

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

A BILL

To require new vessels for carrying oil fuel to have double hulls, 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 “Oil Spill Prevention
5 Act of 2008”.

6 **SEC. 2. OIL FUEL TANK PROTECTION.**

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

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

1 Oil Spill Prevention Act of 2008, or delivered after August
2 1, 2010, with an aggregate capacity of 600 cubic meters
3 or more of oil fuel, shall comply with the requirements
4 of Regulation 12A under Annex I to the Protocol of 1978
5 relating to the International Convention for the Preven-
6 tion of Pollution from Ships, 1973, entitled ‘Oil Fuel Tank
7 Protection’.

8 “(2) REGULATIONS.—The Secretary may prescribe
9 regulations to amend or modify the requirements of this
10 subsection. Any such regulation shall be considered to be
11 an interpretive rule for the purposes of section 553 of title
12 5.

13 “(3) In this subsection, the term ‘oil fuel’ means any
14 oil used as fuel in connection with the propulsion and aux-
15 iliary machinery of the vessel in which such oil is carried.”.

16 **SEC. 3. MARITIME EMERGENCY PREVENTION.**

17 (a) IN GENERAL.—Section 4 of the Ports and Water-
18 ways Safety Act of 1972 (33 U.S.C. 1223) is amended
19 by striking “operate or” in subsection (b)(1) and inserting
20 “operate, including direction to change the vessel’s head-
21 ing and speed, or”.

22 (b) ADEQUACY OF VTS LOCATIONS AND INFRA-
23 STRUCTURE.—

24 (1) IN GENERAL.—The Secretary of the depart-
25 ment in which the Coast Guard is operating shall

1 continue to conduct individual port and waterway
2 safety assessments under the Ports and Waterways
3 Safety Act of 1972 (33 U.S.C. 1221 et seq.) to de-
4 termine and prioritize the United States ports, wa-
5 terways, and channels that are in need of new, ex-
6 panded, or improved vessel traffic management risk
7 mitigation measures, including vessel traffic service
8 systems, by evaluating—

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

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

14 (C) the projected impact of installation, ex-
15 pansion, or improvement of a vessel traffic serv-
16 ice system or other risk mitigation measures;
17 and

18 (D) any other relevant data.

19 (2) ANALYSES.—Based on the results of the as-
20 sessments under paragraph (1), the Secretary shall
21 identify the requirements for necessary expansion,
22 improvement, or construction of buildings, networks,
23 communications, or other infrastructure to improve
24 the effectiveness of existing vessel traffic service sys-
25 tems, or necessary to support recommended new ves-

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

4 (3) PERSONNEL.—The Secretary shall—

5 (A) review and validate the recruiting, re-
6 tention, training, and expansion of the vessel
7 traffic service personnel workforce necessary to
8 maintain the effectiveness of existing vessel
9 traffic service systems and to support any ex-
10 pansion or improvement identified by the Sec-
11 retary under this section; and

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

14 (i) to support and complement the ex-
15 isting mission of the vessel traffic service
16 to monitor and assess vessel movements
17 within a vessel traffic service Area;

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

21 (iii) to provide advisories to vessel
22 masters.

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

1 the analyses under paragraph (2), together with rec-
2 ommendations for implementing the study results.

3 **SEC. 4. MERCHANT MARINER MEDICAL PROGRAM.**

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

7 **“§ 7115. Merchant mariner medical program**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—The Secretary shall estab-
10 lish a medical review board to provide the Coast
11 Guard with medical advice and recommendations on
12 medical standards and guidelines for the physical
13 qualifications of merchant mariners holding Coast
14 Guard issued credentials, medical examiner edu-
15 cation, and medical research.

16 “(2) COMPOSITION.—The medical review board
17 shall be appointed by the Secretary and shall consist
18 of 5 members selected from medical institutions and
19 private practice. The membership shall reflect exper-
20 tise in marine related occupational medicine and
21 medical specialties relevant to mariner fitness re-
22 quirements of merchant mariners serving on board
23 vessels.

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

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

6 “(c) MEDICAL STANDARDS AND REQUIREMENTS.—

7 “(1) In general.—The Secretary, with the ad-
8 vice of the medical review board and the chief med-
9 ical examiner, shall—

10 “(A) establish, review, and revise—

11 “(i) medical standards for merchant
12 mariners that will ensure that the physical
13 condition of merchant mariners is adequate
14 to enable them to safely carry out their du-
15 ties on board vessels; and

16 “(ii) requirements for periodic phys-
17 ical examinations of such merchant per-
18 formed by a medical examiner (who shall
19 be a license physician) who have, at a min-
20 imum, self-certified that they have com-
21 pleted training in physical and medical ex-
22 amination standards and are listed on a
23 registry of medical examiners maintained
24 in accordance with subsection (d) of this
25 section;

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

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

7 “(D) develop, as appropriate, specific
8 courses and materials for medical examiners
9 listed in the national registry established under
10 this section, and require those medical exam-
11 iners to, at a minimum, self-certify that they
12 have completed specific training, including re-
13 fresher courses, to be listed in the registry;

14 “(E) require medical examiners to trans-
15 mit the name of the applicant and numerical
16 identifier, as determined by the Coast Guard,
17 for any completed medical examination report
18 required under regulations established by the
19 Secretary, electronically to the chief medical ex-
20 aminer on monthly basis; and

21 “(F) periodically review a representative
22 sample of the medical examiners’ reports associ-
23 ated with the name and numerical identifiers of
24 applicants transmitted under subparagraph (E)

1 for errors, omissions, or other indications of im-
2 proper certification.

3 “(2) MONITORING PERFORMANCE.—The Sec-
4 retary shall investigate patterns of errors or im-
5 proper certification by medical examiners. If the
6 Secretary finds that an medical examiner has issued
7 a medical certificate to a merchant mariner who fails
8 to meet the applicable standards at the time of the
9 examination or that a medical examiner has falsely
10 claimed to have completed training in physical and
11 medical examination standards as required by this
12 section, the Secretary may remove such medical ex-
13 aminer from the registry and may void the medical
14 certificate of the applicant or holder.

15 “(d) NATIONAL REGISTRY OF MEDICAL EXAM-
16 INERS.—The Secretary, acting through the Commandant
17 of the Coast Guard—

18 “(1) shall establish and maintain a current na-
19 tional registry of medical examiners (who shall be li-
20 cense physicians) who are qualified to perform ex-
21 aminations and issue medical certificates;

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

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

3 “(3) shall accept as valid only medical certifi-
4 cates issued by persons on the national registry of
5 medical examiners;

6 “(4) may make participation of medical exam-
7 iners in the national registry voluntary if such a
8 change will enhance the safety of merchant mariners
9 holding United States Coast Guard issued creden-
10 tials; and

11 “(5) shall also include in the registry estab-
12 lished under paragraph (1) licensed physicians who
13 are certified by the Secretary of Transportation to
14 perform medical examinations of operators of com-
15 mercial motor vehicles under section 31149 of title
16 49 and airmen.

17 “(e) REGULATIONS.—The Secretary shall issue such
18 regulations as may be necessary to carry out this sec-
19 tion.”.

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

“7115. Merchant mariner medical program.”.

23 **SEC. 5. STUDY OF MARINE CASUALTY CAUSATION.**

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

1 comprehensive study to determine the causes of, and con-
2 tributing factors to, marine casualties. The study shall
3 also identify data requirements and collection procedures,
4 reports, and other measures that will improve the depart-
5 ment's ability—

6 (1) to evaluate future marine casualties;

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

9 (3) to develop effective safety improvement poli-
10 cies, including workload, manning and medical re-
11 view provisions, and programs.

12 (b) DESIGN.—The study shall employ standard re-
13 search methods and statistical analysis and be designed
14 to yield information that will—

15 (1) help the department assess the role that
16 workload and fatigue play in marine casualty causa-
17 tion;

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

21 (3) help the department assess the role that the
22 medical condition of merchant mariners plays in ma-
23 rine casualty causation;

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

1 ductions in the frequency and severity of marine cas-
2 ualties; and

3 (5) to the extent practicable, rank such activi-
4 ties and measures by the reductions each would like-
5 ly achieve if implemented.

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

8 (1) consult with persons with expertise on ma-
9 rine casualty causation and prevention;

10 (2) consult with merchant mariners, ship man-
11 agers, human factors professionals, occupational
12 medicine specialists, and providers of medical review
13 services to the maritime industry;

14 (3) consult with academic institutions, domestic
15 and foreign, with particular experience and expertise
16 in workload and fatigue, safe manning, and the med-
17 ical condition of merchant mariners in the maritime
18 environment; and

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

21 (d) PUBLIC COMMENT.—The Secretary shall make
22 available for public comment information about the objec-
23 tives, methodology, implementation, findings, and other
24 aspects of the study.

25 (e) REPORTS.—

1 (1) IN GENERAL.—The Secretary shall prompt-
2 ly transmit to Congress the results of the study, to-
3 gether with any legislative recommendations.

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

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