

111TH CONGRESS
2D SESSION

S. 3614

To authorize the establishment of a Maritime Center of Expertise for Maritime Oil Spill and Hazardous Substance Release Response, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2010

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

A BILL

To authorize the establishment of a Maritime Center of Expertise for Maritime Oil Spill and Hazardous Substance Release Response, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oil Spill Response
5 Act”.

6 **SEC. 2. MARITIME CENTER OF EXPERTISE.**

7 (a) IN GENERAL.—The Commandant shall establish
8 a Maritime Center of Expertise for Maritime Oil Spill and

1 Hazardous Substance Release Response. The Center
2 shall—

3 (1) serve as the primary Federal facility for
4 Coast Guard personnel to obtain qualifications to
5 perform the duties of a regional response team co-
6 chair, a Federal on-scene coordinator, or a Federal
7 on-scene coordinator representative;

8 (2) train Federal, State, and local first respond-
9 ers in the incident command system structure, mari-
10 time oil spill and hazardous substance release re-
11 sponse techniques and strategies, and public affairs;

12 (3) work with academic and private sector re-
13 sponse training centers to develop and standardize
14 maritime oil spill and hazardous substance release
15 response training and techniques;

16 (4) conduct research, development, testing, and
17 demonstration for maritime oil spill and hazardous
18 substance release response equipment, technologies,
19 and techniques to prevent or mitigate maritime oil
20 discharges and hazardous substance releases;

21 (5) maintain not less than 2 incident manage-
22 ment and assistance teams, one of which shall be
23 ready to deploy anywhere in the continental United
24 States within 24 hours after an incident or event;

1 (6) conduct marine environmental response
 2 standardization visits with Coast Guard federal on-
 3 scene coordinators;

4 (7) administer and coordinate Coast Guard par-
 5 ticipation in the National Preparedness for Response
 6 Exercise Program; and

7 (8) establish and maintain Coast Guard marine
 8 environmental response doctrine.

9 **SEC. 3. NATIONAL STRIKE FORCE.**

10 (a) IN GENERAL.—The Commandant shall maintain
 11 a National Strike Force to facilitate preparedness for and
 12 response to maritime oil spill and hazardous substance re-
 13 lease incidents.

14 (b) COMPOSITION.—The National Strike Force—

15 (1) shall consist of—

16 (A) a National Strike Force Coordination
 17 Center;

18 (B) strike force teams, including—

19 (i) 1 team for the Atlantic Ocean;

20 (ii) 1 team for the Pacific Ocean; and

21 (iii) 1 team for the Gulf of Mexico;

22 and

23 (C) a public information assist team; and

1 (2) may include, if the Commandant so directs,
2 1 or more teams for the northwest Pacific Ocean
3 and the Arctic Ocean.

4 (c) NATIONAL STRIKE FORCE COORDINATION CEN-
5 TER DUTIES.—The National Strike Force Coordination
6 Center shall—

7 (1) provide support and standardization guid-
8 ance to the regional strike teams;

9 (2) maintain a response resource inventory of
10 maritime oil spill and hazardous substance release
11 response, marine salvage, and marine fire fighting
12 equipment maintained by certified oil spill response
13 organizations as well as equipment listed in a vessel
14 or facility oil spill response plan, as required by sec-
15 tion 311(j) of the Federal Water Pollution Control
16 Act (33 U.S.C. 1321(j));

17 (3) oversee the maintenance and adequacy of
18 Coast Guard environmental response equipment;

19 (4) certify and inspect maritime oil spill re-
20 sponse organizations; and

21 (5) maintain the National Area Contingency
22 Plan library.

23 (d) STRIKE FORCE TEAM DUTIES.—The Strike
24 Force Response Teams shall—

1 (1) provide rapid response support in incident
2 management, site safety, contractor performance
3 monitoring, resource documentation, response strate-
4 gies, hazard assessment, oil spill dispersant, in-situ
5 burn and other technologies, prefabrication of con-
6 tainment technology, operational effectiveness moni-
7 toring, and high-capacity lightering and offshore
8 skimming capabilities;

9 (2) train Coast Guard units in environmental
10 pollution response and incident command systems,
11 test and evaluate pollution response equipment, and
12 operate as liaisons with response agencies within
13 their areas of responsibility;

14 (3) maintain sufficient maritime oil spill and
15 hazardous substance release assets to ensure the
16 protection of human health and the environment in
17 the event of an oil spill or hazardous substance re-
18 lease including the prefabrication of oil spill contain-
19 ment equipment; and

20 (4) maintain the capability to mobilize per-
21 sonnel and equipment to respond to an oil spill or
22 hazardous substance release anywhere in the conti-
23 nental United States within 24 hours of such event.

1 (e) PUBLIC INFORMATION ASSIST TEAM DUTIES.—

2 The Public Information Assist Team shall maintain the
3 capability—

4 (1) to provide crisis communication during oil
5 spills, hazardous material releases, marine accidents,
6 and other disasters, including staffing and managing
7 public affairs and intergovernmental communication;

8 (2) provide public information and communica-
9 tions training to Federal, State, and local agencies
10 and industry personnel; and

11 (3) maintain the capability to mobilize per-
12 sonnel and equipment to respond to an oil spill or
13 hazardous substance release anywhere in the conti-
14 nental United States within 24 hours after such an
15 event.

16 **SEC. 4. DISTRICT PREPAREDNESS AND RESPONSE TEAMS.**

17 The Commandant shall maintain district prepared-
18 ness response teams to—

19 (1) maintain Coast Guard environmental re-
20 sponse equipment;

21 (2) administer area contingency plans;

22 (3) administer the National Preparedness for
23 Response Exercise Program;

24 (4) conduct responder incident command sys-
25 tem training and health and safety training;

1 (5) provide federal on-scene coordinator tech-
2 nical advice;

3 (6) coordinate district pollution response oper-
4 ations;

5 (7) support regional response team co-chairs;

6 (8) coordinate district participation with the
7 Federal Emergency Management Agency's regional
8 interagency steering committee; and

9 (9) conduct response public affairs and joint in-
10 formation center training.

11 **SEC. 5. OIL SPILL RESPONSE ORGANIZATIONS.**

12 (a) REQUIREMENT.—Each maritime oil spill response
13 organization that is listed under an oil spill response plan
14 of a vessel or facility regulated by the Coast Guard, as
15 required by section 311(j) of the Federal Water Pollution
16 Control Act (33 U.S.C. 1321(j))—

17 (1) shall be certified by the Coast Guard; and

18 (2) inspected at least once per year to ensure
19 that it has the capabilities to meet the requirements
20 delegated to it under applicable oil spill response
21 plans.

22 (b) CERTIFICATION CRITERIA AND REQUIRE-
23 MENTS.—Within 180 days after the date of enactment of
24 this Act, the Commandant shall develop criteria and re-

1 requirements for certifying and classifying maritime oil spill
2 response organizations.

3 (c) INVENTORY OF MARITIME OIL SPILL RESPONSE
4 EQUIPMENT.—Each certified maritime oil spill response
5 organization and any facility regulated by the Coast
6 Guard that is not using a maritime oil spill response orga-
7 nization to meet the facility oil spill response plan require-
8 ments of section 311(j) of the Federal Water Pollution
9 Control Act (33 U.S.C. 1321(j)) shall maintain a current
10 list of its maritime oil spill response equipment and submit
11 a copy of the current list to the National Strike Force
12 Coordination Center.

13 (d) DECREASED CAPACITY REPORTS.—If a maritime
14 oil spill response organization experiences a decrease in
15 its maritime oil spill response assets, the organization
16 shall report the decrease to the National Strike Force Co-
17 ordination Center and the Captain of the Port in which
18 that organization operates.

19 **SEC. 6. PROGRAM FOR OIL SPILL AND HAZARDOUS SUB-**
20 **STANCE RELEASE RESPONSE.**

21 (a) REQUIREMENT TO ESTABLISH PROGRAM.—The
22 Commandant shall establish a program for oil spill and
23 hazardous substance release response, within the Maritime
24 Center of Expertise for Oil Spill Response, to conduct re-
25 search, development, testing, and demonstration for oil

1 spill and hazardous substance release response equipment,
2 technologies, and techniques to prevent or mitigate oil dis-
3 charges and hazardous substance releases.

4 (b) PROGRAM ELEMENTS.—The program required by
5 subsection (a) shall include the following elements:

6 (1) Research, development, testing, and dem-
7 onstration of new or improved methods (including
8 the use of dispersants and biological treatment
9 methods) for the containment, recovery, removal,
10 and disposal of oil and hazardous substances.

11 (2) Assist in the development of improved de-
12 signs for vessel operations (including vessel oper-
13 ations in Arctic waters) and facilities that are regu-
14 lated by the Coast Guard, and improved operational
15 practices.

16 (3) Research and training, in consultation with
17 the National Response Team, to improve the ability
18 of private industry and the United States Govern-
19 ment to respond to an oil discharge or a hazardous
20 substance release.

21 (4) A list of oil spill and hazardous substance
22 containment, recovery, removal, and disposal tech-
23 nology that is approved for use by the Commandant
24 and is made publicly available, in such manner as
25 determined appropriate by the Commandant.

1 (5) A process for private industry, academic in-
2 stitutions, non-governmental organizations, and Fed-
3 eral, State, and local governments to submit sys-
4 tems, equipment, and technologies for testing and
5 evaluation.

6 (c) GRANTS FOR OIL SPILL RESPONSE.—The Com-
7 mandant shall have the authority to make grants to or
8 enter into cooperative agreements with academic institu-
9 tions to conduct research and development for oil spill re-
10 sponse equipment, technology, and techniques.

11 (d) COORDINATION.—The Commandant shall carry
12 out the program in coordination with the Interagency Co-
13 ordinating Committee on Oil Pollution Research estab-
14 lished pursuant to section 7001(a) of the Oil Pollution Act
15 of 1990 (33 U.S.C. 2761(a)).

16 (e) FUNDING.—The Commandant shall use such
17 sums as may be necessary to carry out this section for
18 fiscal years 2010 through 2015 from funds appropriated
19 to the research, development, and testing program account
20 of the Coast Guard for those years.

21 **SEC. 7. DEFINITIONS.**

22 In this Act:

23 (1) COMMANDANT.—The term “Commandant”
24 means the Commandant of the Coast Guard.

1 (2) PROGRAM.—The term “program” means
2 the program for oil spill response established pursu-
3 ant to section 6.

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