

The amendment (No. 4687) was agreed to, as follows:

(Purpose: To deem operators and distributors who maintain equipment and software in compliance with the FCC regulations to be in compliance with those regulations)

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Commercial Advertisement Loudness Mitigation Act” or the “CALM Act”.

**SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.**

(a) **RULEMAKING REQUIRED.**—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the “Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television” (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) **IMPLEMENTATION.**—

(1) **EFFECTIVE DATE.**—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) **WAIVER.**—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) **WAIVER AUTHORITY.**—Nothing in this section affects the Commission’s authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) **COMPLIANCE.**—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

(d) **DEFINITIONS.**—For purposes of this section—

(1) the term “television broadcast station” has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms “cable operator” and “multichannel video programming distributor” have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

The committee amendment, as amended, was agreed to.

The bill (S. 2847), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

**THE CALENDAR**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the following postal naming bills en bloc: Calendar Nos. 629 through 632.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bills.

Mr. DURBIN. I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid upon the table en bloc with no intervening action or debate; and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ANTHONY J. CORTESE POST OFFICE BUILDING**

The bill (H.R. 4543) to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the “Anthony J. Cortese Post Office Building”, was ordered to a third reading, read the third time, and passed.

**JOYCE ROGERS POST OFFICE BUILDING**

The bill (H.R. 5341) to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the “Joyce Rogers Post Office Building”, was ordered to a third reading, read the third time, and passed.

**JOHN DONAFEE POST OFFICE BUILDING**

The bill (H.R. 5390) to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the “David John Donafee Post Office Building”, was ordered to a third reading, read the third time, and passed.

**TOM BRADLEY POST OFFICE BUILDING**

The bill (H.R. 5450) to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the “Tom Bradley Post Office building”, was ordered to a third reading, read the third time, and passed.

**OIL SPILL PREVENTION ACT OF 2009**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 77, S. 685.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 685) to require new vessels carrying oil fuel to have double hulls, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 685

*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 2009”.

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

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

“(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2009, or that is 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) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

“(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(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking “operate or” and inserting “operate, including direction to change the vessel’s heading and speed, or”; and

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

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

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) **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 vessel 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 ADVISORY COMMITTEE, MEDICAL STANDARDS, AND MEDICAL REQUIREMENTS.**

(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 advisory committee, medical standards, and medical requirements**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee.

“(2) FUNCTIONS.—The Committee shall—

“(A) advise the Secretary on matters relating to—

“(i) medical certification determinations for issuance of merchant mariner credentials;

“(ii) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

“(iii) medical examiner education; and

“(iv) medical research; and,

“(B) develop, as appropriate, specific courses and materials to be used by medical examiners listed in the national registry established under this section.

“(3) MEMBERSHIP.—

“(A) IN GENERAL.—The Committee shall consist of the chief medical examiner and—

“(i) 10 individuals who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

“(ii) 4 individuals who are professional mariners with knowledge and experience in mariner occupational requirements.

“(B) STATUS OF MEMBERS.—Except for the chief medical examiner, members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18 and shall be subject

to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

“(C) COMPENSATION; REIMBURSEMENT.—Except for the chief medical examiner, members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

“(b) APPOINTMENTS; TERMS; VACANCIES; ORGANIZATION.—

“(1) APPOINTMENT.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

“(2) TERM OF OFFICE.—The members shall be appointed for a term of 4 years, except that, of the members first appointed, 4 members shall be appointed for a term of 2 years and 4 members shall be appointed for a term of 1 year.

“(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

“(4) CHAIRMAN; VICE CHAIRMAN.—The Secretary shall designate 1 member other than the chief medical examiner as the Chairman and 1 member other than the chief medical examiner as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

“(5) STAFF; SERVICES.—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.

“(6) MEETINGS.—No later than 6 months after the date of enactment of the Oil Spill Prevention Act of 2009, the Committee shall hold its first meeting and shall meet at least once each fiscal year.

“(c) CHIEF MEDICAL EXAMINER.—The Secretary shall appoint an employee of the Coast Guard who will serve as a chief medical examiner 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.

“(d) MEDICAL STANDARDS AND REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary, with the advice of the Committee, 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 mariners performed by a medical examiner who has, at a minimum, self-certified that he or she has completed training in physical and medical examination standards and is listed on a registry of medical examiners maintained in accordance with subsection (e) of this section;

“(B) require each merchant mariner to have a current valid physical examination;

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

“(D) require each such medical examiner to, at a minimum, self-certify that he or she has completed specific training, including refresher courses, to be listed in the registry;

“(E) require medical examiners to submit all completed medical examination reports

as required under regulations established by the Secretary; 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 evaluation by medical examiners. If the Secretary finds that a medical examiner has evaluated a merchant mariner as being fit for seagoing service who fails otherwise 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 the name of such medical examiner from the registry and may void the medical examinations of the applicant or holder.

“(e) 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 are qualified to perform examinations;

“(2) shall accept as valid only examinations by persons on the national registry of medical examiners;

“(3) 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;

“(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 credentials; and

“(5) may 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.

“(f) MEDICAL EXAMINER DEFINED.—In this section, the term ‘medical examiner’ means an individual registered in accordance with the regulations issued by the Secretary as a medical examiner.]

“(f) USE OF MEDICAL EXAMINERS NOT ON THE NATIONAL REGISTRY.—The Secretary shall accept examinations of merchant mariners conducted by medical examiners not listed on the national registry if such examinations meet specifications (including standards of review) established by the Secretary in consultation with the Merchant Mariner Medical Advisory Committee.

“(g) MEDICAL EXAMINER DEFINED.—In this section, the term ‘medical examiner’ means a licensed physician, physician's assistant, or nurse practitioner who complies with the regulations issued by the Secretary for medical examiners conducting examinations of merchant mariners.

“(g) (h) COORDINATION.—The Secretary, in coordination with the Secretary of Transportation, shall utilize the systems, processes, and procedures established for the administration of the Federal Motor Carrier Safety Administration's Medical Program authorized under section 31149 of title 49 and the Federal Aviation Administration's Office of Aerospace Medicine authorized under section 44702 of that title where synergies exist between such systems, processes, and procedures.

“(h) (i) REGULATIONS.—The Secretary may 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 advisory committee, medical standards, and medical requirements.”.

**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 that will identify data requirements and collection procedures, reports, and other measures that will improve the department’s ability—

(1) to determine the causes of, and contributing factors (including fatigue) to, marine casualties;

(2) to prevent marine casualties and threats to the environment;

(3) to minimize the impacts of marine casualties and environmental threats;

(4) to maximize the lives and property saved and environment protected in the event of a marine casualty;

(5) to evaluate future marine casualties;

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

(7) 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—] *will help the department assess the role that human factors, mechanical or equipment failure, and environmental factors play in marine casualty causation. Among other issues, the study 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 assess the efficacy of safety management systems in preventing marine casualties;*

[(4)] (5) help the department to identify activities and other measures likely to lead to significant reductions in the frequency and severity of marine casualties; and

[(5)] (6) 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, professional maritime associations, human factors professionals, occupational medicine specialists, and providers of medical review services to the maritime industry;

(3) *consult with Federal advisory committees, including the Merchant Marine Personnel Advisory Committee and the Towing Safety Advisory Committee;*

[(3)] (4) 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;] *environment and safety management systems; and*

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

(d) COMPARISON WITH NTSB.—The Secretary shall, in cooperation with the Chairman of the National Transportation Safety Board, compare and contrast the procedures and processes employed by the Coast Guard

and the National Transportation Safety Board with particular attention to—

(1) preventing marine casualties and threats to the environment;

(2) minimizing the impacts of marine casualties and environmental threats; and

(3) maximizing the number of lives saved, the amount of property saved, and the environment protected in the event of a marine casualty.

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

(f) 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.

**SEC. 6. COAST GUARD STUDY ON USE OF TRACTOR TUGS.**

(a) STUDY.—The Commandant of the Coast Guard shall conduct a comprehensive review of existing studies of the need for tractor tug escorts to be used by vessels carrying petroleum products or with large supplies of fuel onboard in the 5 largest United States ports, by volume of petroleum product, where the use of such tugs by those vessels is not otherwise required by State law or Captain-of-the-Port order, identify any gaps or other unaddressed issues, and conduct a study that—

(1) consolidates the information contained in the existing studies and addresses any such gaps or issues that need to be addressed; and

(2) to the extent such issues are not satisfactorily addressed in the existing studies, includes—

(A) an evaluation of the necessary power requirements of such tractor tug escorts;

(B) an analysis of the appropriate passages for the use of such tractor tug escorts;

(C) an inventory and analysis of the existing use of tractor tug escorts in United States ports; and

(D) an analysis of which vessel types in the ports studied should be required to have tractor tug escorts and a statement of the reason for recommending such a requirement.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Commandant shall submit the report, together with any findings, conclusions, and recommendations the Commandant deems appropriate, to the Senate Committee on Commerce, Science, and Transportation.

**SEC. 7. TRAINED POLLUTION INVESTIGATORS.**

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

**SEC. 8. DURATION OF CREDENTIALS.**

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

“(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINER’S DOCUMENTS.—

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

“(2) ADVANCE RENEWALS.—A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires.”.

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

**“§ 7106. Duration of licenses**

“(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

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

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

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

“(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

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

**SEC. 9. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINER’S DOCUMENTS.**

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

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

“(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

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

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

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

“(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner’s document issued for an individual under chapter 71 if the Secretary determines that extension is required—

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

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

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

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

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

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

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

**SEC. 10. PROTECTION AND FAIR TREATMENT OF SEAFARERS.**

(a) IN GENERAL.—Chapter 111 of title 46, United States Code, is amended by adding at the end the following new section:

**“§ 11113. Protection and fair treatment of seafarers**

“(a) PURPOSE.—The purpose of this section is to ensure the protection and fair treatment of seafarers.

“(b) FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury a special fund known as the ‘Support of Seafarers Fund’.

“(2) USE OF AMOUNTS IN FUND.—The amounts covered into the Fund shall be available to the Secretary, without further appropriation and without fiscal year limitation, to—

“(A) pay necessary support, pursuant to subsection (c)(1)(A) of this section; and

“(B) reimburse a shipowner for necessary support, pursuant to subsection (c)(1)(B) of this section.

“(3) AMOUNTS CREDITED TO FUND.—Notwithstanding any other provision of law, the Fund may receive—

“(A) any moneys ordered to be paid to the Fund in the form of community service pursuant to section [8B1.3 of the United States Sentencing Guidelines or otherwise;] 3563(b) of title 18;

“(B) amounts reimbursed or recovered pursuant to subsection (d) of this section;

“(C) amounts appropriated to the Fund pursuant to subsection (g) of this section; and

“(D) appropriations available to the Secretary for transfer.

“(4) PREREQUISITE FOR COMMUNITY SERVICE CREDITS.—The Fund may receive credits pursuant to paragraph (3)(A) of this subsection only when the unobligated balance of the Fund is less than \$5,000,000.

“(5) REPORT REQUIRED.—

“(A) Except as provided in subparagraph (B) of this paragraph, the Secretary shall not obligate any amount in the Fund in a given fiscal year unless the Secretary has submitted to Congress, concurrent with the President’s budget submission for that fiscal year, a report that describes—

“(i) the amounts credited to the Fund, pursuant to paragraph (3) of this subsection, for the preceding fiscal year;

“(ii) a detailed description of the activities for which amounts were charged; and

“(iii) the projected level of expenditures from the Fund for the coming fiscal year, based on—

“(I) on-going activities; and

“(II) new cases, derived from historic data.

“(B) The limitation in subparagraph (A) of this paragraph shall not apply to obligations during the first fiscal year during which amounts are credited to the Fund.

“(6) FUND MANAGER.—The Secretary shall designate a Fund manager, who shall—

“(A) ensure the visibility and accountability of transactions utilizing the Fund;

“(B) prepare the report required by paragraph (5); and

“(C) monitor the unobligated balance of the Fund and provide notice to the Secretary and the Attorney General whenever the unobligated balance of the Fund is less than \$5,000,000.

“(c) IN GENERAL.—

“(1) AUTHORITY.—The Secretary is authorized—

“(A) to pay, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, necessary support of—

“(i) any seafarer who enters, remains, or has been paroled into the United States and is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

“(ii) any seafarer whom the Secretary finds to have been abandoned in the United States; and

“(B) to reimburse, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, a shipowner, who has filed a bond or surety satisfactory pursuant to subparagraph (A) and provided necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, for costs of necessary support, when the Secretary deems reimbursement necessary to avoid serious injustice.

“(2) LIMITATION.—Nothing in this section shall be construed—

“(A) to create a right, benefit, or entitlement to necessary support; or

“(B) to compel the Secretary to pay, or reimburse the cost of, necessary support.

“(d) REIMBURSEMENTS; RECOVERY.—

“(1) IN GENERAL.—Any shipowner shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of the seafarer, plus a surcharge of 25 percent of such total amount if—

“(A)(i) the shipowner, during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States Attorney or the Attorney General, fails to provide necessary support of a seafarer who has been paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

“(ii) a criminal penalty is subsequently imposed against the shipowner; or

“(B) the shipowner, under any circumstance, abandons a seafarer in the United States, as decided by the Secretary.

“(2) ENFORCEMENT.—If a shipowner fails to reimburse the Fund as required under paragraph (1) of this subsection, the Secretary may—

“(A) proceed in rem against any vessel of the shipowner in the Federal district court for the district in which such vessel is found; and

“(B) withhold or revoke the clearance, required by section 60105 of this title, of any vessel of the shipowner wherever such vessel is found.

“(3) Whenever clearance is withheld or revoked pursuant to paragraph (2)(B) of this subsection, clearance may be granted if the shipowner reimburses the Fund the amount required under paragraph (1) of this subsection.

“(e) SURETY; ENFORCEMENT OF TREATIES, LAWS, AND REGULATIONS.—

“(1) BOND AND SURETY AUTHORITY.—The Secretary is authorized to require a bond or surety satisfactory as an alternative to withholding or revoking clearance required under section 60105 of this title if, in the opinion of the Secretary, such bond or surety satisfactory is necessary to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard if the surety corporation providing the bond is au-

thorized by the Secretary of the Treasury under section 9305 of title 31 to provide surety bonds under section 9304 of that title.

“(2) APPLICATION.—The authority to require a bond or a surety satisfactory or to request the withholding or revocation of the clearance required under section 60105 of this title applies to any investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

“(f) DEFINITIONS.—In this section:

“(1) ABANDONS; ABANDONED.—The term ‘abandons’ or ‘abandoned’ means a shipowner’s unilateral severance of ties with a seafarer or the shipowner’s failure to provide necessary support of a seafarer.

“(2) BOND OR SURETY SATISFACTORY.—The term ‘bond or surety satisfactory’ means a negotiated instrument, the terms of which may, at the discretion of the Secretary, include provisions that require the shipowner to—

“(A) provide necessary support of a seafarer who has or may have information pertinent to an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

“(B) facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

“(C) stipulate to certain incontrovertible facts, including, but not limited to, the ownership or operation of the vessel, or the authenticity of documents and things from the vessel;

“(D) facilitate service of correspondence and legal papers;

“(E) enter an appearance in United States district court;

“(F) comply with directions regarding payment of funds;

“(G) name an agent in the United States for service of process;

“(H) make stipulations as to the authenticity of certain documents in United States district court;

“(I) provide assurances that no discriminatory or retaliatory measures will be taken against a seafarer involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

“(J) provide financial security in the form of cash, bond, or other means acceptable to the Secretary; and

“(K) provide for any other appropriate measures as the Secretary considers necessary to ensure the Government is not prejudiced by granting the clearance required by section 60105 of title 46.

“(3) FUND.—The term ‘Fund’ means the Support of Seafarers Fund, established pursuant to this section.

“(4) NECESSARY SUPPORT.—The term ‘necessary support’ means normal wages, lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary deems appropriate.

“(5) SEAFARER.—The term ‘seafarer’ means an alien crewman who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States.

“(6) SHIPOWNER.—The term ‘shipowner’ means the individual or entity that owns, has an ownership interest in, or operates a vessel subject to the jurisdiction of the United States.

“(7) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term ‘vessel subject to the jurisdiction of the United

States' has the same meaning it has in section 70502(c) of this title, except that it excludes a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when that vessel is engaged in commerce.

“(g) REGULATIONS.—The Secretary may prescribe regulations to implement this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund \$1,500,000 for each of fiscal years 2010, 2011, and 2012.”

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 111 of title 46, United States Code, is amended by adding at the end the following new item:

“11113. Protection and fair treatment of seafarers.”

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendments be withdrawn, the substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time, the pay-go statement be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4688) was agreed to, as follows:

(Purpose: In the nature of a substitute)

#### SECTION 1. SHORT TITLE.

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

#### SEC. 2. OIL FUEL TANK PROTECTION.

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

“(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2010, or that is 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) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

“(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(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking “operate or” and inserting “operate, including direction to change the vessel’s heading and speed, or”; and

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

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

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.—

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

ating 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 vessel 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. TRAINED POLLUTION INVESTIGATORS.

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

#### SEC. 5. DURATION OF CREDENTIALS.

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

“(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS’ DOCUMENTS.—

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

“(2) ADVANCE RENEWALS.—A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires.”

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

#### “§ 7106. Duration of licenses

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

be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

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

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

#### “§ 7107. Duration of certificates of registry

“(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

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

#### SEC. 6. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

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

“(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

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

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

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

“(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner’s document issued for an individual under chapter 71 if the Secretary determines that extension is required—

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

“(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

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

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

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

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

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

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

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

**SEC. 8. BUDGETARY EFFECTS**

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

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. CONRAD. This is the Statement of Budgetary Effects of PAYGO Legislation for S. 685, as amended.

Total Budgetary Effects of S. 685 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 685 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 685, THE OIL SPILL PREVENTION ACT OF 2010, AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON SEPTEMBER 28, 2010.

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020	
NET INCREASE OR DECREASE (-) IN THE DEFICIT														
Statutory Pay-As-You-Go Impact <sup>a</sup>	0	0	0	0	0	0	0	0	0	0	0	0	0	0

<sup>a</sup> Section 6 would authorize the Coast Guard to extend for one year certain expiring marine licenses, certificates of registry, and merchant mariner documents. The authority to provide such extensions would apply through December 11, 2011. Because the extensions would delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts (an offset against direct spending) over the next year or two. Some of those receipts may be spent without further appropriation, however, to cover collection expenses. CBO estimates that the net effect on direct spending from enacting this provision would be less than \$500,000 in each of fiscal years 2011 and 2012.

Mr. DURBIN. I ask unanimous consent that the bill, as amended, be passed and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 685) was ordered to be engrossed for a third reading, was read the third time, and passed.

**FOR VETS ACT OF 2010**

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 628, S. 3794.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3794) to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

[Omit the part printed in boldface brackets and insert the part printed in italic.]

S. 3794

*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 “Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010” or “FOR VETS Act of 2010”.

**SEC. 2. RECIPIENTS OF CERTAIN FEDERAL SURPLUS PERSONAL PROPERTY.**

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (viii), by striking “or” after the semicolon;

(2) in clause (ix), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(x) an organization whose membership comprises substantially veterans (as defined under section 101 of title 38).”.]

“(x) an organization whose—

“(I) membership comprises substantially veterans (as defined under section 101 of title 38); and

“(II) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.”.

Mr. LEAHY. Mr. President, today the Senate will pass sensible legislation with practical benefits for U.S. military veterans. The bill I have offered will add military veterans to the list of groups eligible to receive excess property donations from the Federal Government. This bill is a bipartisan effort to recognize the sacrifices that members of our Armed Forces make every day for our country, and I am proud to be its author. While it is only a small token of appreciation, this legislation gives back to veterans groups by allowing them access to a large inventory of goods from which they could not otherwise benefit. I appreciate the Senate acting swiftly to consider this bill.

The FOR VETS Act enables military veterans to receive surplus goods donations through the Federal Government’s property distribution program. The types of goods donated through this program include computers, trucks, snowmobiles, home appliances and electronics. These items will be of valuable use to our military veterans, and I am pleased to sponsor legislation that gives them the right to claim useful goods through this program. The FOR VETS Act is legislation for and about American veterans.

The Administrator of General Services oversees this ongoing property liquidation and distribution program, which currently donates property to medical institutions, providers of assistance to the homeless, universities, and child care facilities, among others. Given the surplus of available goods,

military veterans’ groups are simply being added into this pool of recipients for property that might otherwise go unused.

I thank the Homeland Security and Government Affairs Committee ranking member, Senator COLLINS, for working with me on this bill. This was a bipartisan effort, as legislation to support our veterans should always be, and I look forward to its prompt consideration by the House, and to the President signing it into law.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, without No intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 3794), as amended, was passed, as follows:

S. 3794

*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 “Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010” or “FOR VETS Act of 2010”.

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“(x) an organization whose—

“(I) membership comprises substantially veterans (as defined under section 101 of title 38); and