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2D SESSION

S. 685

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2010

Referred to the Committee on the Budget, and in addition to the Committees on Transportation and Infrastructure and Homeland Security for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Oil Spill Prevention
3 Act of 2010”.

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

5 Section 3306 of title 46, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(k)(1) Each vessel of the United States that is con-
9 structed under a contract entered into after the date of
10 enactment of the Oil Spill Prevention Act of 2010, or that
11 is delivered after August 1, 2010, with an aggregate ca-
12 pacity of 600 cubic meters or more of oil fuel, shall comply
13 with the requirements of Regulation 12A under Annex I
14 to the Protocol of 1978 relating to the International Con-
15 vention for the Prevention of Pollution from Ships, 1973,
16 entitled ‘Oil Fuel Tank Protection.’.

17 “(2) The Secretary may prescribe regulations to
18 apply the requirements described in Regulation 12A to
19 vessels described in paragraph (1) that are not otherwise
20 subject to that convention.

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

1 **SEC. 3. MARITIME EMERGENCY PREVENTION.**

2 (a) IN GENERAL.—Section 4(b) of the Ports and Wa-
 3 terways Safety Act of 1972 (33 U.S.C. 1223(b)) is amend-
 4 ed—

5 (1) by striking “operate or” and inserting “op-
 6 erate, including direction to change the vessel’s
 7 heading and speed, or”; and

8 (2) by inserting “emergency or” after “other”
 9 in paragraph (3).

10 (b) REVISION OF VTS POLICY.—The Secretary of the
 11 department in which the Coast guard is operating shall—

12 (1) provide guidance to all vessel traffic per-
 13 sonnel that clearly defines the use of authority to di-
 14 rect or control vessel movement when such direction
 15 or control is justified in the interest of safety; and

16 (2) require vessel traffic personnel communica-
 17 tions to identify the vessel, rather than the pilot,
 18 when vessels are operating in vessel traffic service
 19 pilotage areas.

20 (c) ADEQUACY OF VTS LOCATIONS AND INFRA-
 21 STRUCTURE.—

22 (1) IN GENERAL.—The Secretary of the depart-
 23 ment in which the Coast Guard is operating shall
 24 continue to conduct individual port and waterway
 25 safety assessments under the Ports and Waterways
 26 Safety Act of 1972 (33 U.S.C. 1221 et seq.) to de-

1 termine and prioritize the United States ports, wa-
2 terways, and channels that are in need of new, ex-
3 panded, or improved vessel traffic management risk
4 mitigation measures, including vessel traffic service
5 systems, by evaluating—

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

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

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

15 (D) any other relevant data.

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

1 (3) PERSONNEL.—The Secretary shall—

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

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

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

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

18 (iii) to provide advisories to vessel
19 masters.

20 (4) REPORT.—Within 1 year after the date of
21 enactment of this Act, the Secretary shall submit to
22 the Congress a report consolidating the results of
23 the analyses under paragraph (2), together with rec-
24 ommendations for implementing the study results.

1 **SEC. 4. TRAINED POLLUTION INVESTIGATORS.**

2 To the extent practicable, the Commandant of the
3 Coast Guard shall ensure that there is at least 1 trained
4 and experienced pollution investigator on duty, or in an
5 on-call status, at all times for each Coast Guard Sector
6 Command.

7 **SEC. 5. DURATION OF CREDENTIALS.**

8 (a) MERCHANT MARINER'S DOCUMENTS.—Section
9 7302(f) of title 46, United States Code, is amended to
10 read as follows:

11 “(f) PERIODS OF VALIDITY AND RENEWAL OF MER-
12 CHANT MARINERS' DOCUMENTS.—

13 “(1) IN GENERAL.—Except as provided in sub-
14 section (g), a merchant mariner's document issued
15 under this chapter is valid for a 5-year period and
16 may be renewed for additional 5-year periods.

17 “(2) ADVANCE RENEWALS.—A renewed mer-
18 chant mariner's document may be issued under this
19 chapter up to 8 months in advance but is not effec-
20 tive until the date that the previously issued mer-
21 chant mariner's document expires.”.

22 (b) DURATION OF LICENSES.—Section 7106 of such
23 title is amended to read as follows:

24 **“§ 7106. Duration of licenses**

25 “(a) IN GENERAL.—A license issued under this part
26 is valid for a 5-year period and may be renewed for addi-

1 tional 5-year periods; except that the validity of a license
 2 issued to a radio officer is conditioned on the continuous
 3 possession by the holder of a first-class or second-class ra-
 4 diotelegraph operator license issued by the Federal Com-
 5 munications Commission.

6 “(b) ADVANCE RENEWALS.—A renewed license
 7 issued under this part may be issued up to 8 months in
 8 advance but is not effective until the date that the pre-
 9 viously issued license expires.”.

10 (c) CERTIFICATES OF REGISTRY.—Section 7107 of
 11 such title is amended to read as follows:

12 **“§ 7107. Duration of certificates of registry**

13 “(a) IN GENERAL.—A certificate of registry issued
 14 under this part is valid for a 5-year period and may be
 15 renewed for additional 5-year periods; except that the va-
 16 lidity of a certificate issued to a medical doctor or profes-
 17 sional nurse is conditioned on the continuous possession
 18 by the holder of a license as a medical doctor or registered
 19 nurse, respectively, issued by a State.

20 “(b) ADVANCE RENEWALS.—A renewed certificate of
 21 registry issued under this part may be issued up to 8
 22 months in advance but is not effective until the date that
 23 the previously issued certificate of registry expires.”.

1 **SEC. 6. AUTHORIZATION TO EXTEND THE DURATION OF LI-**
 2 **CENSES, CERTIFICATES OF REGISTRY, AND**
 3 **MERCHANT MARINERS' DOCUMENTS.**

4 (a) MERCHANT MARINER LICENSES AND DOCU-
 5 MENTS.—Chapter 75 of title 46, United States Code, is
 6 amended by adding at the end the following:

7 **“§ 7507. Authority to extend the duration of licenses,**
 8 **certificates of registry, and merchant**
 9 **mariner documents**

10 “(a) LICENSES AND CERTIFICATES OF REGISTRY.—
 11 Notwithstanding sections 7106 and 7107, the Secretary
 12 of the department in which the Coast Guard is operating
 13 may extend for up to one year an expiring license or cer-
 14 tificate of registry issued for an individual under chapter
 15 71 if the Secretary determines that extension is re-
 16 quired—

17 “(1) to enable the Coast Guard to eliminate a
 18 backlog in processing applications for those licenses
 19 or certificates of registry;

20 “(2) because necessary records have been de-
 21 stroyed or are unavailable due to a natural disaster;
 22 or

23 “(3) to align the expiration date of a license or
 24 certificate of registry with the expiration date of a
 25 transportation worker identification credential under
 26 section 70501.

1 “(b) MERCHANT MARINER DOCUMENTS.—Notwith-
 2 standing section 7302(g), the Secretary may extend for
 3 one year an expiring merchant mariner’s document issued
 4 for an individual under chapter 71 if the Secretary deter-
 5 mines that extension is required—

6 “(1) to enable the Coast Guard to eliminate a
 7 backlog in processing applications for those licenses
 8 or certificates of registry;

9 “(2) because necessary records have been de-
 10 stroyed or are unavailable due to a natural disaster;
 11 or

12 “(3) to align the expiration date of a license or
 13 certificate of registry with the expiration date of a
 14 transportation worker identification credential under
 15 section 70501.

16 “(c) MANNER OF EXTENSION.—Any extensions
 17 granted under this section may be granted to individual
 18 seamen or a specifically identified group of seamen.

19 “(d) EXPIRATION OF AUTHORITY.—The authority
 20 for providing an extension under this section shall expire
 21 on December 31, 2011.”.

22 (b) CLERICAL AMENDMENT.—The chapter analysis
 23 for such chapter is amended by adding at the end the fol-
 24 lowing:

“7507. Authority to extend the duration of licenses, certificates of registry, and
 merchant mariner documents.”.

1 **SEC. 7. ELIMINATION OF CERTAIN REPORTS.**

2 Notwithstanding the direction of the House of Rep-
3 resentatives Committee on Appropriations on page 60 of
4 Report 109–79 (109th Congress, 1st Session) under the
5 headings “UNITED STATES COAST GUARD OPERATING
6 EXPENSES” and “AREA SECURITY MARITIME EXERCISE
7 PROGRAM”, concerning the submission by the Coast
8 Guard of reports to that Committee on the results of port
9 security terrorism exercises, beginning with October,
10 2010, the Coast Guard shall submit only 1 such report
11 each year.

12 **SEC. 8. BUDGETARY EFFECTS**

13 The budgetary effects of this Act, for the purpose of
14 complying with the Statutory Pay-As-You-Go-Act of 2010,
15 shall be determined by reference to the latest statement
16 titled “Budgetary Effects of PAYGO Legislation” for this
17 Act, submitted for printing in the Congressional Record
18 by the Chairman of the Senate Budget Committee, pro-
19 vided that such statement has been submitted prior to the
20 vote on passage.

Passed the Senate September 29, 2010.

Attest:

NANCY ERICKSON,

Secretary.