

**SENATE JOINT RESOLUTION NO. 12**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

**BY SENATOR THERRIAULT**

**Introduced: 1/16/08**

**Referred: State Affairs**

**A RESOLUTION**

1 **Opposing proposed changes to the interpretation of the Passenger Vessel Services Act of**  
2 **June 19, 1886, by the United States Department of Homeland Security, Bureau of**  
3 **Customs and Border Protection, affecting cruise itineraries of foreign-flagged vessels**  
4 **transporting passengers to ports in Alaska.**

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

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

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

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

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

13 **WHEREAS** these foreign-flagged vessels generally operate as noncoastwise-qualified  
14 vessels, as defined by the Passenger Vessel Services Act of June 19, 1886, as amended (46  
15 U.S.C. 55103); and

1           **WHEREAS** current regulations adopted to implement and interpret the Act provide  
2 that the Act is violated when a noncoastwise-qualified vessel that is a foreign-flagged cruise  
3 ship transports a passenger on a voyage solely to one or more coastwise ports and the  
4 passenger disembarks or goes ashore temporarily at a coastwise port, and when a  
5 noncoastwise-qualified vessel transports a passenger on a voyage to one or more coastwise  
6 ports and a nearby foreign port or ports, but no other foreign port, and the passenger  
7 disembarks at a coastwise port other than the port of embarkation, but that there is no  
8 violation of the Act when a passenger is on a voyage to one or more coastwise ports and a  
9 distant foreign port or ports and the passenger disembarks at a coastwise port if the passenger  
10 has proceeded with the vessel to a distant foreign port; and

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

15           **WHEREAS** this competition in the Hawaiian cruise market has generated economic  
16 hardship on the operations of coastwise-qualified cruise ship operators in that market; and

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

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

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

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

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

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

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

11                   (2) spend more than 50 percent of the total time spent in United States ports in  
12 foreign ports.

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