

# United States Senate

11 May, 2021

Secretary Alejandro N. Mayorkas  
U.S. Department of Homeland Security  
3801 Nebraska Ave NW  
Washington, DC 20528-0001

Dear Mr. Secretary:

We write to you asking for a reasonable interpretation of the Passenger Vessel Services Act (PVSA) under the unprecedented conditions caused by the COVID-19 pandemic. For the past year, we have waited for the Centers for Disease Control and Prevention (CDC) to issue sufficient guidance and clarity to allow cruises to resume sailing safely. Now, we believe the opportunity to resume cruising is nearly upon us. Yet, without a flexible application of PVSA, cruises will sail in and around the United States, *except to Alaska*. This would leave our hard-hit state ever more behind as it struggles to recover economically.

On March 3<sup>rd</sup>, 2021, the Canadian Government issued Interim Order No. 5 prohibiting passenger vessels with capacity over 100 from operating in Canada's waters or ports. This disqualifies non-PVSA compliant vessels from operating itineraries to Alaska. That disqualification affects all of the large cruise ships that traditionally conduct itineraries to our state.

Clearly, the Canadian government's ban on cruise ships is borne of their concerns for the safety of their citizens and sustainability of their public health system. However, we believe that strict adherence to the CDC's guidelines will give the Canadian government sufficient assurance that the risk presented by these vessels is low enough to permit cruise ships in their waters. We have requested that Canada consider exempting cruise vessels who meet the strict CDC guidelines from the passenger vessel ban. In our request to Canada, which is also attached, we propose that the cruise ships be permitted to dock in Canadian ports for at least four hours and that Canada conduct a customs inspection. We propose that passengers not be required to conduct shore excursions for the duration of the time that the Canadian passenger vessel prohibition is in place.

If Canada concurs that the cruise ships with full CDC certification present little risk and allows the ships to operate in Canadian waters and dock in Canadian ports, cruise ship operators will still require certainty from the Customs and Border Protection Agency (CBP). We believe you have the opportunity to exhibit prudent leadership by directing CBP to suspend any extraneous requirements that passengers conduct shore excursions in Canadian ports to comply with PVSA for the duration of time in which Canada deems passenger shore excursions unsafe.

As you know, the option for passengers to go ashore while in foreign ports is considered as one of the many factors CBP officials use to determine if a passenger vessel's itinerary complies with PVSA. We note, however, that in 2007-2008 CBP attempted to regulate the extent to which a shore excursion is required in order to satisfy PVSA. The rule making efforts were stalled by the politicization of the proposal, and to date, there is no regulatory, statutory standard requiring that passengers be able to go ashore in foreign ports. While this uncertainty provides due flexibility in normal port operations, currently it presents sufficient uncertainty to preclude planning an itinerary

to Alaska. In order for cruise companies to plan an itinerary to Alaska, they merely need assurance from CBP that shore excursions are temporarily not required to satisfy PVSA.

Given the extraordinary hardship we face as a result of the global pandemic, we believe this fix is both necessary and right-sized. Directing the CBP to suspend one aspect of their interpretation of PVSA review will reflect the United States' due respect for the Canadian government's concerns and will afford the State of Alaska a real chance for economic recovery.

Additionally, we note that once the pandemic abates in Canada this plan will allow the itineraries to remain unchanged and the shore excursion pause can be lifted seamlessly. In fact, this approach also ensures that immediately as the opportunity arises, we are all poised, prepared and able to fully participate as we all return to normal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Murkowski".

LISA MURKOWSKI  
United States Senator

A handwritten signature in blue ink, appearing to read "Dan Sullivan".

DAN SULLIVAN  
United States Senator