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110TH CONGRESS
2D SESSION

S. 2699

To require new vessels for carrying oil fuel to have double hulls, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2008

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

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A BILL

To require new vessels for carrying oil fuel to have double hulls, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Spill Prevention Act of 2008''.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following:

''(k)(1) All new vessels of the United States with a building contract date after the date of enactment of the

Oil Spill Prevention Act of 2008, or delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled 'Oil Fuel Tank Protection'.

''(2) REGULATIONS.—The Secretary may prescribe regulations to amend or modify the requirements of this subsection. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.

''(3) In this subsection, the term 'oil fuel' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.''.

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) IN GENERAL.—Section 4 of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223) is amended by striking ''operate or'' in subsection (b)(1) and inserting ''operate, including direction to change the vessel's heading and speed, or''.

(b) ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall

continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) ANALYSES.—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new ves-

sel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) PERSONNEL.—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of

the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. MERCHANT MARINER MEDICAL PROGRAM.

(a) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 7115. Merchant mariner medical program

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a medical review board to provide the Coast Guard with medical advice and recommendations on medical standards and guidelines for the physical qualifications of merchant mariners holding Coast Guard issued credentials, medical examiner education, and medical research.

''(2) COMPOSITION.—The medical review board shall be appointed by the Secretary and shall consist of 5 members selected from medical institutions and private practice. The membership shall reflect expertise in marine related occupational medicine and medical specialties relevant to mariner fitness requirements of merchant mariners serving on board vessels.

''(b) CHIEF MEDICAL EXAMINER.—The Secretary shall appoint a chief medical examiner who shall be an

employee of the Coast Guard and who shall hold a position under section 3104 of title 5 relating to employment of specially qualified scientific and professional personnel, and shall be paid under section 5376 of title 5, relating to pay for certain senior-level positions.

"(c) MEDICAL STANDARDS AND REQUIREMENTS.—

"(1) In general.—The Secretary, with the advice of the medical review board and the chief medical examiner, shall—

"(A) establish, review, and revise—

"(i) medical standards for merchant mariners that will ensure that the physical condition of merchant mariners is adequate to enable them to safely carry out their duties on board vessels; and

"(ii) requirements for periodic physical examinations of such merchant performed by a medical examiner (who shall be a license physician) who have, at a minimum, self-certified that they have completed training in physical and medical examination standards and are listed on a registry of medical examiners maintained in accordance with subsection (d) of this section;

"(B) require each such merchant mariner to have a current valid medical certificate;

"(C) conduct periodic reviews of a select number of medical examiners on the national registry to ensure that proper examinations of such merchant mariners are being conducted;

"(D) develop, as appropriate, specific courses and materials for medical examiners listed in the national registry established under this section, and require those medical examiners to, at a minimum, self-certify that they have completed specific training, including refresher courses, to be listed in the registry;

"(E) require medical examiners to transmit the name of the applicant and numerical identifier, as determined by the Coast Guard, for any completed medical examination report required under regulations established by the Secretary, electronically to the chief medical examiner on monthly basis; and

"(F) periodically review a representative sample of the medical examiners' reports associated with the name and numerical identifiers of applicants transmitted under subparagraph (E)

for errors, omissions, or other indications of improper certification.

"(2) MONITORING PERFORMANCE.—The Secretary shall investigate patterns of errors or improper certification by medical examiners. If the Secretary finds that an medical examiner has issued a medical certificate to a merchant mariner who fails to meet the applicable standards at the time of the examination or that a medical examiner has falsely claimed to have completed training in physical and medical examination standards as required by this section, the Secretary may remove such medical examiner from the registry and may void the medical certificate of the applicant or holder.

"(d) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary, acting through the Commandant of the Coast Guard—

"(1) shall establish and maintain a current national registry of medical examiners (who shall be license physicians) who are qualified to perform examinations and issue medical certificates;

"(2) shall remove from the registry the name of any medical examiner who fails to meet or maintain the qualifications established by the Secretary for being listed in the registry or otherwise does not

meet the requirements of this section or a regulation issued under this section;

"(3) shall accept as valid only medical certificates issued by persons on the national registry of medical examiners;

"(4) may make participation of medical examiners in the national registry voluntary if such a change will enhance the safety of merchant mariners holding United States Coast Guard issued credentials; and

"(5) shall also include in the registry established under paragraph (1) licensed physicians who are certified by the Secretary of Transportation to perform medical examinations of operators of commercial motor vehicles under section 31149 of title 49 and airmen.

"(e) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 71 of title 46, United States Code, is amended by adding at the end the following:

"7115. Merchant mariner medical program.".

SEC. 5. STUDY OF MARINE CASUALTY CAUSATION.

(a) OBJECTIVES.—The Secretary of the department in which the Coast Guard is operating shall conduct a

comprehensive study to determine the causes of, and contributing factors to, marine casualties. The study shall also identify data requirements and collection procedures, reports, and other measures that will improve the department's ability—

(1) to evaluate future marine casualties;

(2) to monitor trends to identify causes and contributing factors; and

(3) to develop effective safety improvement policies, including workload, manning and medical review provisions, and programs.

(b) DESIGN.—The study shall employ standard research methods and statistical analysis and be designed to yield information that will—

(1) help the department assess the role that workload and fatigue play in marine casualty causation;

(2) help the department assess the role that manning, particularly a one man bridge operation, plays in marine casualty causation;

(3) help the department assess the role that the medical condition of merchant mariners plays in marine casualty causation;

(4) help the department to identify activities and other measures likely to lead to significant re-

ductions in the frequency and severity of marine casualties; and

(5) to the extent practicable, rank such activities and measures by the reductions each would likely achieve if implemented.

(c) CONSULTATION.—In designing and conducting the study, the Secretary shall—

(1) consult with persons with expertise on marine casualty causation and prevention;

(2) consult with merchant mariners, ship managers, human factors professionals, occupational medicine specialists, and providers of medical review services to the maritime industry;

(3) consult with academic institutions, domestic and foreign, with particular experience and expertise in workload and fatigue, safe manning, and the medical condition of merchant mariners in the maritime environment; and

(4) review the relevant literature available on previous studies from domestic and foreign sources.

(d) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(e) REPORTS.—

(1) IN GENERAL.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

(2) REVIEW AND UPDATE.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

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