

AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**S. 1031**

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. WICKER (for himself and Mr. BLUNT)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Duck Boat Safety Enhancement Act of 2020”.

6 **SEC. 2. SAFETY REQUIREMENTS FOR AMPHIBIOUS PASSENGER VESSELS.**
7

8 (a) REMAINING AFLOAT AND UPRIGHT IN THE
9 EVENT OF FLOODING.—

10 (1) BUOYANCY REQUIREMENTS.—Not later
11 than 30 days after the date of completion of the assessment under paragraph (2), the Commandant of
12

1 the Coast Guard may initiate a rulemaking to pre-
2 scribe in regulations as an option to compliance with
3 paragraph (3) that operators of amphibious pas-
4 senger vessels provide reserve buoyancy for such ves-
5 sels through passive means, including watertight
6 compartmentalization, built-in flotation, or such
7 other means as the Commandant may specify in the
8 regulations, in order to ensure that such vessels re-
9 main afloat and upright in the event of flooding, in-
10 cluding when carrying a full complement of pas-
11 sengers and crew.

12 (2) NATIONAL ACADEMY OF SCIENCES ASSESS-
13 MENT.—Not later than 90 days after the date of en-
14 actment of this Act, the Commandant of the Coast
15 Guard shall enter into a contract with the National
16 Academy of Sciences to assess the technical feasi-
17 bility, practicality, and safety benefits of providing
18 reserve buoyancy through passive means on amphib-
19 ious passenger vessels. The assessment shall include
20 a review of any modeling analysis conducted by the
21 Coast Guard on providing reserve buoyancy through
22 passive means on amphibious passenger vessels.

23 (3) INTERIM REQUIREMENTS.—Not later than
24 30 days after the date of enactment of this Act, the
25 Commandant of the Coast Guard shall initiate a

1 rulemaking to require that operators of amphibious
2 passenger vessels 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 any
9 such vessel pursuant to subparagraph (A), re-
10 quire that all passengers don a Coast Guard
11 type-approved personal flotation device before
12 the onset of waterborne operations of such ves-
13 sel.

14 (C) Install in such vessels independently
15 powered electric bilge pumps that are capable of
16 dewatering such vessels at the volume of the
17 largest remaining penetration in order to sup-
18 plement either an operable Higgins pump or a
19 dewatering pump of equivalent or greater ca-
20 pacity.

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

24 (4) PROHIBITION ON OPERATION OF NON-
25 COMPLIANT VESSELS.—Commencing as of the date

1 specified by the Commandant of the Coast Guard
2 pursuant to subsection (d), any amphibious pas-
3 senger vessel whose configuration or operation does
4 not comply with the requirements under paragraph
5 (3) (or paragraph (1), if prescribed) may not oper-
6 ate on waters of the United States.

7 (b) SEVERE WEATHER EMERGENCY PREPARED-
8 NESS.—Not later than 30 days after the date of the enact-
9 ment of this Act, the Commandant of the Coast Guard
10 shall initiate a rulemaking to prescribe in regulations—

11 (1) that an operator of an amphibious pas-
12 senger vessel—

13 (A) check the National Weather Service
14 forecast before getting underway and periodi-
15 cally while underway; and

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

21 (2) that an amphibious passenger vessel cer-
22 tified to operate on partially protected waters have
23 a weather monitor radio receiver at the operator sta-
24 tion that may be automatically activated by the

1 warning alarm device of the National Weather Serv-
2 ice.

3 (c) ADDITIONAL SAFETY MEASURES.—Not later
4 than 30 days after the date of the enactment of this Act,
5 the Commandant of the Coast Guard shall initiate a rule-
6 making to prescribe in regulations that—

7 (1) operators of amphibious passenger vessels
8 inform passengers that seat belts may not be worn
9 during waterborne operations;

10 (2) before the commencement of waterborne op-
11 erations, a crew member visually check that each
12 passenger has unbuckled his or her seatbelt; and

13 (3) operators or crew maintain a log recording
14 the actions described in paragraphs (1) and (2).

15 (d) DEADLINE FOR COMPLIANCE.—The regulations
16 described in subsections (a) through (c) shall require com-
17 pliance with the requirements in the regulations by opera-
18 tors of amphibious passenger vessels by such date, not
19 later than 2 years after the date of the enactment of this
20 Act, as the Commandant may specify in the regulations.