

117TH CONGRESS
1ST SESSION

S. 62

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

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2021

Mr. HAWLEY (for himself and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Duck Boat Safety En-
5 hancement Act of 2021”.

6 **SEC. 2. SAFETY REQUIREMENTS FOR AMPHIBIOUS PAS-**
7 **SENGER VESSELS.**

8 (a) SAFETY IMPROVEMENTS.—

9 (1) BUOYANCY REQUIREMENTS.—Not later
10 than 1 year after the date of completion of a Coast

1 Guard contracted assessment by the National Acad-
2 emies of Sciences, Engineering, and Medicine of the
3 technical feasibility, practicality, and safety benefits
4 of providing reserve buoyancy through passive means
5 on amphibious passenger vessels, the Secretary of
6 the department in which the Coast Guard is oper-
7 ating may initiate a rulemaking to prescribe in regu-
8 lations that operators of amphibious passenger ves-
9 sels provide reserve buoyancy for such vessels
10 through passive means, including watertight
11 compartmentalization, built-in flotation, or such
12 other means as the Secretary may specify in the reg-
13 ulations, in order to ensure that such vessels remain
14 afloat and upright in the event of flooding, including
15 when carrying a full complement of passengers and
16 crew.

17 (2) INTERIM REQUIREMENTS.—Not later than
18 90 days after the date of enactment of this Act, the
19 Secretary of the department in which the Coast
20 Guard is operating shall initiate a rulemaking to im-
21 plement interim safety policies or other measures to
22 require that operators of amphibious passenger ves-
23 sels operating in waters subject to the jurisdiction of
24 the United States, as defined in section 2.38 of title

1 33, Code of Federal Regulations (or a successor reg-
2 ulation) comply with the following:

3 (A) Remove the canopies of such vessels
4 for waterborne operations, or install in such
5 vessels a canopy that does not restrict either
6 horizontal or vertical escape by passengers in
7 the event of flooding or sinking.

8 (B) If the canopy is removed from such
9 vessel pursuant to subparagraph (A), require
10 that all passengers don a Coast Guard type-ap-
11 proved personal flotation device before the onset
12 of waterborne operations of such vessel.

13 (C) Install in such vessels at least one
14 independently powered electric bilge pump that
15 is capable of dewatering such vessels at the vol-
16 ume of the largest remaining penetration in
17 order to supplement the vessel's existing bilge
18 pump required under section 182.520 of title
19 46, Code of Federal Regulations (or a successor
20 regulation).

21 (D) Verify the watertight integrity of such
22 vessel in the water at the outset of each water-
23 borne departure of such vessel.

24 (b) REGULATIONS REQUIRED.—Not later than 2
25 years after the date of enactment of this Act, the Sec-

1 retary of the department in which the Coast Guard is op-
 2 erating shall initiate a rulemaking for amphibious pas-
 3 senger vessels operating in waters subject to the jurisdic-
 4 tion of the United States, as defined in section 2.38 of
 5 title 33, Code of Federal Regulations (or a successor regu-
 6 lation). The regulations shall include, at a minimum, the
 7 following:

8 (1) SEVERE WEATHER EMERGENCY PREPARED-
 9 NESS.—Requirements that an operator of an am-
 10 phibious passenger vessel—

11 (A) check and notate in the vessel's log-
 12 book the National Weather Service forecast be-
 13 fore getting underway and periodically while
 14 underway;

15 (B) in the case of a watch or warning
 16 issued for wind speeds exceeding the wind speed
 17 equivalent used to certify the stability of an am-
 18 phibious passenger vessel, proceed to the near-
 19 est harbor or safe refuge; and

20 (C) maintain and monitor a weather mon-
 21 itor radio receiver at the operator station that
 22 may be automatically activated by the warning
 23 alarm device of the National Weather Service.

24 (2) PASSENGER SAFETY.—Requirements—

1 (A) concerning whether personal flotation
2 devices should be required for the duration of
3 an amphibious passenger vessel's waterborne
4 transit, which shall be considered and deter-
5 mined by the Secretary;

6 (B) that operators of amphibious pas-
7 senger vessels inform passengers that seat belts
8 may not be worn during waterborne operations;

9 (C) that before the commencement of wa-
10 terborne operations, a crew member visually
11 check that each passenger has unbuckled the
12 passenger's seatbelt; and

13 (D) that operators or crew maintain a log
14 recording the actions described in subpara-
15 graphs (B) and (C).

16 (3) TRAINING.—Requirement for annual train-
17 ing for operators and crew of amphibious passengers
18 vessels, including—

19 (A) training for personal flotation and seat
20 belt requirements, verifying the integrity of the
21 vessel at the onset of each waterborne depar-
22 ture, identification of weather hazards, and use
23 of National Weather Service resources prior to
24 operation; and

1 (B) training for crewmembers to respond
2 to emergency situations, including flooding, en-
3 gine compartment fires, man overboard situa-
4 tions, and in water emergency egress proce-
5 dures.

6 (4) RECOMMENDATIONS FROM REPORTS.—Re-
7 quirements to address recommendations from the
8 following reports, as practicable and to the extent
9 that such recommendations are under the jurisdic-
10 tion of the Coast Guard:

11 (A) The National Transportation Safety
12 Board's Safety Recommendation Reports on the
13 Amphibious Passenger Vessel incidents in Table
14 Rock, Missouri, Hot Springs, Arkansas, and Se-
15 attle, Washington.

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

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

23 (c) PROHIBITION ON OPERATION OF NONCOMPLIANT
24 VESSELS.—Commencing as of the date specified by the
25 Secretary of the department in which the Coast Guard is

1 operating pursuant to subsection (d), any amphibious pas-
2 senger vessel whose configuration or operation does not
3 comply with the requirements under subsection (a)(2) (or
4 subsection (a)(1), if prescribed) may not operate in waters
5 subject to the jurisdiction of the United States, as defined
6 in section 2.38 of title 33, Code of Federal Regulations
7 (or a successor regulation).

8 (d) DEADLINE FOR COMPLIANCE.—The regulations
9 and interim requirements described in subsections (a) and
10 (b) shall require compliance with the requirements in the
11 regulations not later than 2 years after the date of enact-
12 ment of this Act, as the Secretary of the department in
13 which the Coast Guard is operating may specify in the
14 regulations.

15 (e) REPORT.—Not later than 180 days after the pro-
16 mulgation of the regulations required under subsection
17 (a), the Commandant of the Coast Guard shall provide
18 a report to the Committee on Commerce, Science, and
19 Transportation of the Senate and the Committee on
20 Transportation and Infrastructure of the House of Rep-
21 resentatives regarding the status of the implementation of
22 the requirements included in such regulations.

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