

INTRODUCTION OF THE ECO-TOURISM VESSEL EQUITY AND RELIEF ACT OF 2020

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2020

Mr. YOUNG. Madam Speaker, I rise to introduce the "Eco-tourism Vessel Equity and Relief Act of 2020." This is a bill to address and correct a regulatory mismatch of the manner in which a small passenger vessel that operates in Southeast Alaska is measured. Specifically, the M/V *Liseron* (United States official number 971339), a converted minesweeper that conducts overnight passenger cruises in the eco-tourism trade in Southeast Alaska, should be classified as the same regulatory tonnage for licensing its crew as is used for its safety inspection category, and the other vessels in the same trade.

By way of background, the motor vessel *Liseron* was built in a U.S. shipyard in Tacoma, WA, in the early 1950's as one of a class of seven minesweepers under the auspices of the U.S. Navy for the French but was subsequently reacquired by the Navy in 1955. It was constructed to navigate shallow waters of bays, coastlines, and inlets having a shallow draft, which is why it makes for the perfect vessel to operate in Southeast Alaska. Specifically, the M/V *Liseron* is 145 feet long and 28 feet wide with a draft of 8.5 feet. Later delisted by the Navy, The Boat Company in Port Orchard, WA, acquired and restored the vessel in the late 1980's. After an extensive 16-month restoration in a U.S. shipyard facility in Tarpon Springs, FL, where the vessel was gutted and refitted, this vessel was placed into service in the early 1990's as an eco-tourism vessel in Southeast Alaska. The vessel's operations have a significant economic impact in both Washington State and Alaska. The vessel is homeported in Kitsap County, Washington State, where it undergoes needed maintenance and repair locally in Pacific Northwest shipyards, and where the vessel re-provisions for the next season's sailing in Alaska. Its operations during the cruising season in Southeast Alaska bring significant job opportunities and needed economic activity in local businesses by the company and its customers. The vessel enables tourists from around the world to come and enjoy the unparalleled scenic and natural beauty that Alaska has to offer.

Operationally, the M/V *Liseron* has ten staterooms and is limited to 20 passengers. More critically, the vessel is currently inspected by the Coast Guard as a small passenger vessel in the 100 gross regulatory tonnage category. Notwithstanding that, the vessel has a larger tonnage entered on its certificate of inspection. This larger tonnage is due to the arcane nature of the U.S. vessel admeasurement laws, rules that govern the volumetric size of vessels. Larger competitor vessels can be 238 feet in length and carry 100 passengers, i.e., nearly 100 feet longer and 5 times the number of passengers, yet they are considered to be in the smaller 100 GT small passenger vessel category for both licensing and inspection purposes.

Needless to say, the M/V *Liseron* has an equity disparity as the vessel must compete with similar or larger vessels in the eco-tour-

ism trade. While the vessel is inspected and regulated for all safety purposes in a lower tonnage category, due to the higher tonnage rating entered on its certificate of inspection, the M/V *Liseron* must source crew from seafarers with deep water credentials (i.e., 500 GT) rather than for the shallower and protected waters of Southeast Alaska. The inequity is underscored by the fact that the M/V *Liseron* physically can fit within the volumetric profile of its competitors. That is, it is smaller, but the rules say it should be assigned a measurement of being larger. Further, the vessel carries far fewer passengers than its competitors. This seems to be a regulatory mismatch and creates the inequitable situation where a physically larger vessel that carries five times the number of passengers is determined to be smaller for crew licensing.

And this mismatch results in the M/V *Liseron* to have its master and chief mate with a license in a much higher tonnage category. The legislation I introduce today corrects this inequity and regulatory anomaly. This legislation prohibits the M/V *Liseron* from undergoing any alteration of its size. Consequently, there is no reason why the smaller M/V *Liseron* that carries far fewer passengers must have a crew licensed in a larger tonnage category.

To add to the inequity, a higher turnover for the master and first mate occurs because these mariners with the larger 500 GT licenses, which are more appropriate for deep water oceangoing vessels, leave whenever a deep-water position is available. This is understandable from their point of view. These 500 GT qualified crew get a larger tonnage license to work on larger seagoing vessels, not a smaller vessel operating in the shallow waters of bays, coastlines, and inlets in Southeast Alaska. This makes attracting 500 GT qualified crew that much more difficult. While the rest of the crew is stable, these two positions require that new hires undergo qualifying each time these positions turn over for these inland waters. If the master and first mate can hold 100 GT licenses it will result in less turnover and more appropriately experienced personnel that will contribute to even safer and consistent operation of the vessel. No alteration of the vessel itself is proposed nor will the crew size be reduced. Only two positions are affected by this legislation.

Another aspect of the vessel's operations is the economic impact of the cancellations due to the COVID-19. The operation of the eco-tourism trade in Southeast Alaska is seasonal. As a result, the M/V *Liseron* has lost an entire season of revenue due to cancellations. Continuing an artificial barrier such as having to hire crew in a mismatched licensing category will only add to the vessel's difficulties to recover from this economic loss when they are able to resume operations.

The tragic fire that occurred on board the dive vessel *Conception* on September 2, 2019, has brought additional scrutiny to small passenger vessels with overnight accommodations. Almost immediately after that fire an official marine investigation was commenced. I understand that in addition a criminal investigation is being conducted and will take a long time to complete. All of this is appropriate and should be done to get at the root of what went wrong on that vessel. As part of the safety concerns, the Coast Guard initiated a special Concentrated Inspection Campaign (CIC) to review the safety of all small pas-

senger vessels with overnight accommodations. On October 8, 2019, the M/V *Liseron* was fully inspected by the Coast Guard as a vessel with overnight accommodations as part of this special inspection campaign. I understand that the CIC program included a job aid worksheet used by the Coast Guard inspectors to evaluate crew operations and procedures when inspecting the M/V *Liseron* and other overnight accommodation small passenger vessels. As a result of this special inspection, I understand that the Coast Guard confirmed that the vessel passed for every aspect of its certificate of inspection without exception and for crew performance. For passenger safety, the vessel has early warning and fire detection alarm systems, ready evacuation routes from each passenger cabin onto the main deck, and approved life rafts and vests. Having passed this rigorous and special inspection, the M/V *Liseron* is free of any of the issues on the *Conception*. The change brought about by this legislation will not create a vessel construction or safety issue.

I urge all of my colleagues to join me to enact this statutory provision permitting the Coast Guard to treat this vessel as less than 100 gross tons for the purpose of applying the operational regulatory measurement under section 14305 of title 46, United States Code, provided that nothing is done to change the size of the vessel. By adjusting the tonnage rating for licensing the M/V *Liseron's* crew to be consistent with its safety inspection category, the M/V *Liseron* would be able to hire and retain more appropriate experienced crew familiar with Southeast Alaskan waterways and small passenger vessel operations, and be regulated the same as other similar or larger vessels with which the M/V *Liseron* must compete.

NATIONAL DAY OF AWARENESS
FOR MISSING AND MURDERED
INDIGENOUS WOMEN

HON. SUZANNE BONAMICI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 2020

Ms. BONAMICI. Madam Speaker, I rise to recognize May 5, 2020 as the National Day of Awareness for Missing and Murdered Indigenous Women and Girls.

Today, we recognize our nation's devastating history of colonization and the disproportionate effects for Native women. The coronavirus pandemic has exposed health care inequalities in our country, especially the health care available to Native communities. But we must be equally concerned about the number of Native women and girls that face incredible violence in this country every day. In the United States, Native women face tragically high rates of violence, sexual assault, and murder. According to the U.S. Centers for Disease Control and Prevention, homicide is the third leading cause of death among Native women. These rates are ten times higher than the national average and far too often, families are left without answers.

I am a cosponsor of Savanna's Act, which will recognize Native women and make sure that their invisibility to law enforcement ends. The bill would create and improve procedures, communication, and cooperation among federal, state, tribal, and local agencies that may