

STATE OF ALASKA THE LEGISLATURE

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Legislative
Resolve No.
34



Requesting that Alaska be exempt from changes to the interpretation of the Passenger Vessel Services Act of June 19, 1886, proposed by the United States Department of Homeland Security, Bureau of Customs and Border Protection, affecting cruise itineraries of foreign-flagged vessels transporting passengers to ports in Alaska; or, if Alaska is not exempted, opposing the proposed changes to the interpretation of that Act.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the cruise ship industry is an integral part of the economy of the state;
and

WHEREAS the tourism industry in the state thrives when cruise ships land at ports in the state; and

WHEREAS about 1,000,000 passengers visited the state by cruise ship during 2007, typically calling at three or four ports of call; and

WHEREAS many of the cruise ships visiting the state travel under foreign flags; and

WHEREAS these foreign-flagged vessels generally operate as noncoastwise-qualified vessels, as defined by the Passenger Vessel Services Act of June 19, 1886, as amended (46

U.S.C. 55103); and

WHEREAS foreign-flagged passenger vessels compete with United States-flagged cruise vessels in the Hawaiian market from mainland United States ports of embarkation; to comply with the Act, these foreign-flagged vessels typically call briefly at the port of Ensenada, Mexico, often without permitting passengers to disembark; and

WHEREAS, motivated in part by expressions by the United States-flagged cruise vessels operating in the Hawaiian cruise ship market opposing these foreign-flagged cruise ship itineraries, the United States Department of Homeland Security, Bureau of Customs and Border Protection, is proposing to adopt a new interpretive rule that would require stops at an intervening foreign port to last at least 48 hours, to spend an amount of time at the foreign port that is more than 50 percent of the total amount of time at the United States ports of call, and to permit cruise ship passengers to disembark at the foreign port; and

WHEREAS it is not clear from the notice and publicity relating to the proposed rule change that the rule, if adopted, would be confined in its application to foreign-flagged vessels engaged in the Hawaiian cruise ship market; and

WHEREAS application of the rule to the Alaska market would have devastating economic effects in this state; if applied to Alaska, the proposed revision of the interpretive rule would typically allow not more than one stop, or perhaps two brief stops, in ports of call in Southeast and Southcentral Alaska, thereby reducing or limiting port calls in some places and eliminating them in others; and

WHEREAS application of the proposed rule change to the Alaska market would diminish the attractiveness of Alaska as a cruise ship itinerary destination; and

WHEREAS application of the proposed rule change to the Alaska market would also significantly and dramatically reduce the shoreside employment and business opportunities in the communities in this state in which cruise ships currently call;

BE IT RESOLVED that the Alaska State Legislature requests that Alaska be exempted from the proposed changes to the interpretation of the Passenger Vessel Services Act of June 19, 1886 (46 U.S.C. 55103), as amended, by the United States Department of Homeland Security, Bureau of Customs and Border Protection, that would require nonqualified coastwise vessels to

- (1) stop at least 48 hours in a foreign port; and

(2) spend more than 50 percent of the total time spent in United States ports in foreign ports; and be it

FURTHER RESOLVED that, if Alaska is not exempted from the proposed changes to the interpretation of the Passenger Vessel Services Act of June 19, 1886, the Alaska State Legislature opposes the proposed changes to the interpretation of that Act.

COPIES of this resolution shall be sent to the Honorable Michael Chertoff, United States Secretary of Homeland Security; the Honorable W. Ralph Basham, Commissioner of the United States Bureau of Customs and Border Protection; and the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.