

111TH CONGRESS
2D SESSION

S. 3597

To improve the ability of the National Oceanic and Atmospheric Administration, the Coast Guard, and coastal States to sustain healthy ocean and coastal ecosystems by maintaining and sustaining their capabilities relating to oil spill preparedness, prevention, response, restoration, and research, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 15, 2010

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve the ability of the National Oceanic and Atmospheric Administration, the Coast Guard, and coastal States to sustain healthy ocean and coastal ecosystems by maintaining and sustaining their capabilities relating to oil spill preparedness, prevention, response, restoration, and research, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Securing Health for Ocean Resources and Environment
6 Act” or the “SHORE Act”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
 OIL SPILL RESPONSE, CONTAINMENT, AND PREVENTION

- Sec. 101. Improvements to National Oceanic and Atmospheric Administration oil spill response, containment, and prevention.
 Sec. 102. Use of Oil Spill Liability Trust Fund for expenses of National Oceanic and Atmospheric Administration.
 Sec. 103. Investment of amounts in Damage Assessment and Restoration Revolving Fund in interest-bearing obligations.
 Sec. 104. Strengthening coastal State oil spill planning and response.
 Sec. 105. Gulf of Mexico long-term marine environmental monitoring and research program.
 Sec. 106. Arctic research and action to conduct oil spill prevention.

TITLE II—IMPROVING COAST GUARD RESPONSE AND
 INSPECTION CAPACITY

- Sec. 201. Secretary defined.
 Sec. 202. Arctic maritime readiness and oil spill prevention.
 Sec. 203. Response plan update requirement.
 Sec. 204. Advance planning and prompt decisionmaking in closing and reopening fishing grounds.
 Sec. 205. Oil spill technology evaluation.
 Sec. 206. Coast Guard inspections.
 Sec. 207. Certificate of inspection requirements.
 Sec. 208. Navigational measures for protection of natural resources.
 Sec. 209. Notice to States of bulk oil transfers.
 Sec. 210. Gulf of Mexico Regional Citizens Advisory Council.
 Sec. 211. Vessel liability.
 Sec. 212. Coast Guard research and development.
 Sec. 213. Prompt intergovernmental notice of marine casualties.
 Sec. 214. Prompt publication of oil spill information.

TITLE III—OTHER MATTERS RELATING TO OIL SPILLS

- Sec. 301. Coordination of Federal and State activities with respect to oil spill surveys.
 Sec. 302. Coordination between National Oceanic and Atmospheric Administration, Coast Guard, and Department of Interior on oil spill matters.
 Sec. 303. Federal Oil Spill Research Committee.

1 **TITLE I—NATIONAL OCEANIC**
2 **AND ATMOSPHERIC ADMINIS-**
3 **TRATION OIL SPILL RE-**
4 **SPONSE, CONTAINMENT, AND**
5 **PREVENTION**

6 **SEC. 101. IMPROVEMENTS TO NATIONAL OCEANIC AND AT-**
7 **MOSPHERIC ADMINISTRATION OIL SPILL RE-**
8 **SPONSE, CONTAINMENT, AND PREVENTION.**

9 (a) REVIEW OF ABILITY OF NATIONAL OCEANIC AND
10 ATMOSPHERIC ADMINISTRATION TO RESPOND TO OIL
11 SPILLS.—

12 (1) COMPREHENSIVE REVIEW REQUIRED.—Not
13 later than 1 year after the date of the enactment of
14 this Act, the Under Secretary for Oceans and At-
15 mosphere shall conduct a comprehensive review of
16 the current capacity of the National Oceanic and At-
17 mospheric Administration to respond to oil spills.

18 (2) ELEMENTS.—The review conducted under
19 paragraph (1) shall include the following:

20 (A) A comparison of oil spill modeling re-
21 quirements with the state-of-the-art oil spill
22 modeling with respect to near shore and off-
23 shore areas.

1 (B) Development of recommendations on
2 priorities for improving forecasting of oil spill,
3 trajectories, and impacts.

4 (C) An inventory of the products and tools
5 of the National Oceanic and Atmospheric Ad-
6 ministration that can aid in assessment of the
7 potential risk and impacts of oil spills. Such
8 products and tools may include environmental
9 sensitivity index maps, the United States Inte-
10 grated Ocean Observing System, and oil spill
11 trajectory models.

12 (D) An identification of the baseline ocean-
13 ographic and climate data required to support
14 state of the art modeling.

15 (E) An assessment of the Administration's
16 ability to respond to the effects of an oil spill
17 on its trust resources, including—

18 (i) marine sanctuaries, monuments,
19 and other protected areas; and

20 (ii) marine mammals, sea turtles, and
21 other protected species, and efforts to re-
22 habilitate such species.

23 (3) REPORT.—Upon completion of the review
24 required by paragraph (1), the Under Secretary
25 shall submit to Congress a report on such review, in-

1 including the findings of the Under Secretary with re-
2 spect to such review.

3 (b) OIL SPILL TRAJECTORY MODELING.—The Under
4 Secretary for Oceans and Atmosphere shall be responsible
5 for developing and maintaining oil spill trajectory mod-
6 eling capabilities for the United States, including taking
7 such actions as may be required by subsections (c)
8 through (g).

9 (c) ENVIRONMENTAL SENSITIVITY INDEX.—

10 (1) UPDATE.—Beginning not later than 180
11 days after the date of the enactment of this Act and
12 not less frequently than once every 7 years there-
13 after, the Under Secretary shall update the environ-
14 mental sensitivity index products of the National
15 Oceanic and Atmospheric Administration for each
16 coastal area of the United States and for each off-
17 shore area of the United States that is leased or
18 under consideration for leasing for offshore energy
19 production.

20 (2) EXPANDED COVERAGE.—Not later than 270
21 days after the date of the enactment of this Act, the
22 Under Secretary shall, to the maximum extent prac-
23 ticable, create an environmental sensitivity index
24 product for each area described in paragraph (1) for
25 which the National Oceanic and Atmospheric Ad-

1 ministration did not have an environmental sensi-
 2 tivity index product on the day before the date of
 3 the enactment of this Act.

4 (3) ENVIRONMENTAL SENSITIVITY INDEX
 5 PRODUCT DEFINED.—In this subsection, the term
 6 “environmental sensitivity index product” means a
 7 map or similar tool that is utilized to identify sen-
 8 sitive shoreline, coastal or offshore, resources prior
 9 to an oil spill event in order to set baseline priorities
 10 for protection and plan cleanup strategies, typically
 11 including information relating to shoreline type, bio-
 12 logical resources, and human use resources.

13 (d) SUBSEA HYDROCARBON REVIEW.—Not later
 14 than 120 days after the date of the enactment of this Act,
 15 the Under Secretary shall conduct a comprehensive review
 16 of the current state of the National Oceanic and Atmos-
 17 pheric Administration to monitor, map, and track subsea
 18 hydrocarbons, including a review of the effect of subsea
 19 hydrocarbons and dispersants at varying concentrations
 20 on living marine resources.

21 (e) NATIONAL INFORMATION CENTER ON OIL
 22 SPILLS.—The Under Secretary shall establish a national
 23 information center on oil spills that—

24 (1) includes scientific information and research
 25 on oil spill preparedness, response, and restoration;

1 (2) serves as a single access point for emer-
2 gency responders for such scientific data; and

3 (3) provides outreach and utilizes communica-
4 tion mechanisms to inform partners, the public, and
5 local communities about the availability of oil spill
6 preparedness, prevention, response, and restoration
7 information and services and otherwise improves
8 public understanding and minimizes impacts of oil
9 spills.

10 (f) INITIATIVE ON OIL SPILLS FROM AGING AND
11 ABANDONED OIL INFRASTRUCTURE.—Not later than 270
12 days after the date of the enactment of this Act, the Under
13 Secretary shall establish an initiative—

14 (1) to determine the significance, response, fre-
15 quency, size, potential fate, and potential effects, in-
16 cluding those on sensitive habitats, of oil spills re-
17 sulting from aging and abandoned oil infrastructure;
18 and

19 (2) to formulate recommendations on how best
20 to address such spills.

21 (g) INVENTORY OF OFFSHORE ABANDONED OR
22 SUNKEN VESSELS.—Not later than 270 days after the
23 date of the enactment of this Act, the Under Secretary
24 shall develop an inventory of offshore abandoned or sunk-
25 en vessels in the exclusive economic zone of the United

1 States and identify priorities (based on amount of oil, fea-
 2 sibility of oil recovery, fate and effects of oil if released,
 3 and cost-benefit of preemptive action) for potential pre-
 4 emptive removal of oil or other actions that may be effec-
 5 tive to mitigate the risk of oil spills from offshore aban-
 6 doned or sunken vessels.

7 **SEC. 102. USE OF OIL SPILL LIABILITY TRUST FUND FOR**
 8 **EXPENSES OF NATIONAL OCEANIC AND AT-**
 9 **MOSPHERIC ADMINISTRATION.**

10 Section 1012(a)(5) of the Oil Pollution Act of 1990
 11 (33 U.S.C. 2712(a)(5)) is amended—

12 (1) by redesignating subparagraphs (B) and
 13 (C) as subparagraphs (D) and (E), respectively; and

14 (2) by inserting after subparagraph (A) the fol-
 15 lowing:

16 “(B) not more than \$25,000,000 in each
 17 fiscal year shall be available to the Under Sec-
 18 retary for Oceans and Atmosphere without fur-
 19 ther appropriation for expenses incurred by,
 20 and activities related to, preparedness, re-
 21 sponse, restoration, and damage assessment ca-
 22 pabilities of the National Oceanic and Atmos-
 23 pheric Administration;

24 “(C) not more than \$20,000,000 in each
 25 fiscal year shall be available to the Under Sec-

retary for Oceans and Atmosphere for the research and development of technologies identified by the Office of Response and Restoration of the National Oceanic and Atmospheric Administration as beneficial for prevention, removal, and enforcement related to oil discharges;”.

SEC. 103. INVESTMENT OF AMOUNTS IN DAMAGE ASSESSMENT AND RESTORATION REVOLVING FUND IN INTEREST-BEARING OBLIGATIONS.

The Secretary of the Treasury shall invest such a portion of the amounts in the Damage Assessment and Restoration Revolving Fund described in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1991 (33 U.S.C. 2706 note) as is not required to meet current withdrawals, as determined by the Secretary, in interest-bearing obligations of the United States in accordance with section 9602 of the Internal Revenue Code of 1986.

SEC. 104. STRENGTHENING COASTAL STATE OIL SPILL PLANNING AND RESPONSE.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended adding at the end the following new section:

1 **“SEC. 320. STRENGTHENING COASTAL STATE OIL SPILL RE-**
2 **SPONSE AND PLANNING.**

3 “(a) GRANTS TO STATES.—The Secretary may make
4 grants to eligible coastal states—

5 “(1) to revise management programs approved
6 under section 306 and National Estuarine Research
7 Reserves approved under section 315 to identify and
8 implement new enforceable policies and procedures
9 to ensure sufficient response capabilities at the State
10 level to address the environmental, economic and so-
11 cial impacts of oil spills or other accidents resulting
12 from Outer Continental Shelf energy activities with
13 the potential to affect and land or water use or nat-
14 ural resource of the coastal zone; and

15 “(2) to review and revise where necessary appli-
16 cable enforceable policies within approved coastal
17 State management programs affecting coastal en-
18 ergy activities and energy to ensure that these poli-
19 cies are consistent with—

20 “(A) other emergency response plans and
21 policies developed under Federal or State law;
22 and

23 “(B) new policies and procedures developed
24 under paragraph (1).

1 “(b) ELEMENTS.—New enforceable policies and pro-
2 cedures developed by coastal states with grants awarded
3 under this section shall consider, but not be limited to—

4 “(1) other existing emergency response plans,
5 procedures and enforceable policies developed under
6 other Federal or State law that affect the coastal
7 zone;

8 “(2) identification of critical infrastructure es-
9 sential to facilitate spill or accident response activi-
10 ties;

11 “(3) identification of coordination, logistics and
12 communication networks between Federal and State
13 government agencies, and between State agencies
14 and affected local communities, to ensure the effi-
15 cient and timely dissemination of data and other in-
16 formation;

17 “(4) inventories of shore locations and infra-
18 structure and equipment necessary to respond to oil
19 spills or other accidents resulting from Outer Conti-
20 nental Shelf energy activities;

21 “(5) identification and characterization of sig-
22 nificant or sensitive marine ecosystems or other
23 areas possessing important conservation, rec-
24 reational, ecological, historic, or aesthetic values;

1 “(6) inventories and surveys of shore locations
2 and infrastructure capable of supporting alternative
3 energy development; and

4 “(7) other information or actions as may be
5 necessary.

6 “(c) GUIDELINES.—The Secretary shall, within 180
7 days after the date of enactment of this section and after
8 consultation with the coastal states, publish guidelines for
9 the application for and use of grants under this section.

10 “(d) PARTICIPATION.—Coastal states shall provide
11 opportunity for public participation in developing new en-
12 forceable policies and procedures under this section pursu-
13 ant to subsections (d)(1) of (e) of section 306, especially
14 by relevant Federal agencies, other coastal state agencies,
15 local governments, regional organizations, port authori-
16 ties, and other interested parties and stakeholders, public
17 and private, that are related to, or affected by Outer Con-
18 tinental Shelf energy activities.

19 “(e) ANNUAL GRANTS.—

20 “(1) IN GENERAL.—For each of fiscal years
21 2011 through 2015, the Secretary may make a
22 grant to a coastal state to develop new enforceable
23 policies and procedures as required under this sec-
24 tion.

1 “(2) GRANT AMOUNTS AND LIMIT ON
2 AWARDS.—The amount of any grant to any one
3 coastal state under this section shall not exceed
4 \$750,000 for any fiscal year.

5 “(3) NO STATE MATCHING CONTRIBUTION RE-
6 QUIRED.—A coastal state shall not be required to
7 contribute any portion of the cost of a grant award-
8 ed under this section.

9 “(4) SECRETARIAL REVIEW AND LIMIT ON
10 AWARDS.—After an initial grant is made to a coastal
11 state under this section, no subsequent grant may be
12 made to that coastal state under this section unless
13 the Secretary finds that the coastal state is satisfac-
14 torily developing revisions to address offshore energy
15 impacts. No coastal state is eligible to receive grants
16 under this section for more than 2 fiscal years.

17 “(f) APPLICABILITY.—The requirements of this sec-
18 tion shall only apply if appropriations are provided to the
19 Secretary to make grants under this section to enable
20 States to develop new or revised enforceable policies and
21 procedures. Further, this section shall not be construed
22 to convey any new authority to any coastal state, or repeal
23 or supersede any existing authority of any coastal state,
24 to regulate the siting, licensing, leasing, or permitting of
25 alternative energy facilities in areas of the Outer Conti-

1 nental Shelf under the administration of the Federal Gov-
2 ernment. Nothing in this section repeals or supersedes any
3 existing coastal state authority.

4 “(g) ASSISTANCE BY THE SECRETARY.—The Sec-
5 retary shall, as authorized under section 310(a) and to
6 the extent practicable, make available to coastal states the
7 resources and capabilities of the National Oceanic and At-
8 mospheric Administration to provide technical assistance
9 to the coastal states to prepare revisions to approved man-
10 agement programs to meet the requirements under this
11 section.”.

12 **SEC. 105. GULF OF MEXICO LONG-TERM MARINE ENVIRON-**
13 **MENTAL MONITORING AND RESEARCH PRO-**
14 **GRAM.**

15 (a) ENVIRONMENTAL MONITORING AND RESEARCH
16 PROGRAM REQUIRED.—

17 (1) IN GENERAL.—As soon as practicable after
18 the date of the enactment of this Act and subject to
19 the availability of appropriations or other sources of
20 funding, the Secretary shall, acting through the
21 Under Secretary for Oceans and Atmosphere, estab-
22 lish and carry out a long-term marine environmental
23 monitoring and research program for the marine
24 and coastal environment of the Gulf of Mexico to en-
25 sure that the Federal Government has independent,

1 peer-reviewed scientific data and information to as-
2 sess long-term direct and indirect impacts on trust
3 resources located in the Gulf of Mexico and South-
4 east region resulting from the oil spill caused by the
5 mobile offshore drilling unit Deepwater Horizon.

6 (2) PERIOD OF PROGRAM.—The Secretary shall
7 carry out the program required by paragraph (1)
8 during the 10-year period beginning on the date of
9 the commencement of the program. The Secretary
10 may extend such period upon a determination by the
11 Secretary that additional monitoring and research is
12 warranted.

13 (b) SCOPE OF PROGRAM.—The program established
14 under subsection (a) shall include the following:

15 (1) Monitoring and research of the physical,
16 chemical, and biological characteristics of the af-
17 fected marine, coastal, and estuarine areas of the
18 Gulf of Mexico and other regions of the exclusive
19 economic zone of the United States and adjacent re-
20 gions affected by the oil spill caused by the mobile
21 offshore drilling unit Deepwater Horizon.

22 (2) The fate, transport, and persistence of oil
23 released during the spill and spatial distribution
24 throughout the water column, including in-situ burn
25 residues.

1 (3) The fate, transport, and persistence of
2 chemical dispersants applied in-situ or on surface
3 waters.

4 (4) Identification of lethal and sub-lethal im-
5 pacts to shellfish, fish, and wildlife resources that
6 utilize habitats located within the affected region.

7 (5) Impacts to regional, State, and local econo-
8 mies that depend on the natural resources of the af-
9 fected area, including commercial and recreational
10 fisheries, tourism, and other wildlife-dependent
11 recreation.

12 (6) Other elements considered necessary by the
13 Secretary to ensure a comprehensive marine re-
14 search and monitoring program to comprehend and
15 understand the implications to trust resources
16 caused by the oil spill from the mobile offshore drill-
17 ing unit Deepwater Horizon.

18 (c) COOPERATION AND CONSULTATION.—In devel-
19 oping the research and monitoring program established
20 under subsection (a), the Secretary shall—

21 (1) coordinate with the United States Geologi-
22 cal Survey; and

23 (2) consult with—

1 (A) the National Ocean Research Leader-
2 ship Council established under section 7902 of
3 title 10, United States Code;

4 (B) such representatives from the Gulf
5 coast States and affected countries as the Sec-
6 retary considers appropriate;

7 (C) academic institutions and other re-
8 search organizations; and

9 (D) such other experts with expertise in
10 long-term environmental monitoring and re-
11 search of the marine environment as the Sec-
12 retary considers appropriate.

13 (d) AVAILABILITY OF DATA.—Upon review by and
14 approval of the Attorney General regarding impacts on
15 legal claims or litigation involving the United States, data
16 and information generated through the program estab-
17 lished under subsection (a) shall be managed and archived
18 to ensure that it is accessible and available to govern-
19 mental and non-governmental personnel and to the gen-
20 eral public for their use and information.

21 (e) REPORT.—Not later than 1 year after the date
22 of the commencement of the program under subsection (a)
23 and biennially thereafter, the Secretary shall submit to
24 Congress a comprehensive report—

1 (1) summarizing the activities and findings of
 2 the program; and

3 (2) detailing areas and issues requiring future
 4 monitoring and research.

5 (f) DEFINITIONS.—In this section:

6 (1) GULF COAST STATE.—The term “Gulf coast
 7 State” means each of the States of Texas, Lou-
 8 isiana, Mississippi, Alabama, and Florida.

9 (2) SECRETARY.—The term “Secretary” means
 10 the Secretary of Commerce.

11 (3) TRUST RESOURCES.—The term “trust re-
 12 sources” means the living and non-living natural re-
 13 sources belonging to, managed by, held in trust by,
 14 appertaining to, or otherwise controlled by the
 15 United States, any State, an Indian Tribe, or a local
 16 government.

17 **SEC. 106. ARCTIC RESEARCH AND ACTION TO CONDUCT OIL**
 18 **SPILL PREVENTION.**

19 (a) IN GENERAL.—The Secretary of Commerce shall,
 20 acting through the Under Secretary for Oceans and At-
 21 mosphere and in collaboration with the heads of other
 22 agencies or departments of the United States with appro-
 23 priate Arctic science expertise, direct research and take
 24 action to improve the ability of the United States to con-

1 duct oil spill prevention, response, and recovery in Arctic
2 waters.

3 (b) INCLUSIONS.—Research and action under this
4 section shall include the prioritization of resources—

5 (1) to address—

6 (A) ecological baselines and environmental
7 sensitivity indexes, including stock assessments
8 of marine mammals and other protected species
9 in the Arctic;

10 (B) identification of ecological important
11 areas, sensitive habitats, and migratory behav-
12 iors;

13 (C) the development of oil spill trajectory
14 models in Arctic marine conditions;

15 (D) the collection of observational data es-
16 sential for response strategies in the event of an
17 oil spill during both open water and ice-covered
18 seasons, including data relating to oil spill tra-
19 jectory models that include data on—

20 (i) currents;

21 (ii) winds;

22 (iii) weather;

23 (iv) waves; and

24 (v) ice forecasting;

1 (E) the development of a robust oper-
 2 ational monitoring program during the open
 3 water and ice-covered seasons;

4 (F) improvements in technologies and un-
 5 derstanding of cold water oil recovery planning
 6 and restoration implementation; and

7 (G) the integration of local and traditional
 8 knowledge into oil recovery research studies;
 9 and

10 (2) to establish a robust geospatial framework
 11 for safe navigation and oil spill response through in-
 12 creased—

13 (A) hydrographic and bathymetric sur-
 14 veying, mapping, and navigational charting;

15 (B) geodetic positioning; and

16 (C) monitoring of tides, sea levels, and cur-
 17 rents in the Arctic.

18 **TITLE II—IMPROVING COAST** 19 **GUARD RESPONSE AND IN-** 20 **SPECTION CAPACITY**

21 **SEC. 201. SECRETARY DEFINED.**

22 In this title, except as otherwise specifically provided,
 23 the term “Secretary” means the Secretary of the Sec-
 24 retary of the Department in which the Coast Guard is op-
 25 erating.

1 **SEC. 202. ARCTIC MARITIME READINESS AND OIL SPILL**
2 **PREVENTION.**

3 (a) IN GENERAL.—The Commandant of the Coast
4 Guard shall assess and take action to reduce the risk and
5 improve the capability of the United States to respond to
6 a maritime disaster in the United States Beaufort and
7 Chukchi Seas.

8 (b) MATTERS TO BE ADDRESSED.—The assessment
9 and actions referred to in subsection (a) shall include the
10 prioritization of resources to address the following:

11 (1) Oil spill prevention and response capabilities
12 and infrastructure.

13 (2) The coordination of contingency plans and
14 agreements with other agencies and departments of
15 the United States, industry, and foreign govern-
16 ments to respond to an Arctic oil spill.

17 (3) The expansion of search and rescue capa-
18 bilities, infrastructure, and logistics, including im-
19 provements of the Search and Rescue Optimal Plan-
20 ning System.

21 (4) The provisional designation of places of ref-
22 uge.

23 (5) The evaluation and enhancement of naviga-
24 tional infrastructure.

25 (6) The evaluation and enhancement of vessel
26 monitoring, tracking, and automated identification

1 systems and navigational aids and communications
2 infrastructure for safe navigation and marine acci-
3 dent prevention in the Arctic.

4 (7) Shipping traffic risk assessments for the
5 Bering Strait and the Chukchi and Beaufort Seas.

6 (8) The integration of local and traditional
7 knowledge and concerns into prevention and re-
8 sponse strategies.

9 **SEC. 203. RESPONSE PLAN UPDATE REQUIREMENT.**

10 (a) IN GENERAL.—The Secretary shall require all re-
11 sponse plans approved by the Coast Guard under section
12 311(j) of the Federal Water Pollution Control Act (33
13 U.S.C. 1321(j)) to be updated not less often than once
14 every five years.

15 (b) BEST AVAILABLE TECHNOLOGY.—Each response
16 plan update required by subsection (a) shall utilize the
17 best commercially available technology and methods to
18 contain and remove to the maximum extent practicable a
19 worst case discharge (including a discharge resulting from
20 fire or explosion), and to mitigate or prevent a substantial
21 threat of such a discharge.

22 (c) TECHNOLOGY STANDARDS.—The Coast Guard
23 may establish requirements and guidance for utilizing the
24 best commercially available technology and methods,

1 which shall be based on performance metrics and stand-
 2 ards whenever practicable.

3 (d) RESUBMISSION.—Each update required by sub-
 4 section (a) shall be considered a significant change requir-
 5 ing it to be resubmitted for approval by the Coast Guard.

6 **SEC. 204. ADVANCE PLANNING AND PROMPT DECISION-**
 7 **MAKING IN CLOSING AND REOPENING FISH-**
 8 **ING GROUNDS.**

9 (a) REQUIREMENT THAT AREA CONTINGENCY
 10 PLANS CONTAIN AREA-SPECIFIC PROTOCOLS AND
 11 STANDARDS.—

12 (1) COOPERATION WITH STATE AND LOCAL OF-
 13 FICIALS.—Section 311(j)(4)(B)(ii) of the Federal
 14 Water Pollution Control Act (33 U.S.C.
 15 1321(j)(4)(B)(ii)) is amended by striking the semi-
 16 colon after “wildlife” and inserting a comma and
 17 “including advance planning with respect to the clos-
 18 ing and reopening of fishing grounds following an oil
 19 spill;”.

20 (2) FRAMEWORK.—Section 311(j)(4)(C) of the
 21 Federal Water Pollution Control Act (33 U.S.C.
 22 1321(j)(4)(C)) is amended—

23 (A) by redesignating clauses (vii) and (viii)
 24 as clauses (viii) and (ix), respectively; and

1 (B) by inserting after clause (vi) the fol-
 2 lowing:

3 “(vii) develop a framework for ad-
 4 vance planning and decisionmaking with
 5 respect to the closing and reopening of
 6 fishing grounds following an oil spill, in-
 7 cluding protocols and standards for the
 8 closing and reopening of fishing areas;”.

9 (b) NATIONAL GUIDANCE.—Section 311(j)(4)(D) of
 10 the Federal Water Pollution Control Act (33 U.S.C.
 11 1321(j)(4)(D)) is amended—

12 (1) in clause (i) by striking “and” at the end;

13 (2) in clause (ii) by striking the period and in-
 14 serting “; and”; and

15 (3) by adding at the end the following:

16 “(iii) acting through the Commandant
 17 of the Coast Guard and in consultation
 18 with the Under Secretary for Oceans and
 19 Atmosphere and any other government en-
 20 tities deemed appropriate, issue guidance
 21 for Area Committees to use in developing
 22 a framework for advance planning and de-
 23 cisionmaking with respect to the closing
 24 and reopening of fishing grounds following
 25 an oil spill, which guidance shall include

1 model protocols and standards for the clos-
2 ing and reopening of fishing areas.”.

3 **SEC. 205. OIL SPILL TECHNOLOGY EVALUATION.**

4 (a) IN GENERAL.—The Secretary shall establish a
5 program for the formal evaluation and validation of oil
6 pollution containment and removal methods and tech-
7 nologies.

8 (b) APPROVAL.—The program required by subsection
9 (a) shall establish a process for new methods and tech-
10 nologies to be submitted, evaluated, and gain validation
11 for use in spill responses and inclusion in response plans.
12 Following each validation, the Secretary shall consider
13 whether the method or technology meets a performance
14 capability warranting designation of a new standard for
15 best available technology or methods.

16 (c) TECHNOLOGY CLEARINGHOUSE.—All tech-
17 nologies and methods validated under this section shall be
18 included in the comprehensive list of spill removal re-
19 sources maintained by the Coast Guard through the Na-
20 tional Response Unit.

21 (d) CONSULTATION.—The Secretary shall consult
22 with the Secretary of the Interior, the Under Secretary
23 for Oceans and Atmosphere, the Administrator of the En-
24 vironmental Protection Agency, and the Secretary of
25 Transportation in carrying out this section.

1 **SEC. 206. COAST GUARD INSPECTIONS.**

2 (a) IN GENERAL.—The Secretary shall increase the
3 frequency and comprehensiveness of safety inspections of
4 all United States and foreign-flag tank vessels that enter
5 a United States port or place, including increasing the fre-
6 quency and comprehensiveness of inspections of vessel age,
7 hull configuration, and past violations of any applicable
8 discharge and safety regulations under United States and
9 international law that may indicate that the class societies
10 inspecting such vessels may be substandard, and other fac-
11 tors relevant to the potential risk of an oil spill.

12 (b) ENHANCED VERIFICATION OF STRUCTURAL CON-
13 DITION.—The Secretary shall adopt, as part of the Sec-
14 retary’s inspection requirements for tank vessels, addi-
15 tional procedures for enhancing the verification of the re-
16 ported structural condition of such vessels, taking into ac-
17 count the Condition Assessment Scheme adopted by the
18 International Maritime Organization by Resolution 94(46)
19 on April 27, 2001.

20 **SEC. 207. CERTIFICATE OF INSPECTION REQUIREMENTS.**

21 Chapter 33 of title 46, United States Code, is amend-
22 ed—

23 (1) in section 3301, by adding at the end the
24 following:

25 “(16) vessels and other structures, fixed or
26 floating, including those which dynamically hold po-

sition or are attached to the seabed or subsoil, which are capable of exploring for, drilling for, developing, or producing oil or gas.”; and

(2) in section 3305(a)(1)—

(A) by amending subparagraph (E) to read as follows:

“(E) is in a condition to be operated with safety to life and property, which including the operation of systems used for the capabilities described in paragraph (16) of section 3301, including—

“(i) drilling systems, including risers and blow out preventers; and

“(ii) production systems, if so equipped;”;

(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(C) by adding the following:

“(G) for vessels and other structures described in paragraph (16) of section 3301 (including the systems used for the capabilities described in paragraph (16) of section 3301), complies with the highest classification, certification, rating, and inspection standards for ves-

sels or structures of the same age and type imposed by—

“(i) the American Bureau of Shipping; or

“(ii) another classification society approved by the Secretary as meeting acceptable standards for such a society, except that the classification of vessels or structures under this section by a foreign classification society may be accepted by the Secretary only—

“(I) to the extent that the government of the foreign country in which the society is headquartered accepts classification by the American Bureau of Shipping of vessels and structures used in the offshore exploration, development, and production of oil and gas in that country; and

“(II) if the foreign classification society has offices and maintains records in the United States.”.

1 **SEC. 208. NAVIGATIONAL MEASURES FOR PROTECTION OF**
2 **NATURAL RESOURCES.**

3 (a) DESIGNATION OF AT-RISK AREAS.—The Com-
4 mandant of the Coast Guard, in consultation the Under
5 Secretary for Oceans and Atmosphere, shall identify areas
6 in waters subject to the jurisdiction of the United States
7 in which routing or other navigational measures are war-
8 ranted to reduce the risk of oil spills and potential damage
9 to natural resources. In identifying such areas, the Com-
10 mandant shall give priority consideration to natural re-
11 sources of particular ecological importance or economic
12 importance, including—

13 (1) commercial fisheries;

14 (2) aquaculture facilities;

15 (3) marine sanctuaries designated by the Sec-
16 retary of Commerce pursuant to the National Ma-
17 rine Sanctuaries Act (16 U.S.C. 1431 et seq.);

18 (4) estuaries of national significance designated
19 under section 320 of the Federal Water Pollution
20 Control Act (33 U.S.C. 1330);

21 (5) critical habitat, as defined in section 3(5) of
22 the Endangered Species Act of 1973 (16 U.S.C.
23 1532(5));

24 (6) estuarine research reserves within the Na-
25 tional Estuarine Research Reserve System estab-

1 lished by section 315 of the Coastal Zone Manage-
2 ment Act of 1972 (16 U.S.C. 1461); and

3 (7) national parks and national seashores ad-
4 ministered by the National Park Service under the
5 National Park Service Organic Act (16 U.S.C. 1 et
6 seq.).

7 (b) FACTORS CONSIDERED.—In determining whether
8 navigational measures are warranted for an area under
9 subsection (a), the Commandant and the Under Secretary
10 for Oceans and Atmosphere shall consider, at a min-
11 imum—

12 (1) the frequency of transits of vessels which
13 are required to prepare a response plan under sec-
14 tion 311(j) of the Federal Water Pollution Control
15 Act (33 U.S.C. 1321(j));

16 (2) the type and quantity of oil transported as
17 cargo or fuel;

18 (3) the expected benefits of routing measures in
19 reducing risks of spills;

20 (4) the costs of such measures;

21 (5) the safety implications of such measures;

22 and

23 (6) the nature and value of the resources to be
24 protected by such measures.

1 (c) ESTABLISHMENT OF ROUTING AND OTHER NAVI-
2 GATIONAL MEASURES.—The Commandant shall establish
3 such routing or other navigational measures for areas
4 identified under subsection (a).

5 (d) ESTABLISHMENT OF AREAS TO BE AVOIDED.—
6 To the extent that the Commandant and the Under Sec-
7 retary for Oceans and Atmosphere identify areas in which
8 navigational measures are warranted for an area under
9 subsection (a), the Secretary and the Under Secretary
10 shall seek to establish such areas through the Inter-
11 national Maritime Organization or establish comparable
12 areas pursuant to regulations and in a manner that is con-
13 sistent with international law.

14 (e) OIL SHIPMENT DATA AND REPORT.—

15 (1) DATA COLLECTION.—The Commandant of
16 the Coast Guard, in consultation with the Chief of
17 Engineers, shall analyze data on oil transported as
18 cargo on vessels in the navigable waters of the
19 United States, including information on—

20 (A) the quantity and type of oil being
21 transported;

22 (B) the vessels used for such transpor-
23 tation;

24 (C) the frequency with which each type of
25 oil is being transported; and

1 (D) the point of origin, transit route, and
2 destination of each such shipment of oil.

3 (2) QUARTERLY REPORT.—

4 (A) REQUIREMENT FOR QUARTERLY RE-
5 PORT.—The Secretary shall, not less frequently
6 than once each calendar quarter, submit to the
7 Committee on Commerce, Science, and Trans-
8 portation of the Senate and the Committee on
9 Energy and Commerce of the House of Rep-
10 resentatives a report on the data collected and
11 analyzed under paragraph (1).

12 (B) FORMAT.—Each report submitted
13 under subparagraph (A) shall be submitted in
14 a format that does not disclose information ex-
15 empted from disclosure.

16 **SEC. 209. NOTICE TO STATES OF BULK OIL TRANSFERS.**

17 (a) IN GENERAL.—A State may, by law, require a
18 person to provide notice of 24 hours or more to the State
19 and to the Coast Guard prior to transferring oil in bulk
20 as cargo in an amount equivalent to 250 barrels or more
21 to, from, or within a vessel in State waters.

22 (b) COAST GUARD ASSISTANCE.—The Commandant
23 of the Coast Guard may assist a State in developing ap-
24 propriate methodologies for joint Federal and State notifi-

1 cation of an oil transfer described in subsection (a) to min-
 2 imize any potential burden to vessels.

3 **SEC. 210. GULF OF MEXICO REGIONAL CITIZENS ADVISORY**
 4 **COUNCIL.**

5 (a) IN GENERAL.—Subtitle A of title IV of the Oil
 6 Pollution Act of 1990 is amended by inserting after sec-
 7 tion 4118 (33 U.S.C. 1203 note) the following:

8 **“SEC. 4119. GULF OF MEXICO REGIONAL CITIZENS’ ADVI-**
 9 **SORY COUNCIL.**

10 “(a) ESTABLISHMENT.—There is established a Gulf
 11 of Mexico Regional Citizens’ Advisory Council (referred to
 12 in this section as the ‘Council’).

13 “(b) MEMBERSHIP.—The Council shall be composed
 14 of voting members and nonvoting members, as follows:

15 “(1) VOTING MEMBERS.—Each of the States of
 16 Alabama, Florida, Louisiana, Mississippi, and Texas
 17 shall each have 6 voting members on the Council
 18 who shall be residents of the State and appointed by
 19 the Governor of the State from a list of nominees
 20 provided by each of the following interests in the
 21 State, such that each interest in each State is rep-
 22 resented by a voting member:

23 “(A) Commercial fin fish and shellfish in-
 24 dustry.

25 “(B) Charter fishing industry.

1 “(C) Restaurant, hotel, and tourism indus-
2 tries.

3 “(D) Indigenous peoples communities.

4 “(E) Marine and coastal conservation com-
5 munity.

6 “(F) Incorporated and unincorporated mu-
7 nicipalities.

8 “(2) NONVOTING MEMBERS.—One ex-officio,
9 nonvoting representative shall be designated by, and
10 represent, each of the following:

11 “(A) The Coast Guard.

12 “(B) The Environmental Protection Agen-
13 cy.

14 “(C) The National Oceanic and Atmos-
15 pheric Administration.

16 “(D) The Bureau of Ocean Energy Man-
17 agement, Regulation and Enforcement.

18 “(E) The lead maritime environmental and
19 natural resources management and enforcement
20 agency from each of the States of Alabama,
21 Florida, Louisiana, Mississippi, and Texas.

22 “(c) TERMS.—

23 “(1) IN GENERAL.—The voting members of the
24 Council shall be appointed for a term of 3 years.

1 “(2) INITIAL APPOINTMENTS.—For the terms
2 of the group of first appointments of voting mem-
3 bers to the Council, a drawing of lots among the ap-
4 pointees shall be conducted under which—

5 “(A) $\frac{1}{3}$ of that group shall serve for 3
6 years;

7 “(B) $\frac{1}{3}$ of that group shall serve for 2
8 years; and

9 “(C) the remainder of that group shall
10 serve for 1 year.

11 “(3) DURATION OF COUNCIL.—The duration of
12 the Council shall be throughout the lifetime of en-
13 ergy development, transportation, and facility re-
14 moval activities in the Gulf of Mexico.

15 “(d) ADMINISTRATION.—

16 “(1) IN GENERAL.—The Council shall—

17 “(A) elect a chairperson;

18 “(B) select staff; and

19 “(C) make policies with regard to internal
20 operating procedures.

21 “(2) SELF-GOVERNANCE.—After the initial or-
22 ganizational meeting hosted by the Secretary of the
23 department in which the Coast Guard is operating,
24 the Council shall be self-governing.

25 “(3) TRANSPARENCY.—The Council shall—

1 “(A) conduct the operations of the Council
 2 in public, to the maximum extent practicable;
 3 and

4 “(B) make the work products the Council
 5 adopts available to the public.

6 “(4) CONFLICTS OF INTEREST.—An individual
 7 selected as a voting member of the Council may not
 8 engage in any activity that may conflict with the
 9 execution of the functions or duties of the individual
 10 as a Council member.

11 “(e) DUTIES.—

12 “(1) IN GENERAL.—The Council shall, with re-
 13 gard to facilities and tank vessels in, and on the
 14 coast of, the Gulf of Mexico—

15 “(A) with regard to facilities and tank ves-
 16 sels in, and on the coast of, the Gulf of Mex-
 17 ico—

18 “(i) provide comprehensive oversight
 19 and monitoring of policies, permits, and
 20 regulations relating to the activities, oper-
 21 ation, and maintenance of the facilities and
 22 tank vessels;

23 “(ii) monitor the environmental im-
 24 pacts of the operation of the facilities and
 25 tank vessels;

1 “(iii) monitor oil spill prevention and
2 response plans, including plans relating to
3 blowout prevention and response, for the
4 facilities and tank vessels; and

5 “(iv) recommend standards and condi-
6 tions for regulations intended to ensure the
7 safe and environmentally sound operation
8 and maintenance of the facilities and tank
9 vessels;

10 “(B) provide recommendations for, and
11 otherwise assist, any oil spill recovery or spill
12 research institute established for the Gulf of
13 Mexico; and

14 “(C) conduct such other activities within
15 the authority and scope of the Council as the
16 Council considers appropriate.

17 “(2) GEOGRAPHIC SCOPE.—The Council shall
18 carry out the duties described in paragraph (1) in a
19 manner that, to the maximum extent practicable,
20 covers all activities of facilities and tank vessels oc-
21 ccurring in the Gulf of Mexico.

22 “(f) STANDING COMMITTEES.—The Council may cre-
23 ate standing committees as necessary to carry out the du-
24 ties described in subsection (e), including—

25 “(1) a scientific and technical committee;

1 “(2) an environmental monitoring committee;

2 “(3) an oil spill prevention and response com-
3 mittee;

4 “(4) an offshore committee for monitoring ac-
5 tivities in water that is more than 500 feet in depth;

6 “(5) a near-shore committee for monitoring ac-
7 tivities in water that is 500 feet or less in depth;

8 “(6) an information and education committee;
9 and

10 “(7) a committee on social impact assessments:
11 prevention, mitigation and response.

12 “(g) TEMPORARY COMMITTEES.—

13 “(1) IN GENERAL.—In addition to the standing
14 committees authorized to be created in subsection
15 (f), the Council may create temporary committees as
16 necessary to carry out the duties of the Council re-
17 lating to—

18 “(A) the blowout and explosion of the mo-
19 bile offshore drilling unit Deepwater Horizon
20 that occurred on April 20, 2010; and

21 “(B) the resulting hydrocarbon releases
22 into the environment, including temporary com-
23 mittees relating to—

24 “(i) public and occupational health;
25 and

1 “(ii) assessment and monitoring of en-
2 vironmental, social and economic impacts.

3 “(2) DISSOLUTION.—If a $\frac{2}{3}$ majority of the
4 Council votes to discontinue activities relating to the
5 incidents described in paragraph (1), any temporary
6 committee established under paragraph (1) shall dis-
7 solve within 60 days after the date of the vote.

8 “(h) ESTOPPEL.—

9 “(1) IN GENERAL.—The Council shall not be
10 liable under Federal or State law for costs or dam-
11 ages as a result of rendering recommendations under
12 this section.

13 “(2) ADVICE.—Any advice given by a voting
14 member of the Council, or by a program representa-
15 tive or agent, shall not be grounds for estopping
16 those interests represented by the voting Council
17 members from seeking damages or other appropriate
18 relief.

19 “(i) INFORMATION FROM FEDERAL AGENCIES AND
20 INDUSTRY.—

21 “(1) IN GENERAL.—The Council may request
22 directly from any Federal agency (as defined in sec-
23 tion 1004 of the Solid Waste Disposal Act (42
24 U.S.C. 6903)) (referred to in this section as a ‘Fed-

eral agency’) information, suggestions, estimates,
and statistics for the purposes of this section.

“(2) AGENCY COOPERATION.—

“(A) IN GENERAL.—Effective beginning
180 days after the date of enactment of this
section, each Federal agency shall, with respect
to all permits, site-specific regulations, and
other matters governing the activities and ac-
tions within the purview of the Council, consult
with the Council prior to taking substantive ac-
tion with respect to the permit, site-specific reg-
ulation, or other matter.

“(B) REVIEW.—The consultation shall be
carried out in a manner that enables the Coun-
cil—

“(i) to review the permit, site-specific
regulation, or other matters; and

“(ii) to make appropriate recommen-
dations regarding operations, policy, or
agency actions.

“(C) EMERGENCIES.—Prior consultation
shall not be required under this paragraph if an
authorized Federal agency representative rea-
sonably believes that an emergency exists re-
quiring action without delay.

1 “(D) INFORMATION.—Each Federal agen-
 2 cy shall, on the request of the Council, to the
 3 extent authorized by law, furnish information,
 4 suggestions, estimates, and statistics directly to
 5 the Council.

6 “(3) ACCESS.—The Council shall have access to
 7 oil and gas industry facilities and records that are
 8 relevant to the proper execution of the duties of the
 9 Council under this section.

10 “(j) COUNCIL RESEARCH.—In carrying out this sec-
 11 tion, the Council—

12 “(1) may conduct applicable scientific research;
 13 and

14 “(2) shall review applicable scientific work un-
 15 dertaken by or on behalf of—

16 “(A) the energy industry;

17 “(B) the conservation community; or

18 “(C) government agencies.

19 “(k) COUNCIL RECOMMENDATIONS.—

20 “(1) IN GENERAL.—All recommendations of the
 21 Council shall be advisory only.

22 “(2) RECOMMENDATIONS.—If a government
 23 agency, responsible party, or other owner or oper-
 24 ator, lessee, or permittee (referred to in this para-
 25 graph as the ‘covered individual or entity’) decides

1 not to accept, or decides to substantially modify be-
2 fore adoption, a recommendation of the Council, the
3 covered individual or entity shall provide to the
4 Council, not later than 10 days after the date of the
5 decision of the covered individual or entity, a written
6 notice of the decision and a summary of reasons for
7 the rejection or substantial modification of the rec-
8 ommendation by the covered individual or entity.

9 “(l) LOCATION AND COMPENSATION.—

10 “(1) OFFICE LOCATIONS.—The Council shall
11 establish offices in 1 or more Gulf States, as the
12 Council determines to be necessary and appropriate
13 to the operations of the Council.

14 “(2) PER DIEM AUTHORIZATION.—A member of
15 the Council may not be compensated for service on
16 the Council, but shall be allowed travel expenses, in-
17 cluding per diem, at a rate established by the Coun-
18 cil, not to exceed the rates authorized for employees
19 of agencies under sections 5702 and 5703 of title 5,
20 United States Code (except by express authorization
21 of the Council in any case in which the rates are in-
22 adequate to reimburse a member not eligible for
23 travel rates of the Federal Government).

24 “(m) REPORTS.—

1 “(1) GAO REPORTS.—Not later than 3 years
2 after the date of establishment of the Council and
3 every 3 years thereafter, the Comptroller General of
4 the United States shall submit to the President and
5 Congress a report covering the operations and ex-
6 penditures of the Council in carrying out this sec-
7 tion, including any recommendations.

8 “(2) BIENNIAL REPORTS TO CONGRESS.—Every
9 2 years, the Council shall submit a report to Con-
10 gress on—

11 “(A) the achievement of safe operations in
12 the Gulf of oil and gas activities; and

13 “(B) on the operations and expenditures,
14 needs, problems, issues, and recommendations
15 of the Council.

16 “(3) ANNUAL AUDITS.—

17 “(A) IN GENERAL.—The Council shall—

18 “(i) commission an annual inde-
19 pendent financial statement audit by an
20 independent accounting firm; and

21 “(ii) publish the results of the audits
22 in a publicly available annual report.

23 “(B) BIENNIAL REPORTS.—The audits
24 shall be incorporated into the reports to Con-
25 gress required by paragraph (2).

1 “(n) SUITS BARRED.—No program, association,
 2 council, committee, or other organization created by this
 3 section may sue any public or private person or entity con-
 4 cerning any matter arising under this section other than
 5 the performance of a contracts.

6 “(o) OPERATIONAL AND ADMINISTRATIVE FUND-
 7 ING.—Owners or operators of tank vessels, onshore facili-
 8 ties, or offshore facilities, lessees, and permittees in the
 9 Gulf of Mexico shall provide, on an annual basis, an aggre-
 10 gate amount of not more than \$10,000,000, as determined
 11 by the Secretary of the department in which the Coast
 12 Guard is operating, that shall—

13 “(1) provide for the establishment and oper-
 14 ation of the Council (including standing committees
 15 and any temporary committees); and

16 “(2) be adjusted annually to reflect changes in
 17 the Consumer Price Index in the Gulf of Mexico re-
 18 gion.”.

19 “(b) TABLE OF CONTENTS.—The table of contents in
 20 section 2 of the Oil Pollution Act of 1990 (33 U.S.C. prec.
 21 2701) is amended by adding at the end of the items relat-
 22 ing to title IV the following:

“Sec. 4119. Gulf of Mexico Regional Citizens’ Advisory Council.”.

1 **SEC. 211. VESSEL LIABILITY.**

2 Section 1004(a) of the Oil Pollution Act of 1990 (33
3 U.S.C. 2704(a)) is amended by striking paragraph (1) and
4 inserting the following:

5 “(1) for a vessel that is—

6 “(A) a tank ship that is a single-hull ves-
7 sel, including a single-hull vessel fitted with
8 double sides only or a double bottom only,
9 \$3,300 per gross ton or \$93,600,000, whichever
10 is greater;

11 “(B) a tank ship that is a double-hull ves-
12 sel, \$1,900 per gross ton or \$16,000,000,
13 whichever is greater;

14 “(C) a tank barge that is a single-hull ves-
15 sel, including a single-hull vessel fitted with
16 double sides only or a double bottom only,
17 \$7,000 per gross ton or \$29,100,000, whichever
18 is greater; or

19 “(D) a tank barge that is a double-hull
20 vessel, \$7,000 per gross ton or \$36,900,000,
21 whichever is greater;”.

22 **SEC. 212. COAST GUARD RESEARCH AND DEVELOPMENT.**

23 Section 1012(a)(5)(A) of the Oil Pollution Act of
24 1990 (33 U.S.C. 2712(a)(5)(A)) is amended—

25 (1) by striking “\$25,000,000” and inserting
26 “\$50,000,000”; and

1 (2) by striking the semicolon at the end and in-
 2 serting “, of which amount not less than 40 percent
 3 shall be used to conduct research, development, and
 4 evaluation of oil spill response and removal tech-
 5 nologies and methods;”.

6 **SEC. 213. PROMPT INTERGOVERNMENTAL NOTICE OF MA-**
 7 **RINE CASUALTIES.**

8 Section 6101 of title 46, United States Code, is
 9 amended by adding at the end the following:

10 “(j) NOTICE TO STATES AND TRIBAL GOVERN-
 11 MENTS.—

12 “(1) REQUIREMENT TO NOTIFY.—Not later
 13 than 1 hour after receiving a report of a marine cas-
 14 ualty under this section, the Secretary shall forward
 15 the report to each appropriate State agency and
 16 tribal government of an Indian tribe (as defined in
 17 section 4 of the Indian Self-Determination and Edu-
 18 cation Assistance Act (25 U.S.C. 450b)) that has ju-
 19 risdiction concurrent with the United States or adja-
 20 cent to waters in which the marine casualty oc-
 21 curred.

22 “(2) APPROPRIATE STATE AGENCY.—Each
 23 State shall identify for the Secretary the appropriate
 24 State agency to receive a report under paragraph
 25 (1). Such agency shall be responsible for forwarding

1 appropriate information related to such report to
 2 local and tribal governments within the State.”.

3 **SEC. 214. PROMPT PUBLICATION OF OIL SPILL INFORMA-**
 4 **TION.**

5 (a) IN GENERAL.—In any response to an oil spill in
 6 which the Commandant of the Coast Guard serves as the
 7 Federal On-Scene Coordinator leading a Unified Com-
 8 mand, the Commandant, on a publicly accessible Web site,
 9 all written Incident Action Plans prepared and approved
 10 as a part of the response to such oil spill.

11 (b) TIMELINESS AND DURATION.—The Commandant
 12 shall—

13 (1) publish each Incident Action Plan pursuant
 14 to subsection (a) promptly after such Plan is ap-
 15 proved for implementation by the Unified Command,
 16 and in no event later than 12 hours into the oper-
 17 ational period for which such Plan is prepared; and

18 (2) ensure that such plan remains remain pub-
 19 licly accessible by Web site for the duration of the
 20 response to oil spill.

21 (c) REDACTION OF PERSONAL INFORMATION.—The
 22 Commandant may redact information from an Incident
 23 Action Plans published pursuant to subsection (a) to the
 24 extent necessary to comply with applicable privacy laws
 25 and other requirements regarding personal information.

1 **TITLE III—OTHER MATTERS**
2 **RELATING TO OIL SPILLS**

3 **SEC. 301. COORDINATION OF FEDERAL AND STATE ACTIVI-**
4 **TIES WITH RESPECT TO OIL SPILL SURVEYS.**

5 (a) DEVELOPMENT OF NATIONAL PROTOCOLS FOR
6 OIL SPILL SURVEYS.—Not later than 270 days after the
7 date of the enactment of this Act, the Under Secretary
8 for Oceans and Atmosphere shall, in coordination with the
9 Secretary of Homeland Security, the Administrator of the
10 Environmental Protection Agency, and the heads of such
11 departments and agencies of State governments as the
12 Under Secretary considers appropriate, develop standard
13 national protocols for oil spill response and clean up as-
14 sessments to promote consistent procedures for collecting
15 shoreline characterization data.

16 (b) GUIDANCE AND TOOLS FOR APPLICATION OF NA-
17 TIONAL PROTOCOLS FOR OIL SPILL SURVEYS.—The
18 Under Secretary shall develop guidance and tools for oil
19 spill responders and offer instructional courses to ensure
20 that the protocols developed under subsection (a) are used
21 during oil spill responses in the waters of the United
22 States.

1 **SEC. 302. COORDINATION BETWEEN NATIONAL OCEANIC**
2 **AND ATMOSPHERIC ADMINISTRATION, COAST**
3 **GUARD, AND DEPARTMENT OF INTERIOR ON**
4 **OIL SPILL MATTERS.**

5 (a) OUTER CONTINENTAL SHELF LEASING PRO-
6 GRAM.—Section 18 of the Outer Continental Shelf Lands
7 Act (43 U.S.C. 1344) is amended—

8 (1) in subsection (c)(1), by inserting “the Sec-
9 retary of Commerce, the Secretary of the depart-
10 ment in which the Coast Guard is operating, and”
11 before “the Attorney General,”; and

12 (2) in subsection (d)—

13 (A) in paragraph (1), by striking “pro-
14 gram,” in the first sentence and all that follows
15 through the end of the paragraph and inserting
16 “program—

17 “(A) the Attorney General may, after con-
18 sultation with the Federal Trade Commission,
19 submit comments on the anticipated effects of
20 the proposed program on competition;

21 “(B) the Secretary of Commerce may sub-
22 mit comments on the anticipated effects of the
23 proposed program on the human, marine, and
24 coastal environments, including the likelihood of
25 occurrence and potential severity of spills and
26 chronic pollution;

“(C) the Secretary of the department in which the Coast Guard is operating may submit comments on the adequacy of the response capabilities of the Federal Government for spills and chronic pollution that may occur as a result of the proposed program; and

“(D) any State, local government, or other person may submit comments and recommendations as to any aspect of the proposed program.”; and

(B) in the second sentence in paragraph (2), by striking “Attorney General” and inserting “Attorney General, the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating,”.

(b) ENVIRONMENTAL STUDIES.—Section 20(f) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(f)) is amended—

(1) by striking “(f) In executing” and inserting the following:

“(1) IN GENERAL.—In executing”; and

(2) by adding at the end the following:

“(2) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—

1 “(A) IN GENERAL.—In addition to any
2 other requirement under law, the Secretary
3 shall, prior to the approval of any program,
4 lease, exploration plan, or development and pro-
5 duction plan, consult with the Administrator of
6 the National Oceanic and Atmospheric Admin-
7 istration (referred to in this paragraph as the
8 ‘Administrator’) on the reasonably foreseeable
9 adverse effects of the proposed action to ocean
10 and coastal resources, including oil spills.

11 “(B) INITIATION OF CONSULTATION.—

12 “(i) IN GENERAL.—The Secretary
13 shall initiate consultation under subpara-
14 graph (A) at the earliest practicable time,
15 but in no case later than 90 days before
16 the date of approval of the proposed ac-
17 tion.

18 “(ii) PROVISION OF INFORMATION.—

19 On the initiation of consultation, the Sec-
20 retary shall provide the Administrator with
21 information describing the nature, location,
22 and duration of the proposed action, and a
23 description of all reasonably foreseeable
24 adverse effects to ocean and coastal re-
25 sources.

1 “(C) ALTERNATIVES.—

2 “(i) IN GENERAL.—At any time prior
3 to the date that is 45 days before the ap-
4 proval of the proposed action, the Adminis-
5 trator may recommend alternatives to any
6 proposed action, including measures that
7 will prevent or minimize reasonably fore-
8 seeable adverse effects to ocean and coastal
9 resources.

10 “(ii) SECRETARIAL ACTION.—The
11 Secretary shall incorporate into the ap-
12 proval for the proposed action the alter-
13 natives or mitigation measures rec-
14 ommended under clause (i), unless the Sec-
15 retary—

16 “(I) determines that the alter-
17 natives or mitigation measures are not
18 necessary to prevent or minimize rea-
19 sonably foreseeable adverse effects to
20 marine and coastal resources; and

21 “(II) notifies the Administrator
22 in writing of the reasons for that deci-
23 sion.”.

1 **SEC. 303. FEDERAL OIL SPILL RESEARCH COMMITTEE.**

2 (a) ESTABLISHMENT.—There is established a com-
3 mittee to be known as the Federal Oil Spill Research Com-
4 mittee (in this section referred to as the “Committee”).

5 (b) MEMBERSHIP.—

6 (1) COMPOSITION.—The Committee shall be
7 composed of members selected by the Under Sec-
8 retary for Oceans and Atmosphere to represent the
9 following:

10 (A) The National Oceanic and Atmos-
11 pheric Administration.

12 (B) The Coast Guard.

13 (C) The Environmental Protection Agency.

14 (D) Such other Federal agencies as the
15 Under Secretary considers appropriate.

16 (2) CHAIRPERSON.—The Under Secretary shall
17 designate a Chairperson from among members of
18 the Committee who represent the National Oceanic
19 and Atmospheric Administration.

20 (c) DUTIES OF THE COMMITTEE.—

21 (1) RESEARCH.—The Committee shall—

22 (A) coordinate a comprehensive program of
23 oil pollution research, technology development,
24 and demonstration among the Federal agencies,
25 in cooperation and coordination with industry,
26 universities, research institutions, State and

1 local governments, tribal governments, and
 2 other nations, as the Committee considers ap-
 3 propriate; and

4 (B) foster cost-effective research mecha-
 5 nisms, including the joint funding of research.

6 (2) REPORTS ON CURRENT STATE OF OIL SPILL
 7 PREVENTION AND RESPONSE CAPABILITIES.—

8 (A) IN GENERAL.—Not later than 180
 9 days after the date of the enactment of this
 10 Act, the Committee shall submit to Congress a
 11 report on the current state of oil spill preven-
 12 tion and response capabilities that—

13 (i) identifies current research pro-
 14 grams conducted by governments, univer-
 15 sities, and corporate entities;

16 (ii) assesses the current status of
 17 knowledge on oil pollution prevention, re-
 18 sponse, and mitigation technologies;

19 (iii) establishes national research pri-
 20 orities and goals for oil pollution tech-
 21 nology development related to prevention,
 22 response, mitigation, and environmental ef-
 23 fects;

24 (iv) identifies regional oil pollution re-
 25 search needs and priorities for a coordi-

1 nated program of research at the regional
2 level developed in consultation with State
3 and local governments and tribes;

4 (v) assesses the current state of spill
5 response equipment, and determines areas
6 in need of improvement including amount,
7 age, quality, effectiveness, or necessary
8 technological improvements;

9 (vi) assesses the current state of real
10 time data available to mariners, including
11 water level, currents and weather informa-
12 tion and predictions, and assesses whether
13 lack of timely information increases the
14 risk of oil spills;

15 (vii) assesses the capacity of the Na-
16 tional Oceanic and Atmospheric Adminis-
17 tration to respond to, and restore, and re-
18 habilitate marine sanctuaries, monuments,
19 sea turtles, and other protected species;

20 (viii) establishes goals for improved oil
21 spill prevention and response upon which
22 to target research for the following 5-year
23 period before the next report is submitted
24 under subparagraph (B); and

1 (ix) includes such recommendations as
2 the Committee considers appropriate.

3 (B) QUINQUENNIAL UPDATES.—The Com-
4 mittee shall submit a report every fifth year
5 after its first report under subparagraph (A)
6 updating the information contained in its pre-
7 vious report under this paragraph.

8 (d) RESEARCH AND DEVELOPMENT PROGRAM.—

9 (1) IN GENERAL.—In carrying out its duties
10 under subsection (c)(1), the Committee shall estab-
11 lish a program for conducting oil pollution research
12 and development.

13 (2) PROGRAM ELEMENTS.—The program estab-
14 lished under paragraph (1) shall provide for re-
15 search, development, and demonstration of new or
16 improved technologies which are effective in pre-
17 venting, detecting, or mitigating oil discharges and
18 which protect the environment, and include the fol-
19 lowing:

20 (A) High-priority research areas described
21 in the report.

22 (B) Direct and indirect environmental ef-
23 fects of acute and chronic oil spills on marine
24 resources, including impacts on marine sanc-
25 tuaries, monuments, other protected areas, ma-

1 rine mammals, sea turtles, and other protected
2 species.

3 (C) Monitoring, modeling, and under-
4 standing the near- and long-term effects of
5 major spills and long-term cumulative effects of
6 smaller endemic spills.

7 (D) New technologies to detect accidental
8 or intentional overboard discharges.

9 (E) Mechanical response capabilities, such
10 as improved booms, oil skimmers, and storage
11 capacity.

12 (F) Methods to respond to, restore, and re-
13 habilitate natural resources and ecosystem
14 health and services damaged by oil discharges,
15 including impacts on marine sanctuaries, monu-
16 ments, other protected areas, marine mammals,
17 sea turtles, and other protected species..

18 (G) Research and training, in consultation
19 with the National Response Team, to improve
20 industry's and Government's ability to remove
21 an oil discharge quickly and effectively.

22 (3) IMPLEMENTATION PLAN.—

23 (A) IN GENERAL.—Not later than 180
24 days after submitting the report to Congress
25 under subsection (c)(2)(A), the Committee shall

1 submit to Congress a plan for the implementa-
 2 tion of the program required by paragraph (1).

3 (B) ASSESSMENT BY NATIONAL ACADEMY
 4 OF SCIENCES.—The Chairperson shall, acting
 5 through the National Oceanic and Atmospheric
 6 Administration, contract with the National
 7 Academy of Sciences to—

8 (i) provide advice and guidance in the
 9 preparation and development of the plan
 10 required by subparagraph (A); and

11 (ii) assess the adequacy of the plan as
 12 submitted, and submit a report to Con-
 13 gress on the conclusions of such assess-
 14 ment.

15 (e) GRANT PROGRAM IN SUPPORT OF RESEARCH
 16 AND DEVELOPMENT PROGRAM.—

17 (1) IN GENERAL.—The Under Secretary shall,
 18 in consultation with the National Science Founda-
 19 tion, manage a program of competitive grants to
 20 universities or other research institutions, or groups
 21 of universities or research institutions, for the pur-
 22 poses of conducting the program established under
 23 subsection (d).

24 (2) APPLICATIONS AND CONDITIONS.—In con-
 25 ducting the program, the Under Secretary—

1 (A) shall establish a notification and appli-
2 cation procedure;

3 (B) may establish such conditions and re-
4 quire such assurances as may be appropriate to
5 ensure the efficiency and integrity of the grant
6 program; and

7 (C) may make grants under the program
8 on a matching or nonmatching basis.

9 (f) ADVICE AND GUIDANCE.—The Committee shall
10 accept comments and input from State and local govern-
11 ments, Indian tribes, industry representatives, and other
12 stakeholders in carrying out its duties under subsection
13 (c).

14 (g) FACILITATION.—The Committee may develop
15 memoranda of agreement or memoranda of understanding
16 with universities, State and local governments, or other
17 entities to facilitate the research program required by sub-
18 section (d).

19 (h) ANNUAL REPORTS.—The Chairperson of the
20 Committee shall submit an annual report to Congress on
21 the activities carried out under this section in the pre-
22 ceding fiscal year, and on activities proposed to be carried
23 out under this section in the current fiscal year.

24 (i) COMMITTEE REPLACES EXISTING AUTHORITY.—
25 The authority provided by this section supersedes the au-

1 thority provided by section 7001 of the Oil Pollution Act
2 of 1990 (33 U.S.C. 2761) for the establishment of the
3 Interagency Committee on Oil Pollution Research under
4 subsection (a) of that section, and that Committee shall
5 cease operations and terminate on the date of the enact-
6 ment of this Act.

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