

116TH CONGRESS
2D SESSION

S. 1031

AN ACT

To implement recommendations related to the safety of amphibious passenger vessels, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Duck Boat Safety En-
3 hancement Act of 2020”.

4 **SEC. 2. SAFETY REQUIREMENTS FOR AMPHIBIOUS PAS-**
5 **SENGER VESSELS.**

6 (a) SAFETY IMPROVEMENTS.—

7 (1) BUOYANCY REQUIREMENTS.—Not later
8 than 1 year after the date of completion of a Coast
9 Guard contracted assessment by the National Acad-
10 emies of Sciences, Engineering, and Medicine of the
11 technical feasibility, practicality, and safety benefits
12 of providing reserve buoyancy through passive means
13 on amphibious passenger vessels, the Secretary of
14 the department in which the Coast Guard is oper-
15 ating may initiate a rulemaking to prescribe in regu-
16 lations that operators of amphibious passenger ves-
17 sels provide reserve buoyancy for such vessels
18 through passive means, including watertight
19 compartmentalization, built-in flotation, or such
20 other means as the Secretary may specify in the reg-
21 ulations, in order to ensure that such vessels remain
22 afloat and upright in the event of flooding, including
23 when carrying a full complement of passengers and
24 crew.

25 (2) INTERIM REQUIREMENTS.—Not later than
26 90 days after the date of enactment of this Act, the

1 Secretary of the department in which the Coast
2 Guard is operating shall initiate a rulemaking to im-
3 plement interim safety policies or other measures to
4 require that operators of amphibious passenger ves-
5 sels operating in waters subject to the jurisdiction of
6 the United States, as defined in section 2.38 of title
7 33, Code of Federal Regulations (or a successor reg-
8 ulation) comply with the following:

9 (A) Remove the canopies of such vessels
10 for waterborne operations, or install in such
11 vessels a canopy that does not restrict either
12 horizontal or vertical escape by passengers in
13 the event of flooding or sinking.

14 (B) If the canopy is removed from such
15 vessel pursuant to subparagraph (A), require
16 that all passengers don a Coast Guard type-ap-
17 proved personal flotation device before the onset
18 of waterborne operations of such vessel.

19 (C) Install in such vessels at least one
20 independently powered electric bilge pump that
21 is capable of dewatering such vessels at the vol-
22 ume of the largest remaining penetration in
23 order to supplement the vessel's existing bilge
24 pump required under section 182.520 of title

1 46, Code of Federal Regulations (or a successor
2 regulation).

3 (D) Verify the watertight integrity of such
4 vessel in the water at the outset of each water-
5 borne departure of such vessel.

6 (b) REGULATIONS REQUIRED.—Not later than 2
7 years after the date of enactment of this Act, the Sec-
8 retary of the department in which the Coast Guard is op-
9 erating shall initiate a rulemaking for amphibious pas-
10 senger vessels operating in waters subject to the jurisdic-
11 tion of the United States, as defined in section 2.38 of
12 title 33, Code of Federal Regulations (or a successor regu-
13 lation). The regulations shall include, at a minimum, the
14 following:

15 (1) SEVERE WEATHER EMERGENCY PREPARED-
16 NESS.—Requirements that an operator of an am-
17 phibious passenger vessel—

18 (A) check and notate in the vessel’s log-
19 book the National Weather Service forecast be-
20 fore getting underway and periodically while
21 underway;

22 (B) in the case of a watch or warning
23 issued for wind speeds exceeding the wind speed
24 equivalent used to certify the stability of an am-

1 amphibious passenger vessel, proceed to the near-
2 est harbor or safe refuge; and

3 (C) maintain and monitor a weather mon-
4 itor radio receiver at the operator station that
5 may be automatically activated by the warning
6 alarm device of the National Weather Service.

7 (2) PASSENGER SAFETY.—Requirements—

8 (A) concerning whether personal flotation
9 devices should be required for the duration of
10 an amphibious passenger vessel’s waterborne
11 transit, which shall be considered and deter-
12 mined by the Secretary;

13 (B) that operators of amphibious pas-
14 senger vessels inform passengers that seat belts
15 may not be worn during waterborne operations;

16 (C) that before the commencement of wa-
17 terborne operations, a crew member visually
18 check that each passenger has unbuckled the
19 passenger’s seatbelt; and

20 (D) that operators or crew maintain a log
21 recording the actions described in subpara-
22 graphs (B) and (C).

23 (3) TRAINING.—Requirement for annual train-
24 ing for operators and crew of amphibious passengers
25 vessels, including—

1 (A) training for personal flotation and seat
2 belt requirements, verifying the integrity of the
3 vessel at the onset of each waterborne depar-
4 ture, identification of weather hazards, and use
5 of National Weather Service resources prior to
6 operation; and

7 (B) training for crewmembers to respond
8 to emergency situations, including flooding, en-
9 gine compartment fires, man overboard situa-
10 tions, and in water emergency egress proce-
11 dures.

12 (4) RECOMMENDATIONS FROM REPORTS.—Re-
13 quirements to address recommendations from the
14 following reports, as practicable and to the extent
15 that such recommendations are under the jurisdic-
16 tion of the Coast Guard:

17 (A) The National Transportation Safety
18 Board's Safety Recommendation Reports on the
19 Amphibious Passenger Vessel incidents in Table
20 Rock, Missouri, Hot Springs, Arkansas, and Se-
21 attle, Washington.

22 (B) The Coast Guard's Marine Investiga-
23 tion Board reports on the Stretch Duck 7
24 sinkings at Table Rock, Missouri, and the Miss
25 Majestic sinking near Hot Springs, Arkansas.

1 (5) INTERIM REQUIREMENTS.—The interim re-
2 quirements described in subsection (a)(2), as appro-
3 priate.

4 (c) PROHIBITION ON OPERATION OF NONCOMPLIANT
5 VESSELS.—Commencing as of the date specified by the
6 Secretary of the department in which the Coast Guard is
7 operating pursuant to subsection (d), any amphibious pas-
8 senger vessel whose configuration or operation does not
9 comply with the requirements under subsection (a)(2) (or
10 subsection (a)(1), if prescribed) may not operate in waters
11 subject to the jurisdiction of the United States, as defined
12 in section 2.38 of title 33, Code of Federal Regulations
13 (or a successor regulation).

14 (d) DEADLINE FOR COMPLIANCE.—The regulations
15 and interim requirements described in subsections (a) and
16 (b) shall require compliance with the requirements in the
17 regulations not later than 2 years after the date of the
18 enactment of this Act, as the Secretary of the department
19 in which the Coast Guard is operating may specify in the
20 regulations.

21 (e) REPORT.—Not later than 180 days after the pro-
22 mulgation of the regulations required under subsection
23 (a), the Commandant of the Coast Guard shall provide
24 a report to the Committee on Commerce, Science, and
25 Transportation of the Senate and the Committee on

- 1 Transportation and Infrastructure of the House of Rep-
- 2 resentatives regarding the status of the implementation of
- 3 the requirements included in such regulations.

Passed the Senate December 10, 2020.

Attest:

Secretary.

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