident our efforts will have a positive impact on and a positive impact on the cruise experiences of our future guests.

Since the March hearing before this Committee, I have benefitted from both direct and indirect input from cruise incident survivors. Their unique perspectives have afforded me an excellent compass check to ensure that my efforts are on a course that will prevent future incidents and are in keeping with the needs of our guests and crew that I am dedicated to protect.

I would like to focus my comments this afternoon on only a few of the two dozen steps that we have taken in the six months since we first met. You will find details of all of these initiatives in my written testimony, the majority of which speak to issues raised by incident survivors.

For example, in April, we implemented a formal quarterly review of shipboard incidents as an oversight process that helps us ensure incidents are properly reported, properly addressed and offer opportunities for improvement. This month, we added the FBI to this quarterly review process.

In June, we entered into an agreement with an outside contractor to supply investigative experts who are on call to respond to shipboard incidents such as a man overboard or certain sexual assault situations. This team provides a resource we can dispatch with strong investigative credentials to assist in supporting the

needs of Government investigators, understanding how an incident occurred and what steps we can take to prevent a recurrence.

Given the input that we have received from the Subcommittee and our incident survivors, we have required this team to include highly skilled female investigators who will greatly add to our efforts to understand and prevent sexual assault incidents.

In July, we contracted with a separate outside expert for the development of incident metrics to facilitate the preventive approach to shipboard security I spoke of a moment ago. If we can better understand the underlying causes of incidents, we will be better able to target them for elimination.

In July and August of this year, we hired three additional experienced investigators, including two women, as full time members of my global security department's investigative team. These career professionals along with their director bring more than 80 years of investigative experience to the company and form a team whose past assignments include the handling of sexual assault investigations and strong experience working with international law enforcement partners.

Finally, next week, we will complete our annual security officers training seminar. This year, we will include presentations by the Family Assistance Foundation in addition to instruction from the FBI that they normally receive. During this session, security officers will receive training on topics such as incident reporting requirements, incident prevention, incident response, evidence preservation, conflict resolution, guest care, victim concerns, intelligence, terrorism and security countermeasures. They will also become the first Government-licensed security officials in the cruise industry.

In conclusion, Mr. Chairman, these are only 5 examples of the 24 initiatives that we have implemented since the last hearing and which are further detailed in my written testimony.

At Royal Caribbean, we strive to provide an exceptional and safe vacation experience for our guests. We succeed in the vast majority of our guest experiences. However, in those instances when a crime does occur, we want to ensure that our guests and their families are appropriately cared for and that persons responsible are effectively investigated and that steps are taken to learn from and hopefully prevent the incident from happening again.

I look forward to our continuing partnership with incident survivors, corporate and industry partners, and Government agencies and to providing updates to you, Mr. Chairman and other Members of the Subcommittee as desired.

Thank you again for the opportunity to be here today, and I am happy to respond to any questions you may have.

Mr. CUMMINGS. Thank you very much.

Ms. Rey.

Ms. REY. Chairman Cummings and Members of the Committee, good afternoon.

Mr. CUMMINGS. Good afternoon.

Ms. REY. My name is Vicky Rey, and I am the Vice President of Reservations Administration for Carnival Cruise Lines. I am also the Lead Executive for the Carnival Care Team.

Before I go on, Mr. Chairman, I want to take a moment to acknowledge the losses and experiences of the families here today. My thoughts are with you.

Thank you for allowing me to participate today. We value your concern over the level of care that is given to guests and families when they unexpectedly find their vacation disrupted by an unfortunate event. We share your concern and appreciate the opportunity to inform you of what Carnival does to take care of our guests when this occurs.

This is my first congressional hearing, and I am honored to be here, representing the 500 men and women that represent the Carnival Care Team. During the past 26 years, I have held various passenger traffic management positions and have served in my present capacity for 17 years. I have led Carnival's Care Team since 1999, since its genesis in 1999.

The Care Team was originally organized to handle critical incidents of mass guest displacement primarily caused from a cancellation or alteration of a cruise as a result of a mechanical or weather-related factor. Since then, it has evolved into a team of broadly trained individuals who respond on a regular basis to incidents involving medical or bereavement debarks or some other form of unexpected tragedy.

Our mission is to provide compassionate care and practical support to guests who find themselves at a time of significant trauma or crisis. Our goal is to provide them with an environment where they can begin the healing process while they complete their business with us and move on with their lives.

As a corporation, we have learned that we have great power to help individuals succeed in their ability to transcend a tragedy by the care and compassion we show them in the aftermath of a crisis. We have made a conscious effort to provide this kind of care not only because it is the right thing to do but because we feel it is a privilege to help someone who may be going through a life-altering situation while vacationing with us.

Our Care Team training program is ongoing, aggressive and comprehensive. Since last summer, we have trained 1,470 employees over the course of 368 hours. This includes our large core group of family escorts and support services personnel, most of the shore-side management, our captains, staff captains, chief engineers, hotel directors, chief pursers and chief security officers.

Furthermore, several hundred of our call center employees were trained on how to empathically communicate with affected guests or relatives who may be trying to reach us telephonically. An additional group received training on next of kin notification skills in the event that we need to inform relatives of a critical event.

Finally, we are now adding greater focus to the training of port agents and ground services personnel who often act as an extension of us when time and distance are factors. An additional 80 training hours are planned for the balance of this year, bringing our total number of trained staff to 1,760. Our goal remains to partner with other lines in expanding awareness and training to all of our crew and to our vast network of port agents.

Our training is based on core Care Team principles that identify the basic needs of an individual when they are in the acute phase

of trauma, usually occurring within the first 72 hours. Research has indicated that despite our personal and cultural differences, at the onset of trauma, we all have very similar needs when we grieve or hurt. We have learned that the sharing of sorrow makes for a very powerful bond and that our own personal losses and experiences make us well equipped to be able to help others who may be hurting in a similar way.

Since May of last year, our Care Team has assisted 163 families. The majority of these involved medical emergencies. During this same period, Carnival has served 4.7 million guests.

When our Care Team is activated, we travel to different destinations wherever we needed to assist in providing emotional support, basic needs like clothing and food, connections with loved ones, lodging and transportation arrangements. In general, we run interference and provide guidance when others' coping mechanisms may be compromised.

Lastly, I want to share with you that we are passionate about our level of commitment to this program, and we want to do everything possible to continue increasing awareness in our own company but within the industry as well. This year, we have partnered with the Family Assistance Foundation and just last May were co-sponsors of their annual symposium that brought together survivors and members of the industry in a forum that encouraged education and understanding.

In August, we participated in a CLIA-hosted meeting where we once again met with survivors in order to learn from their experiences. Carnival is an active participant in CLIA's working group with families and with CLIA's guest assistance committee to determine industry best practices.

In closing, let me just say that I am extremely proud of Carnival's progress in the Care Team area as well as in the industry. Let me assure you that we are firmly committed to continuing to do the right thing.

Thank you.

Mr. CUMMINGS. Thank you very much.

Mr. Morgan.

Mr. MORGAN. Mr. Chairman and distinguished Members of the Committee, my name is Jeff Morgan and I am President and Co-Founder of the Family Assistance Foundation. My colleague, another co-founder, Dr. Carolyn Coarsey, was unable to be here with you today, so she has provided her statement both written and on DVD which I believe is available to the Committee.

In 2000, Dr. Carolyn Coarsey and I co-founded the Family Assistance Foundation for the purpose of helping organizations provide a higher level of response to survivors during tragedies. The purpose of the Foundation is to provide education, training and organized mutual aid at a time of tragedy.

The cornerstone of the Foundation is to promote open dialogue between survivors and employee helpers. We encourage family and passenger survivors to tell the stories in an educational format so that they themselves can train employees on what is needed by survivors during these vulnerable times.

I am here today to tell you about our work with the cruise industry over the past two years. At the Foundation, our interviews con-

ducted by my colleague, Dr. Coarsey, continue to show that when employees are empowered to help survivors, they have a tremendous opportunity to influence how survivors heal from their losses. These interviews form the basis of all the training that we offer as we believe the true experts on the subject of how best to assist survivors are the survivors themselves.

In 2005, Dr. Coarsey began interviewing survivors of cruise line tragedies. Shortly thereafter, she began developing specific training materials for the cruise line industry such as those that Vicky mentioned just a moment ago. These materials incorporate lessons learned from survivors including the family members of persons who were missing overboard, family members of deceased passengers and guests who become involved in various tragedies while on a cruise ship.

Here, at the Foundation, we have seen a very aggressive response by the cruise line industry to the problem of empowering employees to assist survivors by offering many different training programs, using the video interviews and written materials incorporating all these lessons learned.

Dr. Coarsey has personally provided awareness education to more than 4,000 employees in the cruise line industry. She has trained a wide range of personnel, and one of the reasons that she is unable to be with us is we have an aggressive schedule really for the remainder of the year with Royal Caribbean, Celebrity, Carnival, Princess, Holland America and P&O Cruises.

The personnel that we train include executives, care team employees, telephone responders, employees who will notify the next of kin of guests who experience a tragedy while on the ship. It also includes security personnel, safety officers, captains and other on-board staff. The goal is to provide some level of awareness to every single employer who might interface with a survivor during any crisis.

In addition to the training that we have conducted earlier this year, the Foundation's annual symposium featured two educational panels on cruise line-related issues. The first panel involved family members and guests who had survived cruise line tragedies prior to this training. The second panel involved survivors of tragedies following the newer programs that have been implemented.

We observed a significant difference in outcomes between the two groups. Survivors who were empowered by trained employees and offered every form of assistance possible were still healing from the losses of loved ones, but they did not have to cope with the anger and hostility generated by a lack of understanding.

We believe that it is important to listen to every single survivor. We encourage the industry to listen and learn from each person who has experienced tragedy, those who had negative experiences with employees before the education as well as the positive ones.

The Family Assistance Foundation continues to support the continuing dialogue between the cruise line industry and survivors. We know the industry is listening and learning from survivors. We were part of the meeting in August and were honored to facilitate that meeting, and we know most of the comments were negative. However, the cruise line industry sat and listened.



In closing, I can assure you that the Family Assistance Foundation will continue to do all that we can to support our cruise industry members and the cruise industry overall in improving how guests and their families are supported following these tragic events that occur in conjunction with cruises.

Thank you for the opportunity to present this testimony, and I will be glad to answer any questions that you might have.

Mr. CUMMINGS. Thank you very much.

Let me, first of all, go to you, Mr. Bald. I was looking at your testimony. You talked about things that you all are doing, and it looks like you are doing some pretty good things.

This formally establishing a security career path and related job descriptions for our shipboard security teams, can you talk about that?

Mr. BALD. Thank you, Mr. Chairman.

Yes, sir. What we have done is we have taken a look at what we have been doing onboard the ship in the way of security processes, and we have taken a look at where we need to be. We have adjusted our requirements for the positions of security guard and security supervisor and for the deputy position onboard our ships and the security officer himself.

What we intend to do is make sure that we change the processes onboard the ship and then be able to hold people accountable, and we needed to make sure we defined what those responsibilities were before we could move forward in making sure that they implement the things that we are asking them to implement.

I would be more than happy to provide you copies of what we put together in the way of job descriptions for the folks onboard our ships if that would be informative for you.

Mr. CUMMINGS. I want to go back to this whole idea of evidence preservation. I am hoping that the industry, if it has not already, will. It sounds like this FBI DVD, I think Ms. Matsui talked about it a bit and I talked about it. I am not sure that that is sufficient.

I am asking you all since you are a former FBI agent. It seems like you ought to be able, if you haven't already, develop a protocol with regard to evidence. I am assuming there may be at least two different types of protocol, one for certain kinds of crimes and then one for sexual crimes because I think the sexual assaults and probably other types of assaults maybe have certain elements that other crimes don't have. Going to the person, that is.

So I am just wondering. Is that a part of this training that you talked about a little earlier? If it is not, are you all willing to do that?

Mr. BALD. Yes.

Mr. CUMMINGS. I see Mr. Dale shaking his head. Since I see a nod in the affirmative, I don't want you to be quiet. Do you want to say something?

Mr. DALE. Absolutely. First, let me say that when it comes to safety and security, our 24 cruise line members do not compete. It is in our best interest to make sure that we are providing the safest vacation possible. So I have personally experienced the training by one of our cruise line members, and we spent an entire day with FBI representatives and Coast Guard representatives, going through the protocol that you just talked about.

So, yes, the DVD is a good step, but there needs to be additional processes when it comes to our training, and we are taking those next steps. Our cruise line members do have protocols in their security training manuals, and we place just a huge emphasis and priority on this.

Mr. BALD. Mr. Chairman, if I may, to respond to your question, on our training protocols, we actually have involved the FBI in our training for a period of years. This year's training for our security officers begins next week. There is a one day block, one full day block by the FBI.

It includes not only experts who respond to the ship, actually the ones responsible for overseeing the FBI agents who go to the ships on how they respond and what they expect when they get there. It also includes a half-day presentation by the FBI's evidence response teams over what constitutes evidence, where it may be found and what condition they want to see it in when they arrive at the ship.

To your question on the differing evidence handling processes depending on whether it is a sexual assault or not, what I have attempted to do is to find a process for our security officers that I expect them to adhere to for how they respond to any incident.

In the situation of sexual assault, there is an adjunct to that, and that involves the responsibilities of the medical staff. Certainly, the collection of evidence, the only area that I am expecting our ships to play a role in for collection purposes is in the medical facility when they are actually examining a woman who has been the victim of a sexual assault. The rest of my instruction policies and training are geared towards the effective preservation of evidence.

However, having the FBI explain the collection processes allows my team onboard the ships to be able to respond if, for example, the evidence that needs to be collected is in an area that is perishable, for example, outdoors. Then what I want is for the FBI to actually directly provide the guidance to our security officer as to exactly what they want done, but I want them to have a framework of understanding before that instruction comes.

So this is the backbone of what we are providing in next week's training.

Mr. CUMMINGS. On my way over here when we were coming back from the vote, I was telling Ms. Matsui that if I were to guess, if I were to guess, I would imagine that women make the decisions with regard to a family on this cruise. Now we men think we make the decisions, but they probably make the decisions.

It seems to me that the industry would want women to feel very comfortable about whatever goes on, on a ship. To me, it is just logical, and so I think some of the steps that you are taking are very important.

Mr. Dale, going back to you, now you announced in your testimony that CLIA will be establishing a survivor working group that will meet quarterly and will be comprised of survivors of cruise incidents, senior level cruise line executives and CLIA executives. Can you describe the goal of that group and what kind of specific agenda items?

Are you all going to be just rehashing the same things over and over again? Because what happens is that people get tired of that.

People, all of us, like to feel that we are making progress or we lose hope. When we lose hope, trust goes along with it, by the way, so then you have nothing.

Go ahead.

Mr. DALE. Exactly. Yes, let me shed some light on our working group. The goal is really going to be solution-focused, and we want to engage and hear from as many victims as possible. We have done that throughout the course of this summer.

As you have heard, we have had an opportunity to review the ICVA 10-point plan. The DiPieros have submitted some very valid ideas for consideration.

Mr. CUMMINGS. Are you in agreement with any of that 10-point plan?

Mr. DALE. We agree from a conceptual standpoint, but how we get to the end result is where we need to continue this dialogue. So that is the purpose of this working group is to focus on how do we get the solutions to provide the safest vacation in the industry today.

Mr. CUMMINGS. I am going to come back, but I want to ask you this one last thing.

If you really listened to the witnesses, they were feeling pretty good. They were feeling pretty good. They went to the meeting. They were probably a little skeptical. It seemed like everything was coming along real good. Ms. Hudson said she felt real nice about it, like things were moving. Then it seemed like the bottom just dropped out.

One of the problems that happens, and you can explain to me what happened, but one of the things that happens is that whenever something like that happens, it is almost like you are at level ground as far as trust, but then the person goes underground. So to get that trust back up, they have got to fight to get back up.

Basically, what you are doing is you are wasting time because they have got to get back up here just to be on level ground to even be able to trust.

I am thinking that you have got the victims and their families who have said, we really want to work this thing out. We were really feeling good about these folks, the industry, and then it seemed like we were left kind of hanging.

Can you talk about that because, to me, that is key?

Mr. DALE. Absolutely.

Mr. CUMMINGS. This is not legislative stuff. This is basic human relationship stuff.

Mr. DALE. Exactly. I agree.

At the August 14th meeting, at the end, we decided that it makes all the sense in the world to establish this working group. I indicated then it would take us 30 days. We needed to go out, identify who would like to be a part of the group. So we said, in two weeks, please let us know if you would like to.

Two weeks came. We had a lot of people raise their hand, many of them ICVA members, but we hadn't heard from Ken Carver and Son Michael Pham. So I contacted them again and said, we are going to extend it another week. Hopefully, you can determine that this is a good use of your time.

That was last Friday. I did get an email this Monday, saying that their Subcommittee that they established hadn't decided yet whether or not to participate.

So we are ready to move forward. The invitation to Ken and Son Michael Pham and anybody is open, and we would ask that they consider to join this group because we are ready to move.

Mr. CUMMINGS. Mr. LaTourette.

Mr. BALD. Mr. Chairman, may I just add one comment to this? I am sorry to interrupt you.

Mr. CUMMINGS. Yes.

Mr. BALD. The perception that we have done nothing since the last meeting is really not correct, but it is understandable from the folks who attended that meeting because we haven't articulated the progress that we have made and we look forward to being able to do that.

Mr. CUMMINGS. Give me right now. Why don't you do this?

Mr. BALD. Yes, sir.

Mr. CUMMINGS. I know you have done it to a degree in your testimony. Just give me, like rattle off the top of your head, if you can what you consider to have been accomplished.

Mr. BALD. I can.

Mr. CUMMINGS. Another one of these human things, a lot of times we are not communicating. One person hears one thing, and another person hears another thing. Somehow there is a disconnect.

Mr. BALD. Yes, sir.

Mr. CUMMINGS. So can you just tell us off the top of your head what you feel has been accomplished since our last hearing.

Mr. BALD. Yes, sir. What I would like to do, if you don't mind, is to use an example from Ms. Laurie Dishman if that is okay with Ms. Dishman. I know that she is here.

It is a great example of the importance of our interaction with individual incident survivors. Ms. Dishman has provided me a list of 12 recommendations, and I am prepared to go through each one of them if that is what you would like me to do. I have actually accepted and moved forward on seven of those twelve. They are exceptional recommendations. They were well thought out. They are definable, and I can put them into effect.

For example, the one thing that has been most important I think, perhaps in my view, from Ms. Dishman is Royal Caribbean ships up to this point do not have peepholes in the doors of their ships. It is something that it seems perhaps common sense that we do that. It is something that hasn't been to the attention of the company.

Ms. Dishman made that recommendation. I had the discussion with our executive committee. There was overwhelming agreement. In fact, the comment from our Chairman was, you know hotels do this. We have got to do it.

So we have actually made the decision to install peepholes on our ships. We are starting with the two ships that are in new build.

We are continuing with another one in October. That one is a bit more of a challenge. It is the first of our existing fleet that we will be installing peepholes on. There is a very rigid process we have

to go through when we are drilling into a door on a ship because it is a fire-rated door.

Mr. CUMMINGS. Okay. Take me to number two.

Mr. BALD. Yes, sir.

Mr. CUMMINGS. So you are working on that one?

Mr. BALD. Yes, sir.

Mr. CUMMINGS. You are doing it?

Mr. BALD. Yes, sir.

CCTV installation, I testified in March of our expansion process, a \$25 million expansion. That process will also include cameras in the corridors for guest staterooms.

Mr. CUMMINGS. That are monitored?

Mr. BALD. The monitoring is a different challenge. That is one of the ones on Ms. Dishman's list that I can't tell you I am moving forward on right now. The challenge there is we have over 650 cameras on some of our ships. To monitor all of those full time is a monstrous task, plus you bring into consideration the attention span of the people that are actually sitting at the monitor.

What I need to do first, this goes back to my metrics discussion that I mentioned earlier. I need to understand, are there certain cameras that I need to monitor that are more important than others and then look at whether or not we can effectively deliver that capability. So I have not rejected that by any means. I just don't simply have enough internal information to be able to commit to doing it today.

Mr. CUMMINGS. Three?

Mr. BALD. Increased number of security guards on our ships, for example.

Mr. CUMMINGS. Tell me, these are Ms. Dishman's?

Mr. BALD. These are Ms. Dishman's, yes.

Mr. CUMMINGS. Okay, go ahead. Number three?

Mr. BALD. Increased number of security guards on our ships. In Ms. Dishman's situation, a very unfortunate set of circumstances, an absolutely tragic situation and an unfortunate perfect storm type set of circumstances.

But we ended up, on our ships we have a set number of positions in every component including security. There are certain functions that are more of a regulatory function, my word, that don't require a high level of security experience, for example, checking IDs at the door of the discos to make sure people are old enough to go in and consume alcohol. It is a bouncer type of a service that we wouldn't put a police officer on necessarily in a bar here on the shore.

Unfortunately, the processes in place at the time, in my view, didn't adequately vet the people that we were using in that situation. We also, in that particular situation, I understand, provided a security badge for them to wear because they were performing in that function.

I have changed that. No longer do we give badges to these part time security search people.

We also require security officers to do a background investigation on them which is rather easy. It is a review of personnel files, looking at any issues that are in their personnel file or any reason why they would not be the right person to be able to stand in front of a disco, for example, and check identification.

Mr. CUMMINGS. Four?

Mr. BALD. I combined two. One of those was security badges. It was a separate recommendation from her which we have implemented.

Mr. CUMMINGS. All right. Five?

Mr. BALD. I will go through hers in order rather than skip around if you don't mind. We talked about number four which was monitoring the CCTV. Still more work that I have to do in order to be able to make decisions on that. It is a fair recommendation.

The fifth one is peepholes.

The sixth one is background checks. This one is another example of where her input is tremendously helpful.

The recommendation from the ICVA is to form what I think the law would describe as a black list. A black list is traditionally illegal in most States. Federal law has incorporated that in a variety of areas. The concept, we agree with.

What we don't want, I don't want to hire somebody that was dismissed by Carnival. Carnival doesn't want to hire somebody that was dismissed from me. But putting together a common database presents problems, and so we have looked at that internally from a legal standpoint. We have also had our attorneys look at the legal perspective that was provided to us by the ICVA.

The decision was that their legal research was legally deficient. I am not being critical, but it did not bridge the gap sufficiently for us to move in the direction of a database.

However, in Ms. Dishman's situation, she has provided an opportunity for us to perhaps close this gap that our lawyers are looking at, and that suggests we build in another background step in the application process for our crew members to check the other cruise lines to see if they have been employed before. We certainly have to make sure what we are doing is legal, but to me that seems a very reasonable recommendation and one that came from Ms. Dishman.

Mr. CUMMINGS. Seven?

Mr. BALD. Seven is the presence of United States marshals on-board cruise ships. I would like to come back to that at the end if I can. If you would like me to go through the detail, that is a very important one, and I have a lot of, I think, relevant information for the Committee that I can add.

Mr. CUMMINGS. Thank you very much.

Mr. LaTourette.

Mr. LATOURETTE. Thank you very much, Mr. Chairman, and thank all of you for being here.

This being our second hearing on this subject, I come away from these hearings that the cruise experience is a nice way to have a vacation, but sometimes things happen. I think again, for me, the crux of it and perhaps why you find yourselves with some difficulties.

I was glad, Mr. Bald, you ended on employees because I was going to ask you. This Committee and the Homeland Security Committee have the idea of this Transportation Worker Identification card, the TWIC. Not only not hiring somebody that has been a problem on another cruise line but I would imagine just simple background checks. You don't want to hire people with criminal

histories that would suggest that they might engage in criminal conduct.

If Mr. Carver was right and 80 percent of the reported criminal activities are committed by employees, it seems to me that you have it within your power to at least reduce that based upon background checks and other employment techniques.

The second are safety and training things that are ongoing, and I commend you for undertaking those. I will come back to that in a minute.

But the third one is basically the way people are treated. I don't think that we would be having as many complaints as have been evidenced at these hearings if people felt that they weren't being victimized a second time. That is why I am glad you brought in some victim's assistance people.

Mr. Ruchelman's story was horrible, to lose his wife in an accident, but if everybody was treated the way Mr. Ruchelman was treated, we wouldn't be having this conversation probably. We would still be talking about peepholes and keys and things like that, but we wouldn't be talking about other things.

So I really, truly hope that there is nothing that the cruise line industry can do to keep a bad person that happens to be on a ship, not an employee, that chooses to do a bad thing. But how you treat that person after that bad thing has happened, I really think pays big dividends and then stops from having some of the stories that we have listened to in the last hearings.

Mr. Dale, I do want to ask you. The Chairman asked you about the 10 points. I am familiar with the 10 points that Mr. Carver has.

I am familiar with Ms. DiPiero's observations. We started going through some of those with netting and sensors and raising the railings and things like that.

We heard from Mr. Sullivan about apparently his peephole concern is being taken care of at least on one line but the issue of having people have pass keys when they are not on duty, that can come into somebody's room when they are sleeping.

So there is a body, a list out there. I commend the industry for working on it, but I guess I also would acknowledge that Mr. Sullivan does have a point, that there have been a lot of good ideas around for a long time and how come we are just now getting to the point where we are adopting some of them.

The Chairman has schooled me here pretty well.

So Mr. Carver and these other folks get back to you and say we want to participate in your working group. Is it your intention to look at all these good ideas and, as Mr. Bald has just indicated, accept things and move forward and get them off the table, to move these complaints?

If you can't, you haven't reached a conclusion you can't but on the camera issue where there are 650 cameras and maybe you just can't logistically do what the idea is. I would say just because something bad has happened to somebody and they have an idea doesn't mean it is a good idea, but the ability to listen to all those ideas, sort them out.

Is the industry committed to adopting the ideas that are generated by this working group and implementing those that make

sense, improve the safety of the ship, improve the cruising experience, make people feel like they are being treated better, help to hopefully solve crimes if they are unfortunately committed on the ships and, if you can't, please come back and tell folks why you can't do it?

Mr. DALE. Absolutely. Our commitment is to work with the ICVA and our working group on their recommendations as well as others that we have heard.

I think a prime example of this is undertraining. In ICVA's proposal, they list parts of crime scene management and protocols. Those steps, we are presently using, and the FBI is training our security officials on those steps. So we are doing that and we intend to, through Ken and the others who participate with us, make progress and get solutions on these.

Another area, Lynnette Hudson, a tragedy at sea, and our heart goes out to her and everyone. But after all of the four investigations, the recommendation that came back was to replace the combustible dividers on the decks of our ships. We are almost 100 percent there in having all of these replaced. The deadline for this is July of 2008, and we will be there very soon.

So this working group is an opportunity for us to talk about the progress we are making and to determine what is the workable solution for all of us.

Mr. LATOURETTE. I think she is a good example of not only was it the combustible things and then she talked a little bit about self-contained breathing devices, but to have a 911 room where nobody is answering the telephone is like having a fire station with no firemen and nobody on the telephone.

I think that there are things within reach that address some of the concerns that have been raised at this hearing and at the March hearing that are within your power to do it, and I would just hope that you continue to move in what I consider, and I give Chairman Cummings all the credit in this for getting the ball rolling on this.

I know some people may not think it is moving fast enough or should have been done a long time ago, but I am encouraged by what you are doing. I would hope that it continues to move in a positive direction and those things that are within your ability to do to make it safer.

I don't know how it benefits. I don't subscribe to the testimony that somehow it is in your corporate best interest to have crimes go unsolved on your boats. So I hope you continue to do that.

Ms. Rey, this being your first hearing, you did a swell job. So thank you very much.

Mr. CUMMINGS. Ms. Brown.

Ms. BROWN. Thank you, Mr. Chairman. I have a couple of questions.

I also listened to Ms. Hudson's testimony about the fire. As we get on the plane, they go through these procedures. Can you tell us, have you all done some additional procedures as far as explaining to people when they come on the ships in case of it may not be a fire?



It could be a terrorist attack. It could be anything. What are the procedures? I know that you do have some as far as if the ship goes down, what things to do, but as far as a fire is concerned.

Also on notification, she indicated that she was not notified until nine hours afterwards, and I know you must have a procedure in place. She was listed as the next of kin, and she did not receive that information.

Even following that up, someone needs to have contacted her and gone over what had happened and provided that grief information that you talked about.

Ms. REY. I can speak to the notification piece. I am very sorry to Ms. Hudson and the rest of her family because she did not receive the call that she should have gotten from Princess Cruise Lines. I can't speak for them.

I can tell you that at Carnival Cruise Lines, we offer any assistance possible in assisting the family and making those notifications. I can tell you, however, because the wife was present, that we would have relied on her being the one to initiate the contact with the family, make the initial notification. Following that, we offer assistance in notifying anybody else, but that initial contact generally comes from the person who is accompanying the individual on the ship.

Ms. BROWN. Okay. So I guess CLIA should have overall procedures for everybody.

Ms. REY. Well, that is one of the things that we are working on now is partnering with each other, and it is part of this working group so that we can all come together and establish a template that we can all work from, establishing those best practices.

Ms. BROWN. Okay.

Mr. DALE. Actually, we have established a committee at CLIA on aftercare and guest care. So we expect some very positive results from that.

To get to your issue about what process is in place on board our ships, there is a mandatory muster drill that every passenger must be a participant and present at. At that drill, we go through safety and security procedures in the case of emergencies.

In the cabins, there is a video that is played 24 hours after departure, that again reiterates those messages. There is written collateral materials in the rooms as well. So we work very hard to make sure that our customers are familiar with what they have as their resources.

Ms. BROWN. There used to be a drill. Do you all still have that drill?

Mr. DALE. Yes, absolutely.

Ms. BROWN. So you still have that drill.

Another thing, we were talking about the cameras. I just returned from London where they have cameras all over the place, and one of the things I found very interesting was that they destroy the film within 14 days because of the privacy unless there is an incident. They can get some extensions.

Part of being on a cruise is maybe you don't want everybody to know that you are on the cruise.

[Laughter.]

Ms. BROWN. How are you planning on handling the film is my question because, as I said, after a certain period of time, by law, they have to destroy that film.

Mr. BALD. The retention of—

Ms. BROWN. I am sorry. I think that was true not just in London. It was true in Europe in talking about how they handle these cameras and the film that they receive from the cameras. They do have monitors, and it is a big process in monitoring these situations.

Mr. BALD. Yes, the retention process is a challenging one for us from a technical standpoint. It is not a problem for us at all if we know that there is an incident that has occurred. Our process, let me qualify that. We do retain the video, but our new CCTV process is going to put us completely into a digital retention arena.

We don't have that today. We have a mix of analog and digital cameras with digital recorders now. The cameras we are adding are digital, but the volume of material that is captured in a digital recording is very, very large. And so, there is a limit to how much storage capability we have onboard.

Where we will be challenged is if someone comes forward perhaps, say, six months later and says that I had an incident onboard. I, frankly, think we will not find video that will have captured that.

However, for the immediately reported incidents, that is not going to be a problem, and we actually have storage devices that are available for our teams that will respond to the ship. They will literally go with a portable storage device, download the appropriate video, the video that relates to the incident, and they will literally bring it back to Miami for us, and we will retain it.

Ms. BROWN. Thank you, Mr. Chairman, and thank you for holding this hearing.

I think the industry is headed in the right direction, and I want to thank the participants for their participation.

Mr. CUMMINGS. Thank you, Ms. Brown.

Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Good to have you all with us today. Good to have had all the witnesses with us today.

I will put this question to any member of the panel. Much has been said today regarding how crimes are reported and the jurisdiction extended to the FBI to prosecute said crimes. I assume the answer to this question is yes. Do victims of crimes have recourse under the civil justice system as well?

I assume that is in the affirmative.

Mr. DALE. Absolutely, they do have recourse.

Mr. COBLE. I will put this question to any of the panelists as well. It is my understanding, Mr. Chairman, that the industry is currently working to develop a sensor for rails that will activate or detect through the sound of an alarm or whatever when a person goes overboard.

Number one, is that accurate and, number two, how far advanced is it?

Mr. BALD. Congressman Coble, that is an excellent question. It is fraught with challenges for today's technology, but it holds promise for us in the future. The technology, as it currently exists, in

particular, radio frequency identification, does not permit the kinds of applications that you are referring to.

Where you have a rail alarm, for example, and you want to detect somebody going overboard who is on the ship, there are a couple of possible solutions that don't involve an electronic sensor, for example, on the railing of the ship. Virtual perimeters from cameras that are located on the outside areas, for example, the bridge wings of the ship, provide us a vantage point to be able to look down the sides of the ship and be able to determine if somebody goes overboard.

There are some limitations and there are some challenges because unfortunately you can't get outside the ship and look in and ships are often curved. So we have got to make sure that our camera locations will work. We are in the process of testing that technology to see if it is viable for us to install onboard the ships.

From the standpoint of other technical possibilities, radio frequency identification is possible down the road. Today, you have an active or a passive solution. Passive requires you to be very close to a sensor. Active requires you to be farther away, but you are talking about carrying a garage door opener in your pocket, and it is much more challenging for us to deliver that technology.

However, your point is well taken. We absolutely want to do as much as we can to detect quickly if somebody goes overboard on our ships, and we are looking at a number of technical solutions that we think may prove fruitful.

Mr. COBLE. These are works in progress, I take it.

Mr. BALD. Yes, sir.

Mr. COBLE. Thank you.

I yield back, Mr. Chairman.

Mr. CUMMINGS. Thank you very much.

Ms. Matsui.

Ms. MATSUI. Thank you, Mr. Chairman.

I read very carefully both Mr. Bald's and Mr. Dale's testimony, and something kind of strikes me in that, Mr. Bald, you mentioned that you are making some changes based upon some of the conversations or emails you received from Laurie Dishman. I commend you for that.

Some of these measures are pretty common sense—peepholes and closed circuit televisions and background checks and things of that nature—and I believe those were things that we could have done quite some time ago. I believe that they are measures that people had discussed, I guess, in 1999.

I wonder if you would be putting in these common sense measures today if Laurie Dishman hadn't come along and courageously spoke up and we had the hearings.

Now I am glad that we are moving forward on this, and you are moving in the right direction. I am pleased with that. But I must say that I think it is obviously a situation where some of these things take a while, I suppose. There have been quite a lot of recommendations and listening and lists and things of that nature, but I think what we are interested in is results.

I also have to say too that my constituent, Laurie Dishman, has written to me about the last six months she has been going

through. I would like unanimous consent to submit her letter into the record.

Mr. CUMMINGS. So ordered.

Mr. BALD. Thank you, Ms. Matsui. Oh, I am sorry. I apologize.

Ms. MATSUI. I would like to share something from this letter because it appears that the same people responsible for mishandling Laurie's case are still employed at Royal Caribbean. Most disturbingly, when they were deposed, they indicated that they still have not received adequate instruction as to what they did wrong and how to properly handle this situation in the future.

I would say that a common theme of the victims panel was the concern that you still didn't get it. Would you please respond to this issue?

Mr. BALD. Certainly. First of all, I believe that if you ask that purser that question today, I hope that the answer would be different.

That purser today has been required, and I will be disappointed if you come back to me and tell me this didn't happen, but I provided a DVD of Ms. Dishman's testimony with mandatory viewing by the captain of every ship, the staff captain of every ship, the security officer of every ship, the medical department of every ship and the guest relations desk personnel which includes the pursers to understand the trauma that Ms. Dishman went through.

As an adjunct to that, on the training piece, the training will be delivered to the security officers on Monday. The policy changes are in place that I think will correct the preservation of evidence issues that occurred in that situation.

We have provided a DVD to the medical staff of every ship for required viewing for the proper way to do the pelvic examination kit. It is required training every two years. We just implemented that with the DVD that was sent out to make sure that they understand the problem there.

In the situation with Ms. Dishman, there were mistakes made as I testified last time. One of the biggest ones was, in my view, the security officer inadequately secured the cabin.

The mistake made by the doctor to misinterpret the collection requirements for the pelvic examination kit is not something I want to see happen, but I believe there is a way to make sure it doesn't from the security officer's standpoint.

The pelvic examination kit gives instructions to collect evidence from the victim that would be logically, in my interpretation, logically being worn by the victim. In this case, the doctor, for whatever reason, chose to ask her to go back and collect some things that were not being worn.

It is absolutely wrong. It is not consistent with our policy, and our security officer should have known better.

Our security officer will be coming in. Let me qualify this, will be coming in one of two sessions either next week or the one in December because we train the ones that are off the ship, and then when there is a switch we get the ones that are currently on the ship.

Every one of them will hear the kinds of points that you are making today and very clearly understand what is expected of

them, and I expect that we won't have a recurrence. If we do, I will take action accordingly.

One final point if you would permit me, you referenced and it has been referenced earlier today in testimony, some longstanding guidance that was provided to Royal Caribbean in 1999 by two reports that were commissioned by Royal Caribbean to take a look at onboard sexual assault and sexual harassment situations and to provide us recommendations for how we can get ahead of that curve and resolve some of those problems.

I would like to read to you. I have a very short list of the recommendations, and I will tell you on each one of them what we have done.

The shoreside hotline is in place. Anybody onboard our ships can pick up the phone and call a particular number and report directly to Miami if there is an issue onboard the ship.

Remind management to report, that has been done personally by me in conference calls to every captain, also present were the staff captain and the security officer. It is a part of our policies, and I will continue to reinforce it.

Mandatory sexual harassment training, the company, in my view, before I got here had done an exceptional job of putting together videos. These are professional productions. These are not just a couple of folks like me standing in front of a video camera on how to recognize situations and avoid situations that could lead to sexual assault or sexual harassment.

The response checklist will be a mainstay of the security department's policies onboard the ship.

Counselor and advocate for the victim, absolutely a requirement that we have. You heard testimony earlier today from Mr. Sullivan that no counselor was provided to his client. That is untrue. It is untrue, and Mr. Sullivan knows it is untrue because the counselor that was provided was the doctor who is a female, who spent almost every moment with that victim from the time she was reported to have been the victim until she left the ship, including responding to her cabin within two minutes of the recording or the documentation of the call to the bridge.

The after-action teams in Miami was a recommendation by that report as well. You saw in my testimony that that is something we are implementing.

Notifying guests about socializing with the crew is a change we are making in our guest conduct policy which will be published for January, and we will make sure that our guests understand the policy. We have gone overboard to make sure our crew understands. We have not done that with our guests, and it is something we will do very quickly.

On the Swales report, stronger policy regarding crew-guest sexual contact, we have taken that head-on, and I don't think there is a crew member that doesn't understand that they can't fraternize with our guests.

Train those who will respond. You have heard me testify and you have seen in my testimony, that is an aggressive effort that we are taking. We have been doing that for several years.

Train crew to prevent sexual encounters. That is exactly what the prevention concept that I am putting in place is built around.

We have also been doing that in the videos that I referred to earlier.

Post signs inside restricted areas on our ships. We have done that on every single ship. You walk into any off-limits crew area, and you will see a sign that tells a guest they are not allowed to be there.

Additional CCTV cameras, you have heard me testify to that is an aggressive process.

Increasing the number of guards is something that we have done. I talked to your staff yesterday about this. My first assessment is going to be quality, and I want to make sure the quality is there. Then I am in a better position to decide if the numbers are there.

Then finally, hotline to Miami for guidance in response is also picked up from the Krohne report.

I would like to add one other comment on the Swailes report. The findings that they had in their report said that the incident rate for sexual assaults onboard ships is lower than shoreside. This is a 1999 assessment, independent, from outside of our company.

Common threats, consensual intimacy was preceded by assault. I am sorry. Consensual intimacy preceded the assault and intoxication by the victim was a challenge. By the way, I am making no connections to any of this.

But to give you an idea, we have had this kind of input. We have taken measures to respond to it, contrary to what you heard in testimony earlier today.

Thank you for allowing me to go to that extent.

Ms. MATSUI. Mr. Bald, that all sound very good, and you say you have instituted those policies now. I really feel that it is like a manual to a great degree. You can read it, but the proof is in the pudding. The individuals who have been affected so critically have to feel the same way too.

Comparisons, as far as sexual assaults on land versus sea, I really don't believe they are really good comparisons, for example, because on the sea you are in a huge cruise ship. You can't get off. It is a little bit different. You don't have a police force really.

My concern is I do not want this to be brushed aside at all. I don't want to request from Chairman Cummings another hearing because we have been hearing that things aren't happening.

You relied on the input on victims. I am happy about that, but I want to make sure it doesn't happen. The prevention aspects of it have to be taken care of.

It so concerns me I almost want to feel like we need another benchmark as to when we can have a report or whatever we want to do that the industry, the unified industry itself is going to, for instance, can you adopt unified reporting requirements that you can release numbers to the public. That would be reassuring to know that there is transparency there.

Mr. CUMMINGS. Would the gentlelady yield?

Ms. MATSUI. A lot of this happens to be transparency.

Mr. CUMMINGS. Would the gentlelady yield?

Ms. MATSUI. Yes.

Mr. CUMMINGS. When we finish, I am going to lay out some timetables not necessarily for a hearing. If a hearing is required, we will go to a hearing but some timetables so that we can get some

things done and they will report back to us. I just wanted to make sure you know.

Ms. MATSUI. Thank you, Mr. Chairman. I appreciate that.

But you understand that there is a value to this hearing. We talked about peepholes and closed circuit televisions, and the Chairman also talked about monitoring them, the different aspects. We want to keep this progress moving, and we want to have certain benchmarks because I truly feel this is an industry that is certainly something we want to promote, but right now I am really feeling that we need to take care of a few things.

I think it is to your benefit to do this. I think that anytime we have some scrutiny like this and we find out that there have been mistakes and you go ahead and fix it, certainly you are going to be getting the support of many people here.

I am looking to the victims because they are the ones who probably keep you pretty honest about this. So I thank you very much for working with the victims, but remember this is not a one or two step process. It is going to be ongoing. I appreciate what you have been doing.

I thank you, Mr. Chairman, for your commitment.

Mr. CUMMINGS. I want to thank you, Ms. Matsui.

Let me say this to you, Ms. Matsui. This is the first time in my almost 12 years in Congress that I have seen a Member sit for an entire hearing on a Subcommittee that they weren't on, and I think that shows a lot, particularly for a hearing that has lasted this long. So I want to thank you for your advocacy.

I want to say to our witnesses. One question for you, Mr. Dale. Who is invited to these meetings? Because Ms. Hudson, I think. Was it you, Ms. Hudson who said you weren't invited again, and I am sure some others.

Tell me who is invited to these meetings.

Mr. DALE. The invitation is to go to and has, I believe, to all ICVA members. The Family Assistance Foundation has sent the invitation to survivors that they have worked with, and our cruise line members have also issued the invitation to survivors that they work with as well.

Mr. CUMMINGS. About how many people is that, victims? Do you know?

Mr. DALE. Well, we have received word back from somewhere around 10 saying that they would like to participate in this.

Mr. CUMMINGS. Out of how many, would you say?

Mr. DALE. I don't know what that number is as far as what the cruise lines issued themselves.

Mr. CUMMINGS. How would somebody like Ms. Hudson not be on the list? She said she didn't want to be, in other words, if she came to one meeting and then wasn't invited back?

Mr. DALE. She was to be on the list.

Mr. CUMMINGS. She was what?

Mr. DALE. She was to be on the list, and I apologize if she did not get the invitation.

Mr. CUMMINGS. All right, so you are going to be invited, Ms. Hudson, is what he is trying to tell you.

When I walked, when I was on my way to vote, I looked to my left and there is a board out there. I guess it is your father with a Mason's cap on.

I just thought about something that I teach my kids. Whenever they have disappointments because somebody let them down, I tell them to think about how they feel at that moment. I want them to feel it, so if they ever let somebody down, that they will know how they feel.

These folks who have come here, I have got to tell you. I think that the victims folks have been very reasonable. I really do. I think that they have reached out and tried. I mean they are just reaching and reaching and reaching and reaching, and I think they are getting the feeling at times that there are some reaching going on by the industry but maybe you are not reaching far enough.

This is just my assessment of listening to everything that I have heard. I think that the industry has reached, but I think we have a little bit further to go.

I agree with Ms. Matsui that more needs to be done, but I don't want us to underestimate—I want to say this to the victims groups—that a lot has already been done. I don't want that to go by because it has. I mean Mr. Bald and Mr. Dale, the things that you all testified to and then in your written piece.

There is one thing you may have mentioned, but I didn't hear you. You may have. It said to ensure that shipboard medical staff are familiar with the proper procedures for administering the pelvic exam and that kind of thing. You may have mentioned it, but I didn't hear it in the seven things. I don't know whether that was one of Ms. Dishman's recommendations or not.

What I am saying to you is that I think sometimes we have a tendency to think lack when we ought to think abundance, to think negative when we ought to think positive. So I think I want to see us as moving forward. We are a lot further, victims groups, than we were before.

I think the industry, going back to what Ms. Matsui said, I am going to tell you. I just think it is good business to say we are doing these good things to make sure. I mean saying to the public, we don't want things to happen. We are doing everything in our power to make sure you have got the safest possible opportunity. But if something happens, we guarantee you that we are doing X, Y and Z.

To me, it just makes sense because the American people and people all over, people have common sense. They know things are going to happen. They know it. They don't want it to happen. They don't want things to happen to them, but they know it.

And it goes back to this thing that Mr. LaTourette said. It is about how you treat people. This is not rocket scientist stuff. The Bible says, and I hate to quote the Bible but I have got to, do unto others as you would have them do unto you. This is basic, how you treat other people.

I think maybe, even with all of this that we are doing, when personnel is insensitive to those kinds of things, that is a problem. One thing we need to do is make sure personnel is very sensitive. Look, I know the industry is concerned about its reputation, but



one of the best ways to have a great reputation is when you treat people like you like to be treated. I am telling you.

Maybe that is part of the problem, maybe, but I hope you will keep that in mind.

Now we have had a lot of discussion here. What I want to do is take a look and see where we are in 90 days. I don't plan to call a hearing, but I would like to have some type of report so that we can see where and how we have progressed and what we have accomplished.

It is my understanding, again, that we have had more Members of Congress, so that you don't underestimate how serious this is, who wanted people in their districts to testify in this hearing than anything I have been involved in. So it is serious business.

I think the Members of Congress are looking at it. When I went back to vote, I had at least 12 or 13 Members just ask me how is the hearing going. I mean this is the Subcommittee on the Coast Guard. They know it.

Again, we want the industry to do well, and I think the industry is doing extremely well. I think that when you look at the statistics, they are, Mr. Dale, a small number, but in your own words, one criminal act, one person harmed is one too many. Then if it happens, we want to make sure that they are treated right, as simple as that.

The same thing that I would want for my wife, I want for any other woman. The same thing I would want for my dad, I want for anybody else's dad. I think if we think about it like that, then we can get much further along.

To Ms. Dishman, I want to thank you.

I think if we listen to what Mr. Bald said, he said that he listened to her. Maybe he didn't accept everything, but there are things that did come forth that he did use and is using.

I just want to make sure that the things we are in the process of doing, that we get done. In other words, we bring closure and say, this is done. Now let us move on to the next thing. Done. Done. Done. Done.

Not just well, let us meet. Let us hurry up and meet. Meet. Meet. Meet. Then the next thing you know, you look three years later, and you are still meeting.

I want to make sure we get to some points where we have done because in the time when things are not done, then other problems may arise. When we talk about the image of the industry, the last thing we want is to have more people banging on my door, more Members of Congress saying, we want people to testify because they have gone through some difficulties.

All I am saying is I think it is good business for us to be, for the industry to be the best that it can be. Again, I think that I do believe if we look at victims groups and say to ourselves that they are trying to make things better, then with that attitude I think we will accomplish a lot.

To all of you, I want to thank every single one of you for going through this very, very, very long hearing.

I will look forward to, I guess from you, Mr. Dale, a report. Don't forget Ms. Hudson, and there may be a few other people that may have some things to contribute that may not have been invited. I

am sure they will let you know. You will not get out of that door unless they tell you. I know they will.

Thank you very much.

[Whereupon, at 5:22 p.m., the Subcommittee was adjourned.]

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**Congress of the United States  
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**CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS**

**STATEMENT BEFORE THE  
TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEE ON COAST GUARD  
AND MARITIME TRANSPORTATION**

**HEARING: "CRUISE SHIP SECURITY  
PRACTICES AND PROCEDURES"**



**SEPTEMBER 18, 2007**

Good morning. Chairman Cummings, Ranking Member LaTourette, and members of the Subcommittee on the Coast Guard and Maritime Transportation, thank you for this opportunity to appear before you as consider the timely subject of cruise ship security practices and procedures.

I understand that the purpose of this hearing is to enable the subcommittee to receive an update from persons who have been victims or are family members of victims of alleged crimes on cruise ships regarding: (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.

Mr. Chairman, while I agree that procedures for reporting crimes on cruise ships to U.S. authorities and that measures to improve the safety and security of cruise ship passengers can be improved, my purpose here is not to take a position in support or, or opposition to, any particular proposal or recommendation. Rather, my sole reason for appearing before you is apprise the subcommittee of the nature and quality of my most recent experience with one cruise ship line, Carnival, in connection with the recent and tragic incident involving the late David Ray Ritcheson, who was one of my constituents.

Most of you know that I have long been one of the House's strongest advocates for federal hate crimes legislation. I am proud to have played a leading role in the passage earlier this year by the House of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act

of 2007. Most of you also know that the late David Ray Ritcheson was instrumental in the passage of this landmark legislation.

In a case that drew national attention, 16-year old David Ray Ritcheson, a Mexican-American, was severely assaulted on April 23, 2006, by two youths while attending a party in the Houston suburb of Spring, Texas. One of his teen-age attackers, a skinhead, yelled ethnic slurs and kicked a pipe up his rectum, severely damaging his internal organs and leaving him in the hospital for three months and eight days – almost all of it in critical care. For the supposed crime of allegedly kissing a white girl, this Hispanic young man was punched unconscious, kicked him in the head, suffered 17 cigarette burns sadistically inflicted that still scar his body. His assailants poured bleach on his face and body, and then assaulted with a pipe taken from a patio umbrella. He was left lying unconscious and unattended in the back yard of house for more than eight hours. He has endured more than 30 operations to restore his appearance and regain the normal use of his bodily functions.

After surviving this horrific attack, David Ray Ritcheson refused to live as a victim. Instead, he devoted the remainder of his life to making America a hate free place to live. Earlier this year, he testified

before the Judiciary Committee in support of H.R. 1592. His testimony was so powerful, so compelling, so eloquent, that it helped inspire the House of Representatives to pass the bill. No one present in the hearing room that day will ever forget his concluding words:

“It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign to enact a much needed law such as the ‘Local Law Enforcement Hate Crimes Prevention Act of 2007.’ I can assure you, from this day forward I will do what ever I can to help make our great county, the United States of America, a hate free place to live.”

David Ray Ritcheson’s testimony helped persuade the House to take the lead in deterring individuals like those who attacked him from committing violent crimes against others because of where they originate, the color of their skin, the God they worship, the person they love, or the way they look, talk, or act.

David Ritcheson died this past July 1 of blunt force trauma sustained when he jumped from the upper deck of the cruise ship Ecstasy, owned by Carnival Cruise Lines, while a passenger on a cruise from Galveston, Texas to Cozumel and Progreso, Mexico.

Cruise staff tried, unsuccessfully, for perhaps an hour to talk him out of jumping from the ship and, according to media reports, at least one of his friends witnessed the suicide. The ship's captain quickly

alerted passengers the boat was being turned around to rescue a man who had gone overboard. A rescue crew recovered David's body later that morning and the captain made a second announcement, telling passengers the man who went overboard had died.

I was notified by Carnival Cruise Lines of the tragic incident on Monday, July 2, by Tom Dow, Vice President for Public Affairs for Carnival, who maintained regular contact with me until the ship arrived back in Galveston Thursday, July 5. This included updates on the parents and arrangements being made to take custody of the body in Galveston.

Mr. Chairman, the subcommittee should know that in this case Carnival, through its CARE Team, provided assistance to David's family, including travel arrangements to Mexico, a cabin on the ship, and arrangements for a van in Galveston. The parents did not wish to speak to media, so the van was directed to a private entrance to the terminal from where his body was taken to the Medical Examiner's office in Texas City. In short, Carnival handled a very tragic and traumatic incident with both compassion and discretion.

Thank you, Mr. Chairman. I will be happy to answer any questions you may have.

*Doris O. Matsui*

Testimony for Congresswoman Doris O. Matsui  
Subcommittee on Coast Guard and Maritime Transportation  
"Crimes Against Americans On Cruise Ships Follow-Up"  
September 19, 2007

**Intro**

I would like to first thank Chairman Cummings for calling this important and necessary second hearing. I look forward to hearing from the cruise industry what steps they have taken to improve the security on their ships. Mr. Chairman, I appreciate your commitment to this issue and to informing and protecting the nearly 12 million American passengers who take cruises each year.

I had asked Chairman Cummings to hold the hearing in March of this year after learning about a young woman from my district who came to me for assistance after she had been a victim of a violent crime on February 21, 2006 on a cruise ship.

The Committee heard from my constituent Laurie Dishman at the first hearing. Laurie is here with us today...I want to publicly thank her for her continued and brave efforts to make sure that no one else goes through what she has endured.

Laurie: thank you for being here today.

**What has happened in 6 months since last hearing**

Since our hearing last March, I know that individuals like Ken Carver and Laurie Dishman have been working hard to secure a meeting with the cruise industry. While there were seemingly unnecessary delays and even a few false starts, I was pleased to learn that the discussions did take place just a month ago in August.

The ICV-CLIA meeting was the first time that there has ever been a discussion of the various issues concerning cruise lines by an independent group with the cruise line industry.

I look forward to hearing the reforms the cruise industry is undergoing based on this meeting. I am particularly interested in the time frames for which these



reforms will be enacted and what information is being shared with passengers about their potential for danger onboard a cruise.

#### **Security Personnel and Background Checks**

As Laurie testified at the last hearing, as a passenger on board the Vision of the Seas, a ship operated by Royal Caribbean, she was raped by a crew member. One of the most disturbing aspects of Laurie's case is that the cruise ship on which she was raped was short security staff. As a result, the cruise line promoted someone with no training to perform security personnel duties.

The tragedy that ensued is something that Laurie will never forget. I continue to be concerned about the lack of security personnel on cruise ships...many of which are essentially floating cities with thousands of passengers and few security guards.

Similarly, passengers may hear that background checks are performed on all crew members...however, what Americans do not understand is that many of these individuals are foreign nationals and that their countries do not have the same system in place for background checks.

#### **Victims Rights and Crime Scene Preservation**

The story of Laurie and other victims' experiences are shocking enough. Unfortunately, most of these victims and their families continue to experience difficulties after the crime occurs. For Laurie, she was forced to collect her own evidence and after she departed the ship, experienced difficulty getting information about the incident from the cruise line.

Proper evidence collection and victims' assistance after a crime are important and seemingly missing from cruise ships. I hope that the cruise industry has worked during these last six months not only on ways to prevent crimes from occurring, but also on working to take care of victims and their families after a crime has occurred.

**Reporting Mechanisms**

The more I have inquired about crimes on cruise ships, the more I have been alarmed that there is no shortage of cases of: rape, sexual assaults of minors, alcohol related fighting and abuse, and persons overboard.

The last hearing highlighted how crime numbers reported to Congress were radically different from the cruise industry's internal crime statistics. The cruise industry insists that they are voluntarily reporting more crimes than they are statutorily required to...I feel that their actions have been less than forthcoming. Unfortunately, it seems that without continued Congressional oversight or penalties for noncompliance, the cruise industry reports what and when they want to.

**Conclusion**

We continue to hear media reports of passengers falling overboard, passengers gone missing and passengers being raped and sexually assaulted. Sadly, many of these cases remain unresolved because of lack of security personnel and standards for crime scene preservation. Worse yet, many cases go unreported because there is no industry reporting mechanism.

The result of our first hearing, combined with numerous media reports of crimes on cruise ships, point to the need for increased safety and security for these passengers. Prevention can be an important tool, and prevention begins with making people aware of the potential for a crime to occur.

There will be 12 million Americans traveling on cruise ships this year--- the industry is growing. With growth comes a greater responsibility. This is an opportunity for all of us---working together---we can and we will improve the safety and security of Americans who travel on the high seas.

Thank you Mr. Chairman.

TESTIMONY OF  
GARY M. BALD  
SENIOR VICE PRESIDENT OF GLOBAL SECURITY  
ROYAL CARIBBEAN CRUISES LTD.  
BEFORE THE  
U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION  
SEPTEMBER 19, 2007

Good morning, Mr. Chairman, Congressman LaTourette, and Members of the Subcommittee. I would like to take this opportunity to thank you, Mr. Chairman, and the Subcommittee, for holding these hearings. After 29 years in the FBI, I am a true believer in Congressional oversight and the reform it can bring about when conducted in a fair and productive manner. Because of your interest in cruise industry operations, issues facing the industry and our guests today have become more clearly focused and progress is being made in how we mutually ensure their security and care. I have been particularly impressed with your recognition and support of an industry partnership with individual cruise incident survivors. I thank you for your encouragement and collegial inclinations in this important area. Some of the best external guidance I now receive is from cruise incident survivors.

I first appeared before the Subcommittee in March of this year at which time I had served just nine months as the head of global security for the Royal Caribbean cruise brands, which include: Royal Caribbean International, Celebrity Cruises and Azamara Cruises. At that time, Mr. Chairman, I testified to a number of shortcomings in our policies and procedures which, unfortunately, led to additional trauma for several guests who had suffered a crisis while on vacation with us. I also testified about some of the changes we had put into place to address these shortcomings. Those changes remain in place and are part of a strategy to advance our security to ensure the welfare of our guests.

***Guest Security Strategy***

At Royal Caribbean, our guest security strategy is to implement processes that prevent and effectively respond to security incidents. Prevention, our highest priority, is being pursued through a dual effort of 1) effective deterrence, and 2) understanding and eliminating the factors that contribute to incidents. Simply stated, I believe that if we can eliminate the factors that lead to incidents, we will be able to prevent incidents from occurring.

In those situations where an incident does occur, our goal is to effectively respond in a manner that restores safety and security; treats and cares for our guest appropriately and with compassion; identifies those responsible; preserves evidence; and facilitates and supports investigation of the incident and prosecution of those responsible.

The first steps in this process are underway. We have instituted a deterrent presence on several of our ships, and will expand this in the future. The next step involves developing a process to identify the factors that contribute to incidents. Once this step is complete, we will begin to collect and evaluate this information and develop security measures that eliminate these contributing factors.

In the mean time, we are redefining the roles and qualifications of our security staff and providing the training they need to be successful. We have revised several of our key processes, and expect to eventually conclude a complete rewrite of our security procedures. We are aggressively re-training our security teams on how to recognize and preserve evidence; how to conduct post-incident follow-up; and, importantly, on the acceptable manner in which to interact with victims of crimes.

Although I will list below some of the steps we have already taken, there are many others, both underway and planned, that I can not present today in this open setting. Some of these fall into the categories of security countermeasures; promising proprietary technical research and development; and personnel initiatives. It is important to note that although I believe we have come a long way in our security efforts, we still have much more to accomplish. Ultimately, this process is not about statistics or even about past incidents, although both are important. It is about preventing even a single negative experience on a cruise ship. This is no small task. With the continual support of this Committee, government officials, our cruise industry counterparts and our incident-survivor partners, I am confident our efforts will make a significant impact on the issues we collectively face and on the cruise experiences of our future guests.

#### *External Input and Recommendations*

Since the March hearing before this Committee, I have benefited from both direct and indirect input from cruise incident survivors. Their unique perspectives have afforded me an excellent compass-check to ensure my efforts are on a course that will prevent future incidents. Many of the suggestions I have received from survivors have either led to new initiatives; validated current projects; or produced promising ideas for future planning. We have also received recommendations from the International Cruise Victims Association. Their "Ten-Point Program" contains sound concepts and, although in some instances we do not agree with their implementation approach, their work has stimulated productive dialogue. In general, their proposals are consistent with our goals to ensure: reliable cruise employee vetting; well-trained and capable shipboard security with a high degree of integrity and appropriate oversight; effective video surveillance systems; viable technology and processes to address missing persons; and capable medical care. I am also particularly pleased and optimistic about CLIA's initiative to form a Survivor/Industry Working Group. Based on what I know about the survivors who have volunteered to serve on this group, I am confident that we will continue to make progress through this collaborative process and the flow of security ideas for the future will be rich and well informed.

*Security Progress*

Today, I am pleased to report that we have continued to make progress in both securing our ships and in providing needed personal and emotional support to our guests. Mr. Chairman, as I have noted, our progress over the last six months has been greatly enhanced by the partnership of cruise incident survivors who have graciously provided firsthand accounts of ways in which we can improve. I have spent many hours in personal discussions and reviewing input from incident survivors and their families. I have found the information I have received to be very helpful in ensuring the direction of my improvement strategies is in keeping with the needs of those I am dedicated to protect.

For the past several years, Royal Caribbean has focused on improving the tools, technology, training, and performance of our company in terms of security and guest care. Although I would be pleased to respond to questions about any of the initiatives we have undertaken, for purposes of my remarks today, I would like to focus on some of the steps we have taken in the six months that have passed since this subcommittee's last hearing in late March of this year. The majority of these steps in our ongoing security progress speak to issues raised in our conversations with individual incident survivors and in the written proposals for improvement we have received.

*April 2007*

- At the conclusion of the March 27, 2007 hearing, I was approached by Kimberly Edwards, a cruise incident survivor. Ms. Edwards expressed concern over her personal cruise experience and manner in which her situation was handled. I addressed her concern and we began a dialogue about shipboard security that has been very informative. I found Ms. Edwards to be a strong advocate of her own and other cruise victims' concerns and someone with the ability to bridge perspective gaps such as those that may develop between the industry and incident survivors. The manner in which she has approached our mutual goal of security improvements confirmed for me the absolute need to involve survivors in our security improvement process.
- We have entered into a partnership with the Rape Assault and Incest National Network (RAINN). RAINN, the nation's largest anti-sexual assault organization, operates a National Sexual Assault Hotline, and conducts programs to prevent sexual assault, help victims, and ensure that perpetrators are brought to justice. We are working with RAINN to establish access from our ships to RAINN's web-based 24-hour Online Hotline and to their 24-hour 800 Telephone Hotline for those rare instances where a guest or crew member becomes the victim of a sexual assault. Our mutual goal is to facilitate both immediate and continuing professional counseling services should a guest desire and need this assistance. Our partnership with RAINN will contribute strongly to the support now routinely provided to guests by Royal Caribbean's Guest Care Team.

- After meeting Ken Carver for the first time at the March hearing, we began an exchange of information concerning his daughter's apparent suicide, as well as information about the International Cruise Victims Association's (ICVA) recommendations for security improvements. Through CLIA's leadership, I look forward to continuing discussions with Mr. Carver as we advance our efforts to address our mutual concerns.
- We began a formalized process whereby the Global Security Department and the Risk Management Department of Royal Caribbean conduct formal quarterly reviews of all shipboard incidents. This is an oversight process that helps us ensure incidents are properly reported, characterized and addressed at various levels/perspectives and offers an additional opportunity to identify lessons learned and areas where we can improve.
- We implemented a Guest Care checklist for ships' management to facilitate consistent support of our guests' emotional and logistical needs following an unforeseen event. This includes providing shipboard toll free telephone access for guests to RAINN, the FBI and other law enforcement entities who may be involved in responding to their shipboard incident. This is a service that will be routinely provided under the Royal Caribbean Guest Care Program.

May 2007

- Laurie Dishman, who testified on the victim's panel at the March 27, 2007 hearing, and I exchanged several emails which included her thoughtful suggestions for security improvements. Although our interactions have been limited by her attorney's concerns about pending litigation, Ms. Dishman's suggestions have directly led to security improvements within Royal Caribbean. I hope one day to discuss our security initiatives with Ms. Dishman and to obtain more of her valuable input and feedback.
- Royal Caribbean co-sponsored a Family Assistance Foundation (FAF) symposium in Atlanta, Georgia. The symposium was attended by survivors and industry representatives and was facilitated by Dr. Carolyn Coarsey of the FAF. The conference successfully enabled all parties to discuss our shared goal of enhancing transportation security while at the same time providing a much needed opportunity for us to interact on a personal level with persons who are survivors of a cruise-related incident. The value of these discussions has been evident in the progress the industry has made in addressing survivors' specific concerns.
- We implemented a formal "after-action process" at the conclusion of the internal handling of a shipboard incident involving a sexual assault or a "man-overboard" incident. While we do many things right, we have learned from our survivors that there are things we have done wrong or that we could do better in these matters. For that reason, we have designed the after-action review process to identify lessons learned and to make appropriate improvements.

- We formed an internal Employee Vetting Working Group to re-evaluate both our internal and outsourced vetting processes and to identify opportunities for improvement. This group will also further explore legal ways to address the vetting concerns expressed by Ms. Dishman and the ICVA.

June 2007

- We entered into an agreement with an outside contractor to supply former federal, state and local law enforcement investigative experts who are on call to respond to certain ship-board incidents such as man overboard or sexual assault incidents. This team provides us a resource we can dispatch with strong investigative credentials to assist in understanding how an incident occurred and what steps we can take to prevent a recurrence. Given the input we have received from this committee and our survivors, we have required this team to include highly skilled female investigators who will greatly add to our efforts to effectively respond, assess and ultimately prevent sexual assault incidents.

July 2007

- We expanded our existing internal Watchlisting Process to include all terminated Royal Caribbean employees. This now permits us to consider whether a terminated employee should be permitted to sail as a guest on a Royal Caribbean ship in the future. Existing protocols within the Human Resources Department already ensure that a terminated employee will not be rehired without a complete review of the reasons for a prior termination. Terminations for criminal activity are a bar against both sailing with and future employment with Royal Caribbean. (Due to prohibitions on the practice of blacklisting, within the context of anti-discrimination laws, civil rights laws, antitrust laws and labor laws, Royal Caribbean does not share a list of employees terminated for criminal activity with other cruise lines, as has been recommended by the International Cruise Victims Association.)
- We contracted with an outside expert for the development of incident metrics to facilitate a prevention approach to shipboard security. The goal of this project is to identify and eliminate patterns in circumstances that contribute to shipboard incidents. If we can better understand the underlying causes of incidents, we will be better able to target them for elimination.
- We added two new full-time employees to our Guest Care Team, bringing this important response team to a total of five full-time specialists prepared to travel on a moment's notice anywhere in the world when an RCL guests needs assistance. This team, lead by a registered nurse, has received amazing results and feedback from those they have helped.

- We filled the first position on our Global Security Department's investigative team. This 20 year veteran and Detective from the New York City Police Department brings extensive investigative experience to the department. (See the August entry below for more details on the role of this team.)
- We participated with CLIA and other cruise industry colleagues in a meeting with several board members of the International Cruise Victims Association to discuss suggestions for improving ship security. We believe continuing dialogue with the survivors of cruise incidents will permit us to match improvement processes to some of the concepts underlying the ICVA's Ten-Point program for the benefit of all cruise travelers.
- We formally established security career path and related job descriptions for our shipboard security teams. This is the first of several steps we will take to ensure we attract and retain high-quality, motivated professionals to these critical positions.

#### August 2007

- We joined CLIA, other cruise industry colleagues and the Family Assistance Foundation in meeting with survivors and family members of incidents on cruise ships. This meeting was to permit us to hear directly from survivors suggestions for improving the security and guest care practices of the industry in ways that will help us prevent future incidents. This meeting was very productive and produced ideas and partnerships that bode well for future guests and the industry on topics such as prevention, training, guest care, family support, communication and medical care. Survivors expressed their desire to participate in a formal working group with the industry. This working group is being formed by CLIA and will provide further opportunities to continue this great exchange.
- We developed a plan for the installation of peep holes in guest stateroom cabins on an existing ship in October 2007. This follows an earlier decision to install peep holes in guest staterooms on two ships currently being built. We are in the process of obtaining fire safety acceptance for our proposed installation process from Det Norske Veritas, the classification society for technical requirements for construction or design and certifications for industry standards. Pending this certification of our process, installation will proceed in October, and planning to install peep holes on all Royal Caribbean ships will move forward. This initiative is the result of a suggestion from Laurie Dishman, and is further evidence of the value of our ongoing dialogue with cruise incident survivors.
- To ensure our shipboard executives understand the impact our handling of incidents has on our guests, we distributed a DVD containing excerpts from the March 2007 Congressional Hearing of this Subcommittee to every ship in the fleet. This DVD is now mandatory viewing for Captains, Staff Captains, Hotel Directors, Security Officers, Security Staff, Medical Staff and Guest Services Desk Staff. The DVD highlights testimony from survivors expressing the trauma they experienced;



government witnesses setting forth their role in investigating incidents onboard cruise ships; and Members of the Subcommittee, including the Chairman, expressing their commitment to seeing improvement in the security and care of the cruising public.

- We formally amended policy on incident response and codified these changes in Royal Caribbean manuals. This new policy reflects our emphasis on preserving evidence and standardized the method by which we will reliably secure staterooms that become the location of a shipboard incident.
- We hired two additional experienced investigators, both women, as full-time members of the Global Security Department's investigative team. These career professionals, along with their counterpart hired in July and their Director, bring over 80 years of investigative experience to the company, and form a team whose past assignments include the handling of sexual assault investigations and strong experience working with international law enforcement partners. They will directly oversee our response to shipboard incidents; ensure the complete reporting of criminal incidents to the appropriate law enforcement agency (worldwide); and direct the response of contract investigators when needed. This team is also joined by a newly hired senior intelligence analyst, with U.S. Intelligence Community experience, to monitor changes in world security risks and drive appropriate corporate response.
- To further elevate the importance of shipboard security, the Chairman and CEO of Royal Caribbean Cruises Ltd. approved that I, as Senior Vice President for Global Security, participate in evaluating the annual performance of our shipboard Captains. This is the process that determines their end of year bonus. This supplements the role I play in the annual ratings of Staff Captains and Security Officers.

*September 2007*

- We formally reassigned accountability for our response to shipboard criminal incidents and man overboard investigations from the Risk Management Department to the Global Security Department. This places day-to-day planning, response, reporting and oversight for incidents in the hands of career investigative professionals.
- Our next generation SeaPass Program entered the Request-for-Proposal Phase. This will provide our ships with a platform-based guest identification and purchasing card with enhanced security recognition features. This approach will also provide opportunities to leverage anticipated near-term technology advancements as they become available.

- We began including the FBI in our quarterly reviews of shipboard incidents by the Global Security Department and the Risk Management Department. This provides valuable input and an additional level of oversight to our incident handling and reporting process.
- The Family Assistance Foundation provided training to Royal Caribbean corporate communication and security officials focusing on the importance of effectively communicating with guests and their families, with employees, and with the public in the event of an incident. The FAF also shared videotaped interviews of survivors who described the positive impact on their emotional recovery of cruise employees who responded immediately and appropriately to their needs.
- We developed and submitted for publication, a concise safety/security guide for guests. This guide, to appear on the inside cover of every guest stateroom service directory in the Royal Caribbean, Celebrity and Azamara fleet, includes shipboard emergency contact numbers, safety/security tips and other helpful security information. This step is the result of a specific recommendation of Kimberly Edwards, a cruise incident survivor who has graciously shared her time to help improve cruise ship security.
- To ensure that shipboard medical staff are familiar with the proper procedures for administering the Pelvic Examination Kit, we forwarded a supplemental training DVD to each ship for mandatory viewing by all medical staff members. This is an initiative recommended by this committee in March of this year.
- We formally established that only full-time security crew members may carry or display a security badge. This will help guests distinguish between our onboard security professionals from other members of the crew.
- Finally, next week, we will provide our annual Security Officers training seminar. This year, we will include presentations by the Family Assistance Foundation, in addition to our many technical and procedural sessions and FBI training. During this ten-day session, Security Officers will receive presentations on topics such as incident reporting requirements, incident prevention, incident response, evidence preservation, conflict resolution, guest care, victim concerns, intelligence, terrorism and security countermeasures. This training will also result in each Security Officer training and then sitting for his Security Industry Authority (SIA) License, as taught, regulated and issued by the United Kingdom.

#### **Incident Reporting**

Before concluding my statement, Mr. Chairman, I would like to mention that the cruise industry's standardized reporting agreement with the FBI and Coast Guard has been in place now for six months and, from Royal Caribbean's perspective, has been fully and successfully implemented. Between the time of the last hearing and September 1, 2007, my team has worked in partnership with our Risk Management Department to

ensure our reporting requirements are being met. As I indicated earlier in my written statement, effective September 1, 2007, I became personally responsible for ensuring that all criminal incidents are appropriately reported. I pledge to you that I will continue the commitment to full reporting that our CEO mandated several years ago and that I will ensure our processes and actions result in our meeting both the letter and spirit of our agreement with the FBI and the U.S. Coast Guard.

I want to make one thing very clear about our reporting obligations. It is my understanding that the reporting standards in the industry/FBI-USCG agreement are required by U.S. law and/or regulations. I base this understanding on information from industry and corporate legal guidance as well as from information provided by the FBI and U.S. Coast Guard. Nothing I have heard or reviewed would permit me to follow any other course. However, regardless of others' interpretations of our legal reporting obligations, the instructions I have given to my team are clear. Our ships will promptly report ALL crimes on board our ships to my department; and my department will report or ensure reporting of shipboard crimes to the appropriate authorities immediately upon receipt. This is not only the right thing to do, it is an integral part of my efforts to understand shipboard incidents and develop prevention strategies.

#### Conclusion

Mr. Chairman, at Royal Caribbean, we are committed to providing an exceptional and safe vacation experience for our guests. If a guest becomes the victim of a crime, we want to ensure that they and their family members or traveling companions are appropriately cared for; that the person(s) responsible are effectively investigated; and that steps are taken to learn from and prevent the incident from happening again. To reach that goal, we will continue to work in partnership with survivors and their families; with outside experts such as the Family Assistance Foundation and RAINN; and with the federal government. I am personally committed to keeping open the lines of communication with these important partners and to provide periodic updates to you Mr. Chairman and other Members of the Subcommittee, as desired.

Thank you again for the opportunity to be here today. I am happy to respond to any questions you may have.

**Testimony  
of  
KENDALL CARVER**

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**Appearing Before  
COMMITTEE ON COAST GUARD & MARITIME  
TRANSPORTATION**

**“Cruise Ship Security Practices and Procedures”**

**Hearing Scheduled  
Wednesday, September 19, 2006 – 11:00 a.m.  
Rayburn House Office Building  
Room # 2167**

I wish to thank the Committee for the opportunity to speak today and provide you with a summary of the steps that have been taken, since the last hearing of March 27, 2007, in which both International Cruise Victims Association (ICV) and Cruise Line International Association (CLIA) were instructed by Chairman Elijah Cummings to enter into discussions for improving cruise ship safety and security, particularly addressing ICV's 10-Point Plan.

As I reflect back on my life, it has been exactly three years ago today that I began living the worst nightmare that a parent could fathom, learning that one of my four daughters was missing and not knowing where she was or what had happened to her. My story is no different than that of the other members of ICV, who have joined our efforts to address the current safety and security procedures for cruise ship passengers and recommend changes to the cruise line industry's operational practices.

Having retired to Phoenix, after serving as CEO and President of a New York Domiciled Life Insurance company, along with serving as Chairman of the Board of the trade Association in 1991, which represented all of the major New York Domiciled Insurance Company, I was ready for the 'good life'. Little did I realize that my past experiences were to prepare me for what has happened during these past three years.

After several months and tens of thousands of dollars, I soon learned that I was dealing with a major cover-up of the circumstances surrounding Merrian's disappearance by a major cruise line. This journey prompted the forming of International Cruise Victims Association (ICV), a group of victims who joined together to address the numerous crimes that occur on cruise ships. For the first time, ICV has provided a voice for victims throughout the world. Attached is our latest Victim Story coming from a crewmember in South America.

This is the fourth hearing that I have attended and the third congressional hearing in which I have testified on behalf of ICV.

ICV has grown substantially since January 1, 2006, from just a few members to an organization of over several hundred members, located in 15 countries throughout the world. With no paid staff and very limited funds, we have been fortunate to attract many skilled and talented volunteers around the world, who support our mission on a 24/7 basis. We actually now have a separate ICV chapter in Australia under the direction of Mr. Mark Brimble, Vice President of ICV.

Through their own individual experiences, victims soon realized that acting on their own was ineffective. We also need to give credit to the press, which has joined in our efforts by reviewing our goals and publicizing the stories of cruise ship victims.

In the March 2006 Congressional hearing, six victims testified for the first time, four of which were ICV members. In addition, ICV's 10-Point program to improve safety was presented and members of the Committee asked the cruise line industry representative, International Council of Cruise Lines (ICCL), their position on this program. This program was developed through a composite of input from our members. It is a work in-progress and has continued to change, based on additional suggestions and comments received by new and existing members.

At the last Congressional Hearing, Chairman Elijah Cummings requested that CLIA and ICV meet to review this program, along with meeting with the FBI and U.S. Coast Guard to review their agreement, which was signed the day prior to the last congressional hearing. Chairman Cummings indicated that there would be another hearing in six months to review the progress made in these discussions. I would like to bring the Committee up-to-date with those developments:

It has not been an easy task to comply with the Chairman's request to enter into serious negotiations. In the exhibits you will see the communications of our efforts for scheduling our first formalized joint

meeting. As you can see, on April 16<sup>th</sup>, after providing 60 pages of detailed documents concerning our proposal meeting, it was not until July 26<sup>th</sup> before we were actually afforded our one and only formalized meeting with CLIA.

I would also like to discuss four meetings in which ICV has participated with the details of each meeting following this list of dates:

- > May 7, 2007  
Mr. Terry Dale (President & CEO of Cruise Lines International Association - CLIA), and Mr. Son Michael Pham (Vice President & Treasurer of ICV) and myself met to establish guidelines for the initial formalized meeting agenda and to determine the attendees.
- > July 25, 2007  
ICV representatives met with representatives of the FBI, regarding an agreement between the FBI, the U.S. Coast Guard, and CLIA, which was signed and released just days prior to the March 7, 2006 congressional hearing.
- > July 26, 2007  
First 'official' meeting with the ICV Team and CLIA (and two cruise line representatives) to review ICV's 10-Point Plan and discuss steps for solutions of each issue.
- > August 14, 2007  
CLIA-sponsored meeting, as a result of their letter dated June 25, 2007, addressed to 'Passengers and their families'. This letter is shown under Section III of the Exhibits.

On May 7, 2007, the following guidelines were established between CLIA and ICV:

- The group would be limited in size for the purpose of productive discussions. (NOTE: This particular guideline was suggested by Terry Dale.)
- While there were some concerns, regarding the ICV team and who would be attending, it was agreed that ICV had the right to select who would represent ICV, subject to the approval of the ICV Board.
- Although Terry Dale suggested that the discussions be limited to just a few of the points in ICV's 10-Point plan, we stated that all 10 points would be addressed during our discussions.
- Terry Dale would forward the 60 pages of documents to a CLIA committee to be reviewed, and submit any questions from that committee to ICV, prior to our first formalized meeting, allowing sufficient time for ICV to review their questions, prior to the meeting.

On July 25, 2007, a meeting was initiated by ICV with the FBI, and held at the headquarters of the FBI, and included Salvador Hernandez, Deputy Assistant Director, and John Gillis, Director of the Violent Crime Division of the FBI.

The purpose was to review the concerns of the March 2006 agreement between the FBI, U.S. Coast Guard, and CLIA. Please refer to Section I Attachment that reflects the main points of our 2-hour discussion. The main conclusions from the meeting are as follows:

- Both FBI representatives were unaware that in 1999 the Cruise Line Industry had established a "zero tolerance for crime" policy, which required them to report all crimes to the FBI. The new

agreement only addressed how crimes were to be reported. This agreement took about 14 months to resolve, beginning in January 2006.

- Both advised us that the FBI and the Justice Department did not have the resources to follow up on crimes on cruise ships unless it reached certain thresholds. This is the reason why, in 2005, only 50 cases were opened with only 4 convictions from cruises that carry 10 million passengers (information provided by the FBI).
- The following issues were discussed with the FBI:
  - 1) Did the FBI have the authority to enter into an agreement that was generated by CLIA, which represents foreign-owned corporations, without having this agreement reviewed and authorized by the U.S. Attorney General?
  - 2) We questioned the suspicious timing of this agreement, which was signed only a few days prior to the congressional hearing.
  - 3) The Assistant Director of the FBI informed us that they had spent months meeting with cruise company representatives, which resulted in the agreement. Knowing that CLIA and the FBI and the U.S. Coast Guard were having discussions, ICV officers actually met with the FBI and Coast Guard in June of 2006 to explain our programs and inform our intention to be included in future discussions. Although the FBI denied the secretiveness of these meetings, ICV was not included or made aware of this agreement, until after it was signed by the parties and released only a few days prior to the congressional hearing.

On July 6, 2007 we also requested by a faxed letter to meet with the U.S. Coast Guard. They never acknowledged our request until the morning of July 27, 2007 when it was too late to schedule a meeting.

On July 26, 2007, the first formalized meeting was held with CLIA and the members who had been appointed by the ICV Board to conduct these negotiations. This 5-½ meeting was held in Washington, DC, at the National Center for Victims of Crime. While the attachments go into great detail on the various points discussed, ICV presented the following materials:

- Based upon the files obtained on crimes reported by Royal Caribbean Cruise Lines from 2003 to 2005, close to 80% of these crimes involved crew members.
- Actual sexual crime rates varied significantly between various cruise ships and on average were 50% higher than comparable crimes rates for the average American city. (I.E. 3.33% to 6.36% greater than presented by Dr. Fox, Consultation for the Cruise Line industry, at the March 2006 Congressional Hearing.)
- Cruise lines take the legal position that they do not investigate crimes, and since the FBI does not have the resources to follow-up, no one is taking action.
- ICV discussed the concern of video/surveillance on cruise ships. In a deposition, a cruise line attorney took the position that this information is privileged. One of our members, Attorney James Walker, indicated that in 50 cases, he had never been able to obtain the videos. The Security Representatives for the cruise lines, attending this meeting, indicated that they were not aware of this and stated that this would be reviewed with their legal departments. So far, we have not received a response.

We approached and entered into this meeting with a positive attitude, and when it adjourned, I honestly believed that both organizations had set the stage for future positive discussions.

On August 3, 2007, following this meeting and upon receipt of ICV's minutes, which had been requested by Terry Dale, he responded, *"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."*

We believe it is essential to continuing these discussions with CLIA to understand the alternatives to the ICV proposals.

Prior to all of the above meetings, CLIA issued a form letter on June 25, 2007, addressed to 'Cruise Passengers and their families', inviting them to an expense-paid meeting in Miami to discuss issues concerning victims; however, their respective attorneys and the media were prohibited from attending. In early July, I began receiving requests from cruise lines officials and others to invite our members.

Since it was impossible to determine the purpose of this meeting, I sent a memo to Terry Dale on July 20, 2007 that is shown in Section III of the Exhibits, requesting clarification, regarding who was invited and what was the program for this meeting. I never received a response.

At the end of the July 26, 2007, meeting I was again invited to attend the "Passengers and their families" meeting in Miami on August 14, 2007, and was advised that I could present ICV's 10-Point Plan to those attending. Although we did not know who was invited or agenda for the meeting, Son Michael Pham and I agreed to attend to present the 10-Point Plan. We presented this decision to the ICV Board, which chose to appoint Son Michael and me to represent all of our ICV members/victims.

Following the July 26, 2007 meeting, we received continuous pressure to forward CLIA's invitation to all ICV members. While we were never advised as to who was actually invited to this meeting, a week prior to the August meeting in Miami, we finally received an agenda, which was forwarded to ICV victims. Since attorneys were prohibited from attending, and since there were victims with pending lawsuits, we explained to our members that ICV neither sponsored nor sanctioned this conference.

On August 14, 2007 when we arrived at this meeting in Miami, we were shocked to find that the only individuals, who had been targeted, were ICV members. With the entire list of cruise line victims with whom they have had past and present dealings, we were disappointed that their only real interest was ICV members. The obvious concern we have is why would CLIA set up such a meeting aimed at ICV members without advising and trying to work with the officers of ICV or even answers our basic questions, as shown in my July 20, 2007 memo to them.

Other than Son Michael Pham, VP of ICV and myself, those attending included nine (9) ICV victims and families of victims and two (2) additional individuals that were solicited by the cruise lines, who could not be categorized as victims, one had died from cancer and the other passed away due to a heart attack while on cruises.

It appeared that CLIA was interested in only the ICV members, since they were organized and were being represented as a group, rather than stand-alone victims. Members of this 'working group' do not represent the hundreds of ICV members and victims; therefore, the forming of this new CLIA 'working group' with selected victims and non-victims is questionable to us, and in our opinion, this is simply an attempt to avoid working with ICV.

It is also important to note that some of the victims being selected as part of this 'working group' still have pending lawsuits against the cruise lines and are being invited to attend, absent their legal



representation, which could either jeopardize their case(s) or create opportunities for conflict of interest.

While the invitation letter of June 25, 2007 indicated that the discussions would be limited to suggestions to improve safety issues, most of those attending told their particular story without the benefit of legal council being present. A few days after the meeting I was called by one of the lawyers that expressed his concern that his client had disclosed information to the cruise line officials that could actually be harmful to their case.

By arranging a separate committee controlled by the cruise lines, this is a deliberate attempt to separate ICV members from our organization and to avoid future direct discussions with ICV, the organization that has been recognized by U.S. Congress and other government agencies to represent cruise victims worldwide; thus, there is absolutely no legitimate reason to form separate efforts to work on solutions needed to improve safeties and securities aboard cruise ships.

We have complied with Chairman Cumming's request to enter into positive discussions with CLIA. We have complied with the mutually agreed-upon guidelines for structuring those discussions. It is our hope that the Chairman will require continuation of the meetings between CLIA and ICV, in an effort to resolve the various safety issues, rather than allowing CLIA to target individual victims, the same victims who approached them prior to the formation of ICV, coupled with the many victims who continue to contact us for help.

I sit before you today, as President of International Cruise Victims Association, the father of a cruise ship victim, my missing daughter, and for ALL the victims and their families, who have suffered needlessly, due to crimes and safety deficiencies that occurred and continue to occur on cruise ships. We sincerely feel that whatever steps are taken to protect the safety of passengers will benefit the cruise lines.

You are our government, the U.S. Congress, and I'm sure that you too have families'... parents, wives, husbands, children, and grandchildren. Unlike the tragedies that we have encountered, they deserve to be protected... and you are their voice... and you have the power to protect them and all of us. I plead with you to put an end to this.

Thank you for your time and for allowing me to testify today.

Kendall Carver, President

International Cruise Victims Association, Inc.

**SUPPLEMENTAL ATTACHMENTS**

*Submitted by*

**KENDALL CARVER**

*Before*

**COMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION**

**“Cruise Ship Security Practices and Procedures”**

**SECTION I ATTACHMENT**

- **FBI Meeting – July 25, 2007**

**SECTION II ATTACHMENTS**

- **CLIA-ICV Meeting – July 26, 2007**

**SECTION III ATTACHMENTS**

- **CLIA-Sponsored Meeting – August 14, 2007**

**SECTION IV ATTACHMENTS**

- **ICV - New Victim Story**