

As an actively practicing maritime attorney and member of the Admiralty Law Section of the American Association for Justice, I would like to comment on the proposed Certification program.

The vast majority of clients my firm represents are Cruise ship passengers or workers who have been seriously injured, killed, or otherwise been harmed, including crimes such as rape and sexual assault. Thus, we see on a daily basis the terrible toll that these incidents have on innocent victims, and perhaps more importantly, we see how difficult it is to get actual information from the cruise lines once an incident happens. We welcome Congress's recent interest in furthering and/or heightening the safety and security of Cruise ship passengers, because the current regulatory system does little or nothing to hold the cruise lines accountable for wrongdoing. Fortunately, the proposed certification program is a step in the right direction.

Specifically, in addition to seeking general comments on the proposed new policy, The Maritime Administration (MarAd) is requesting public comment on the following issues:

1. How best to make MarAd certification readily apparent to the general public;
2. Whether foreign based training providers will be faced with legal barriers or other special challenges in submitting a complete application or complying with program requirements; and
3. Whether the proposed process raises specific legal or practical issues for the program participant or the cruise line passenger.

The Cruise Line Industry Association's ("CLIA") published comments make it crystal clear they don't want any of this information regarding certification made public (no surprise). It was CLIA's comments which prompted this comment, and the singular comment/point I'd like to make is one of accountability and transparency.

The first question for comment is "How best to make MarAd certification readily apparent to the general public?" Remarkably, CLIA's comments to the proposed legislation were "MarAd has already stated that those training providers that are certified will be listed on its web site. There is no requirement for any action by MarAd in the CVSSA to make the certification "readily apparent to the general public;" CLIA does not see any additional actions necessary or required by MarAd in this respect." And CLIA continues: "This course was developed by professionals within MarAd, the FBI and the USCG. The course content, certification details, and training provider issues are not the purview of the general public and it is unclear why MarAd is soliciting input from the cruise line passenger."

In other words, CLIA wants this issue out of the public spotlight as much as possible. Thus, the best and only way to make the MarAd certification readily apparent to the general public is to:

- i) require the cruise lines to post on its website which training provider(s) it has used and/or is using, and specifically name the crewmember(s) who are certified on each vessel; and

ii) on the FBI website, Federal Maritime Commission website, Coast Guard website, etc. there should be specific web pages/press releases explaining (in plain terms) what the cruise lines have to do, and whether the cruise line is in compliance.

The stated goal of the MarAd proposal is “to assure the general public that passenger cruise vessel security and safety personnel have received training that is in strict compliance with the CVSSA mandated model standards.” It seems clear that the only way to accomplish this is to maximize transparency and accountability (something the cruise lines have avoided for far too long).

Respectfully Submitted,

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*No documents available.*