

115TH CONGRESS  
1ST SESSION

# S. 74

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, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2017

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

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## 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, 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 “Marine Oil Spill Prevention Act”.

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

Sec. 1. Short title; table of contents.

#### TITLE I—IMPROVING MARINE OIL SPILL PREVENTION CAPABILITIES

Sec. 101. Coordination between National Oceanic and Atmospheric Administration, Coast Guard, and Department of the Interior on oil spill matters.

Sec. 102. Strengthening coastal State oil spill planning and response.

Sec. 103. Moratorium on commercial industrial activity in certain areas of Gulf of Mexico.

Sec. 104. Coast Guard inspections.

Sec. 105. Navigational measures for protection of natural resources.

Sec. 106. Gulf of Mexico Regional Citizens' Advisory Council.

Sec. 107. Vessel as responsible party.

Sec. 108. Transportation and commerce aspects of outer continental shelf lands.

#### TITLE II—IMPROVING MARINE OIL SPILL PREPAREDNESS

Sec. 201. Improvements to National Oceanic and Atmospheric Administration oil spill response, containment, and prevention.

Sec. 202. Coast Guard response plan requirements.

Sec. 203. Oil spill technology evaluation.

Sec. 204. Safety management system requirements for mobile offshore drilling units.

Sec. 205. Gulf of Mexico long-term marine environmental monitoring and research program.

Sec. 206. Use of oil spill liability trust fund for expenses of National Oceanic and Atmospheric Administration.

Sec. 207. Notice to States of bulk oil transfers.

Sec. 208. Coast Guard research and development.

#### TITLE III—IMPROVING MARINE OIL SPILL RESPONSE CAPABILITIES

Sec. 301. Prompt publication of oil spill information.

Sec. 302. Coordination of Federal, State, and local activities with respect to oil spill surveys.

1 **TITLE I—IMPROVING MARINE**  
2 **OIL SPILL PREVENTION CA-**  
3 **PABILITIES**

4 **SEC. 101. COORDINATION BETWEEN NATIONAL OCEANIC**  
5 **AND ATMOSPHERIC ADMINISTRATION, COAST**  
6 **GUARD, AND DEPARTMENT OF THE INTERIOR**  
7 **ON OIL SPILL MATTERS.**

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

11 (1) in subsection (c)—

12 (A) in paragraph (1), by striking “from  
13 any interested Federal agency, including the  
14 Attorney General” and inserting “from the  
15 head of any interested Federal department or  
16 agency, including the Secretary of Commerce,  
17 the Secretary of the department in which the  
18 Coast Guard is operating, and the Attorney  
19 General”; and

20 (B) in paragraph (3), by striking “Within  
21 nine months after the date of enactment of this  
22 section the Secretary shall submit a proposed  
23 leasing program to the Congress, the Attorney  
24 General,” and inserting “The Secretary shall  
25 submit any proposed leasing program to the

1 Congress, the head of each interested Federal  
2 department or agency described in paragraph  
3 (1), the Attorney General,”;  
4 (2) in subsection (d)—

5 (A) in paragraph (1), by striking “pro-  
6 posed leasing program,” in the first sentence  
7 and all that follows through the end of the  
8 paragraph and inserting “proposed leasing pro-  
9 gram—

10 “(A) the Attorney General, after consulta-  
11 tion with the Federal Trade Commission, may  
12 submit comments on the anticipated effects of  
13 the proposed program on competition;

14 “(B) the Secretary of Commerce may sub-  
15 mit comments on the anticipated effects of the  
16 proposed program on the human, marine, and  
17 coastal environments, including the likelihood of  
18 occurrence and potential severity of spills and  
19 chronic pollution;

20 “(C) the Secretary of the department in  
21 which the Coast Guard is operating may submit  
22 comments on the adequacy of the response ca-  
23 pabilities of the Federal Government for spills  
24 and chronic pollution that may occur as a result  
25 of the proposed program; and

1           “(D) any State, local government, or other  
2           person may submit comments and recommenda-  
3           tions as to any aspect of the proposed pro-  
4           gram.”;

5           (B) in paragraph (2), by striking “Attor-  
6           ney General” and inserting “Attorney General,  
7           the Secretary of Commerce, the Secretary of  
8           the department in which the Coast Guard is op-  
9           erating,”; and

10          (C) in paragraph (3), by striking “or after  
11          eighteen months following the date of enact-  
12          ment of this section, whichever first occurs,”;

13          (3) in subsection (e), by striking “He” and in-  
14          serting “The Secretary”; and

15          (4) in subsection (h)—

16                (A) by striking “nonprivileged” and in-  
17                serting “nonprivileged”;

18                (B) by striking “he requests to assist him”  
19                and inserting “the Secretary request to assist  
20                the Secretary”; and

21                (C) by striking “he requests to assist him”  
22                and inserting “the Secretary requests to assist  
23                the Secretary”.

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

4 (1) by striking “In executing his” and inserting  
5 “(1) IN GENERAL.—In executing the” and indenting  
6 accordingly; and

7 (2) by adding at the end the following:

8 “(2) NATIONAL OCEANIC AND ATMOSPHERIC  
9 ADMINISTRATION.—

10 “(A) IN GENERAL.—In addition to any  
11 other requirement under law, the Secretary,  
12 prior to the approval of any program, lease, ex-  
13 ploration plan, or development and production  
14 plan, shall consult with the Administrator of  
15 the National Oceanic and Atmospheric Admin-  
16 istration (referred to in this paragraph as the  
17 ‘Administrator’) on any reasonably foreseeable  
18 adverse effects of the proposed action, including  
19 oil spills, to ocean and coastal resources.

20 “(B) INITIATION OF CONSULTATION.—

21 “(i) IN GENERAL.—The Secretary  
22 shall consult the Administrator under sub-  
23 paragraph (A) as soon as practicable, but  
24 not later than 90 days before the date of  
25 approval of the proposed action.

1 “(ii) PROVISION OF INFORMATION.—

2 When consulting the Administrator under  
3 subparagraph (A), the Secretary shall pro-  
4 vide to the Administrator—

5 “(I) information describing the  
6 nature, location, and duration of the  
7 proposed action; and

8 “(II) a description of all reason-  
9 ably foreseeable adverse effects to  
10 ocean and coastal resources.

11 “(C) ALTERNATIVES.—

12 “(i) IN GENERAL.—At any time prior  
13 to the date that is 45 days before the ap-  
14 proval of the proposed action, the Adminis-  
15 trator may recommend to the Secretary al-  
16 ternatives to any proposed action, includ-  
17 ing measures that will prevent or minimize  
18 reasonably foreseeable adverse effects to  
19 ocean and coastal resources.

20 “(ii) SECRETARIAL ACTION.—The  
21 Secretary shall incorporate into the ap-  
22 proval for the proposed action any alter-  
23 native or mitigation measure recommended  
24 under clause (i), unless the Secretary—

1 “(I) determines that the alter-  
 2 native or mitigation measure is not  
 3 necessary to prevent or minimize rea-  
 4 sonably foreseeable adverse effects to  
 5 marine and coastal resources; and

6 “(II) notifies the Administrator  
 7 in writing of the reasons for the deter-  
 8 mination under subclause (I).”.

9 **SEC. 102. STRENGTHENING COASTAL STATE OIL SPILL**  
 10 **PLANNING AND RESPONSE.**

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

14 **“SEC. 320. STRENGTHENING COASTAL STATE OIL SPILL RE-**  
 15 **SPONSE AND PLANNING.**

16 “(a) GRANTS TO COASTAL STATES.—The Secretary  
 17 may make grants to eligible coastal States—

18 “(1) to revise management programs approved  
 19 under section 306 and National Estuarine Research  
 20 Reserves approved under section 315 to identify and  
 21 implement new enforceable policies and procedures  
 22 to ensure sufficient response capabilities at the State  
 23 level to address the environmental, economic, and so-  
 24 cial impacts of oil spills or other accidents resulting  
 25 from Outer Continental Shelf energy activities with



1 the potential to affect land or water use or natural  
2 resources of the coastal zone; and

3 “(2) to review and revise as necessary applica-  
4 ble enforceable policies within approved coastal State  
5 management programs affecting coastal energy ex-  
6 ploration or development activities, including geologi-  
7 cal and geophysical activities, to ensure that these  
8 policies are consistent with—

9 “(A) other emergency response plans and  
10 policies developed under Federal or State law to  
11 address the impacts and accidents described in  
12 paragraph (1); and

13 “(B) the new policies and procedures de-  
14 veloped under paragraph (1).

15 “(b) ELEMENTS.—In developing new enforceable  
16 policies and procedures with grants under subsection (a),  
17 an eligible coastal State shall consider—

18 “(1) other existing emergency response plans  
19 and policies developed under other Federal or State  
20 law, to address the impacts and accidents described  
21 in paragraph (1), that affect the coastal zone;

22 “(2) the identification of critical infrastructure  
23 essential to facilitate oil spill or accident response  
24 activities;

1           “(3) the identification of coordination, logistics  
2           and communication networks between Federal and  
3           State government agencies, and between State agen-  
4           cies and affected local communities, to ensure the ef-  
5           ficient and timely dissemination of data and other  
6           information;

7           “(4) the inventories of shore locations and in-  
8           frastructure and equipment necessary to respond to,  
9           or monitor environmental impacts of, oil spills or  
10          other accidents resulting from Outer Continental  
11          Shelf energy activities;

12          “(5) the identification and characterization of  
13          significant or sensitive marine ecosystems or other  
14          areas possessing important conservation, rec-  
15          reational, ecological, historic, economic, or aesthetic  
16          values;

17          “(6) the inventories and surveys of shore loca-  
18          tions and infrastructure capable of supporting alter-  
19          native energy development;

20          “(7) the observing capabilities necessary to as-  
21          sess ocean conditions before, during, and after an oil  
22          spill or other adverse incident resulting from Outer  
23          Continental Shelf energy activities; and

24          “(8) other information or actions as may be  
25          necessary to address the environmental, economic,

1 and social impacts of oil spills or other adverse inci-  
2 dents resulting from Outer Continental Shelf energy  
3 activities.

4 “(c) GUIDELINES.—Not later than 180 days after the  
5 date of enactment of the Marine Oil Spill Prevention Act,  
6 the Secretary, after consultation with the coastal States,  
7 shall publish guidelines for the application for and use of  
8 grants under this section.

9 “(d) PARTICIPATION.—An eligible coastal State shall  
10 develop new enforceable policies and procedures under this  
11 section in accordance with section 306(d)(1) and amend  
12 or modify any new enforceable policies or procedures in  
13 accordance with section 306(e).

14 “(e) ANNUAL GRANTS.—

15 “(1) IN GENERAL.—For each of fiscal years  
16 2018 through 2022, the Secretary may make a  
17 grant to a coastal State to develop new enforceable  
18 policies and procedures under this section.

19 “(2) GRANT AMOUNTS AND LIMIT ON  
20 AWARDS.—The amount of any grant to any 1 coast-  
21 al State under this section shall not exceed \$750,000  
22 for any fiscal year.

23 “(3) NO STATE MATCHING CONTRIBUTION RE-  
24 QUIRED.—A coastal State shall not be required to

1       contribute any portion of the cost of a grant award-  
2       ed under this section.

3               “(4) TRANSFER OF FUNDS.—A coastal State  
4       that receives a grant under this section may transfer  
5       grant funds to an appropriate agency of the coastal  
6       State.

7               “(5) SECRETARIAL REVIEW AND LIMIT ON  
8       AWARDS.—After an initial grant is made to a coastal  
9       State under this section, no subsequent grant may  
10      be made to that coastal State under this section un-  
11      less the Secretary finds that the coastal State is sat-  
12      isfactorily developing revisions to address the im-  
13      pacts and accidents described in subsection (a)(1).  
14      No coastal State is eligible to receive grants under  
15      this section for more than 2 fiscal years.

16              “(f) APPLICABILITY.—The requirements of this sec-  
17      tion shall only apply if appropriations are provided to the  
18      Secretary to make grants under this section.

19              “(g) RULE OF CONSTRUCTION.—Nothing in this sec-  
20      tion may be construed to convey any new authority to any  
21      coastal State, or repeal or supersede any existing authority  
22      of any coastal State, to regulate the siting, licensing, leas-  
23      ing, or permitting of alternative energy facilities in areas  
24      of the Outer Continental Shelf under the administration

1 of the Federal Government. Nothing in this section repeals  
 2 or supersedes any existing coastal State authority.

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

11 **SEC. 103. MORATORIUM ON COMMERCIAL INDUSTRIAL AC-**  
 12 **TIVITY IN CERTAIN AREAS OF GULF OF MEX-**  
 13 **ICO.**

14 Section 104(a) of the Gulf of Mexico Energy Security  
 15 Act of 2006 (43 U.S.C. 1331 note) is amended by striking  
 16 “June 30, 2022” and inserting “June 30, 2027”.

17 **SEC. 104. COAST GUARD INSPECTIONS.**

18 (a) IN GENERAL.—The Secretary of the department  
 19 in which the Coast Guard is operating shall increase the  
 20 frequency and comprehensiveness of safety inspections of  
 21 all United States and foreign-flag tank vessels that enter  
 22 a United States port or place, including increasing the fre-  
 23 quency and comprehensiveness of inspections of vessel age,  
 24 hull configuration, and past violations of any applicable  
 25 discharge and safety regulations under United States and

1 international law that may indicate that the class societies  
 2 inspecting such vessels may be substandard, and other fac-  
 3 tors relevant to the potential risk of an oil spill.

4 (b) ENHANCED VERIFICATION OF STRUCTURAL CON-  
 5 DITION.—The Secretary of the department in which the  
 6 Coast Guard is operating shall adopt, as part of the Sec-  
 7 retary’s inspection requirements for tank vessels, addi-  
 8 tional procedures for enhancing the verification of the re-  
 9 ported structural condition of such vessels, taking into ac-  
 10 count the Condition Assessment Scheme adopted by the  
 11 International Maritime Organization by Resolution 94(46)  
 12 on April 27, 2001, as amended and consolidated.

13 **SEC. 105. NAVIGATIONAL MEASURES FOR PROTECTION OF**  
 14 **NATURAL RESOURCES.**

15 (a) DESIGNATION OF AT-RISK AREAS.—

16 (1) IN GENERAL.—The Commandant of the  
 17 Coast Guard, in consultation the Under Secretary  
 18 for Oceans and Atmosphere, shall identify areas in  
 19 waters subject to the jurisdiction of the United  
 20 States, including the exclusive economic zone (as es-  
 21 tablished by Presidential Proclamation Numbered  
 22 5030 of March 10, 1983 (16 U.S.C. 1453 note)), in  
 23 which routing or other navigational measures are  
 24 warranted to reduce the risk of oil spills and poten-  
 25 tial damage to natural resources.

1           (2) CONSIDERATIONS.—In identifying the areas  
2       described in paragraph (1), the Commandant shall  
3       give priority consideration to natural resources of  
4       particular ecological importance or economic impor-  
5       tance, including—

6                   (A) commercial fisheries;

7                   (B) aquaculture facilities;

8                   (C) marine sanctuaries designated by the  
9       Secretary of Commerce under the National Ma-  
10      rine Sanctuaries Act (16 U.S.C. 1431 et seq.);

11                  (D) estuaries of national significance des-  
12      ignated under section 320 of the Federal Water  
13      Pollution Control Act (33 U.S.C. 1330);

14                  (E) critical habitat, as defined in section  
15      3(5) of the Endangered Species Act of 1973  
16      (16 U.S.C. 1532(5));

17                  (F) estuarine research reserves within the  
18      National Estuarine Research Reserve System  
19      established by section 315 of the Coastal Zone  
20      Management Act of 1972 (16 U.S.C. 1461);  
21      and

22                  (G) national parks and national seashores  
23      administered by the National Park Service  
24      under the National Park Service Organic Act  
25      (16 U.S.C. 1 et seq.).

1 (b) FACTORS CONSIDERED.—In determining whether  
2 navigational measures are warranted for an area identified  
3 under subsection (a), the Commandant and the Under  
4 Secretary for Oceans and Atmosphere shall consider, at  
5 a minimum—

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

10 (2) the type and quantity of oil transported as  
11 cargo or fuel;

12 (3) the expected benefits of routing measures in  
13 reducing risks of spills;

14 (4) the costs of such measures;

15 (5) the safety implications of such measures;

16 and

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

19 (c) ESTABLISHMENT OF ROUTING AND OTHER NAVI-  
20 GATIONAL MEASURES.—The Commandant shall establish  
21 such routing or other navigational measures for areas  
22 identified under subsection (a).

23 (d) ESTABLISHMENT OF AREAS TO BE AVOIDED.—  
24 To the extent that the Commandant and the Under Sec-  
25 retary for Oceans and Atmosphere identify areas in which



1 navigational measures are warranted for an area under  
2 subsection (a), the Secretary of Commerce and the Under  
3 Secretary shall seek to establish such areas through the  
4 International Maritime Organization or establish com-  
5 parable areas pursuant to regulations and in a manner  
6 that is consistent with international law.

7 (e) OIL SHIPMENT DATA AND REPORT.—

8 (1) DATA COLLECTION.—The Commandant of  
9 the Coast Guard, in consultation with the Chief of  
10 Engineers, shall analyze data on oil transported as  
11 cargo on vessels in the navigable waters of the  
12 United States, including information on—

13 (A) the quantity and type of oil being  
14 transported;

15 (B) the vessels used for such transpor-  
16 tation;

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

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

21 (2) QUARTERLY REPORT.—

22 (A) REQUIREMENT FOR QUARTERLY RE-  
23 PORT.—The Secretary of Commerce, not less  
24 frequently than once each calendar quarter,  
25 shall submit to the Committee on Commerce,

1 Science, and Transportation of the Senate and  
 2 the Committee on Energy and Commerce of the  
 3 House of Representatives a report on the data  
 4 collected and analyzed under paragraph (1).

5 (B) FORMAT.—Each report submitted  
 6 under subparagraph (A) shall be submitted in  
 7 a format that does not disclose information ex-  
 8 empted from disclosure.

9 **SEC. 106. GULF OF MEXICO REGIONAL CITIZENS' ADVISORY**  
 10 **COUNCIL.**

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

14 **“SEC. 4119. GULF COAST REGIONAL CITIZENS' ADVISORY**  
 15 **COUNCIL.**

16 “(a) ESTABLISHMENT.—There is established a Gulf  
 17 Coast Regional Citizens' Advisory Council.

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

20 “(1) VOTING MEMBERS.—Each of the Gulf  
 21 Coast States shall be represented by 5 members on  
 22 the Council who shall be residents of, and appointed  
 23 from and by the following interests in, the State  
 24 they represent, such that each interest in each State  
 25 is represented by a voting member:

1           “(A) Commercial fin fish and shellfish in-  
 2           dustry organizations, the members of which de-  
 3           pend on the marine fisheries resources of the  
 4           State.

5           “(B) Recreational fishing industry organi-  
 6           zations, the members of which depend on the  
 7           marine fisheries resources of the State.

8           “(C) Restaurant, hotel, and tourism indus-  
 9           try organizations, the members of which depend  
 10          upon the beaches, dunes, barrier islands, wet-  
 11          lands, estuaries, bayous, sounds, bays, lagoons,  
 12          reefs, fish, wildlife, or other coastal resources of  
 13          the State.

14          “(D) Marine and coastal conservation or-  
 15          ganizations, members of which reside in the  
 16          State.

17          “(E) Counties or parishes, and incor-  
 18          porated and unincorporated municipalities of  
 19          the State.

20          “(2) NONVOTING MEMBERS.—One ex officio,  
 21          nonvoting representative shall be designated by, and  
 22          represent, each of the following on the Council:

23                 “(A) The Coast Guard.

24                 “(B) The Environmental Protection Agen-  
 25                 cy.

1                   “(C) The National Oceanic and Atmos-  
2                   pheric Administration.

3                   “(D) The Department of the Interior, Bu-  
4                   reau of Safety and Environmental Enforcement.

5                   “(E) The Department of Transportation,  
6                   Office of Pipeline Safety.

7                   “(F) The lead maritime environmental and  
8                   natural resources management and enforcement  
9                   agency of each of the Gulf Coast States.

10                  “(G) The maritime or shipping industry.

11                  “(H) The energy industry.

12                  “(3) GEOGRAPHIC BALANCE.—Voting and non-  
13                  voting members shall be drawn equally from the  
14                  States represented on the Council.

15                  “(c) INITIAL FORMATION.—Not later than 90 days  
16                  after the date of enactment of the Marine Oil Spill Preven-  
17                  tion Act, the Secretary of the department in which the  
18                  Coast Guard is operating shall appoint the initial voting  
19                  members of the Council and call the first meeting of the  
20                  Council.

21                  “(d) TERMS.—

22                  “(1) DURATION OF THE COUNCIL.—The dura-  
23                  tion of the Council shall be throughout the lifetime  
24                  of energy exploration, development, production,  
25                  transportation, and facility removal activities in one

1 or more of the Gulf Coast States, and throughout  
 2 the lifetime of such activities in the Gulf of Mexico.

3 “(2) TERMS OF VOTING MEMBERS.—

4 “(A) IN GENERAL.—The voting members  
 5 of the Council shall be appointed for a term of  
 6 3 years, except as provided in subparagraph  
 7 (B).

8 “(B) TERMS OF INITIAL APPOINTEES.—

9 The terms of service of voting members initially  
 10 appointed by the Secretary of the department in  
 11 which the Coast Guard is operating shall be es-  
 12 tablished by a drawing of lots, under which—

13 “(i) 9 of the voting members shall  
 14 serve for 3 years;

15 “(ii) 9 of the voting members shall  
 16 serve for 2 years; and

17 “(iii) 7 of the voting members shall  
 18 serve for 1 year.

19 “(e) GOVERNANCE.—

20 “(1) IN GENERAL.—The Council shall elect a  
 21 chairperson, select staff, and make policies with re-  
 22 gard to internal operating procedures.

23 “(2) SELF-GOVERNING.—After the initial orga-  
 24 nizational meeting called by the Secretary of the de-  
 25 partment in which the Coast Guard is operating, the

1 Council shall be self-governing and shall hold meet-  
2 ings thereafter at least once each year.

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

4 “(A) conduct the operations of the Council  
5 in public, to the maximum extent practicable;

6 “(B) make all work product adopted by the  
7 Council available to the public;

8 “(C) hold at least 1 meeting each year that  
9 is open to the public, and for each such meeting  
10 provide notice to the public at least 30 days  
11 prior to such meeting; and

12 “(D) maintain a freely accessible website  
13 on which it shall make available to the public,  
14 at a minimum—

15 “(i) recommendations made by the  
16 Council, together with information as to  
17 whether or not the recommendations were  
18 adopted and, if not, an explanation of why  
19 they were not adopted;

20 “(ii) a description of matters cur-  
21 rently under review by the Council, without  
22 disclosing any private, confidential, or priv-  
23 ileged information consistent with applica-  
24 ble law;

1 “(iii) a statement of industry stand-  
2 ards; and

3 “(iv) an interactive component  
4 through which the general public may sub-  
5 mit questions and comments and report  
6 matters of interest.

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

12 “(f) DUTIES.—

13 “(1) IN GENERAL.—The Council shall, with re-  
14 gard to the activities, operation, and maintenance of  
15 facilities and tank vessels in the Gulf Coast States  
16 and the Gulf of Mexico—

17 “(A) provide advice and recommendations  
18 to covered persons, relevant Federal agencies,  
19 and Gulf Coast States regarding applicable poli-  
20 cies, permits, operations, and regulations;

21 “(B) monitor impacts on marine and  
22 coastal ecosystems;

23 “(C) monitor relevant oil spill prevention  
24 and response plans, including plans relating to  
25 blowout prevention and response; and

1           “(D) recommend standards and conditions  
2           for regulations intended to ensure safety of life  
3           and property and minimize negative impacts on  
4           marine and coastal ecosystems.

5           “(2) GEOGRAPHIC SCOPE.—The Council shall  
6           carry out the duties described in paragraph (1) in a  
7           manner that, to the extent practicable, covers all ac-  
8           tivities, operation, and maintenance of facilities and  
9           tank vessels occurring in Gulf Coast States and the  
10          Gulf of Mexico.

11          “(g) ESTOPPEL.—The Council is not liable under  
12          Federal or State law for costs or damages resulting from  
13          the discharge of its duties. No advice given by a voting  
14          member of the Council, or by a program representative  
15          or agent, shall be grounds for estopping the interests rep-  
16          resented by voting Council members from seeking dam-  
17          ages or other appropriate relief.

18          “(h) SCIENTIFIC WORK.—In carrying out its duties,  
19          the Council—

20                 “(1) may conduct applicable scientific research;  
21                 and

22                 “(2) shall review applicable scientific work un-  
23                 dertaken by or on behalf of the energy industry, con-  
24                 servation organizations, or government agencies.



1       “(i) STANDING COMMITTEES.—The Council may cre-  
 2       ate standing committees as necessary to carry out the du-  
 3       ties described in subsection (f), including—

4               “(1) a scientific and technical committee;

5               “(2) an environmental monitoring committee;

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

8               “(4) an offshore monitoring committee to mon-  
 9       itor activities in waters of the Gulf of Mexico that  
 10      are more than 500 feet in depth; and

11              “(5) a coastal monitoring committee to monitor  
 12      activities on the coast of the Gulf of Mexico and in  
 13      waters of the Gulf of Mexico that are 500 feet or  
 14      less in depth.

15      “(j) AGENCY COOPERATION.—

16              “(1) INFORMATION.—The Council may request  
 17      directly from any Federal agency, and upon such re-  
 18      quest each Federal agency shall furnish to the Coun-  
 19      cil to the extent authorized by law, information, sug-  
 20      gestions, estimates, and statistics, for the purpose of  
 21      fulfilling its duties under subsection (f).

22              “(2) CONSULTATION.—

23                      “(A) IN GENERAL.—Not later than 180  
 24      days after the date of enactment of the Marine  
 25      Oil Spill Prevention Act, each Federal agency,

1 with respect to all permits, site-specific regula-  
 2 tions, and other matters governing the activities  
 3 and actions within the purview of the Council,  
 4 shall consult with the Council prior to taking  
 5 substantive action with respect to such matters.

6 “(B) REVIEW.—Federal agency consulta-  
 7 tions required by this paragraph shall be car-  
 8 ried out in a manner that enables the Council  
 9 to review the permit, site-specific regulation, or  
 10 other matter at issue and make appropriate rec-  
 11 ommendations consistent with its duties.

12 “(C) EMERGENCIES.—No consultation  
 13 shall be required under this paragraph if an au-  
 14 thorized representative of a Federal agency rea-  
 15 sonably believes that an emergency exists re-  
 16 quiring action without delay.

17 “(k) RECOMMENDATIONS OF THE COUNCIL.—

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

20 “(2) RESPONSE TO RECOMMENDATIONS.—If a  
 21 covered person decides not to adopt, or decides to  
 22 adopt with substantial modification, a recommenda-  
 23 tion of the Council, then the covered person shall  
 24 provide to the Council, not later than 10 days after  
 25 the date of such decision, written notice of the deci-

1 sion and a written explanation of the reason or rea-  
2 sons for the decision.

3 “(l) LOCATION AND COMPENSATION.—

4 “(1) LOCATION.—The Council shall establish  
5 offices in one or more of the Gulf Coast States, as  
6 the Council determines to be necessary and appro-  
7 priate to the execution of its duties.

8 “(2) COMPENSATION.—A member of the Coun-  
9 cil may not be compensated for service on the Coun-  
10 cil, but shall be allowed travel expenses, including  
11 per diem, at a rate established by the Council, which  
12 may not exceed the rates authorized for employees  
13 of agencies under sections 5702 and 5703 of title 5,  
14 United States Code, except by express authorization  
15 of the Council in a case in which the rates are inad-  
16 equate to reimburse a member not eligible for travel  
17 rates of the Federal Government.

18 “(m) FUNDING.—

19 “(1) REQUIREMENT.—Approval of the contin-  
20 gency plans required of covered persons under this  
21 Act shall be effective only so long as the Council is  
22 funded under paragraph (2).

23 “(2) CONTRIBUTIONS BY COVERED PERSONS.—  
24 Covered persons shall provide, on an annual basis,  
25 an aggregate amount of not more than \$10,000,000,

as determined by the Secretary of the department in which the Coast Guard is operating, that shall provide for the establishment and ongoing operation of the Council, and shall be adjusted annually to reflect changes in the Consumer Price Index in the Gulf Coast States.

“(n) INDEPENDENT AUDITS; REPORTS.—

“(1) ANNUAL AUDITS.—The Council shall commission an annual independent financial statement audit by an independent accounting firm and publish the results in a publicly available annual report.

“(2) BIENNIAL COUNCIL REPORT.—Not later than 2 years after the date of establishment of the Council, and biennially thereafter, the Council shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

“(A) the significant achievements of the Council with respect to its duties;

“(B) the unresolved problems or concerns with operations, activities, or plans;

“(C) the Council operations and expenditures, needs, issues, and recommendations; and

1                   “(D) the annual independent audits re-  
2                   quired under paragraph (1).

3                   “(3) GAO REPORT.—Not later than 3 years  
4                   after the date of establishment of the Council, and  
5                   thereafter as necessary, the Comptroller General of  
6                   the United States shall submit to the Committee on  
7                   Commerce, Science, and Transportation of the Sen-  
8                   ate and the Committee on Transportation and Infra-  
9                   structure of the House of Representatives a report  
10                  covering the operations and expenditures of the  
11                  Council in carrying out this section, including any  
12                  recommendations the Comptroller deems appro-  
13                  priate.

14               “(o) SUITS BARRED.—Neither the Council nor any  
15               committee, program, association, or other organization  
16               created by or under the authority of this section may sue  
17               a public or private person or entity concerning any matter  
18               arising under this section other than the performance of  
19               a contract.

20               “(p) DEFINITIONS.—In this section:

21                   “(1) COUNCIL.—The term ‘Council’ means the  
22                   Gulf Coast Regional Citizens’ Advisory Council es-  
23                   tablished under subsection (a).

24                   “(2) COVERED PERSON.—The term ‘covered  
25                   person’ means an owner or operator of a facility, an

1 owner or operator of a tank vessel, a lessee, or a  
 2 permittee, as those terms are defined in this Act.

3 “(3) FEDERAL AGENCY.—The term ‘Federal  
 4 agency’ means any department, agency, or other in-  
 5 strumentality of the Federal Government, any inde-  
 6 pendent agency or establishment of the Federal Gov-  
 7 ernment including any Government corporation, and  
 8 the Government Publishing Office.

9 “(4) GULF COAST STATES.—The term ‘Gulf  
 10 Coast States’ means the States of Alabama, Florida,  
 11 Louisiana, Mississippi, and Texas.

12 “(5) GULF OF MEXICO.—The term ‘Gulf of  
 13 Mexico’ means the territorial seas and exclusive eco-  
 14 nomic zone of the United States in the Gulf of Mex-  
 15 ico.”.

16 (b) CONFORMING AMENDMENT.—The table of con-  
 17 tents in section 2 of the Oil Pollution Act of 1990 (104  
 18 Stat. 484) is amended by adding at the end of the items  
 19 relating to subtitle A of title IV the following:

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

20 **SEC. 107. VESSEL AS RESPONSIBLE PARTY.**

21 Section 1001(32)(A) of the Oil Pollution Act of 1990  
 22 (33 U.S.C. 2701(32)(A)) is amended by striking “with a  
 23 single hull after December 31, 2010”.

1 **SEC. 108. TRANSPORTATION AND COMMERCE ASPECTS OF**  
 2 **OUTER CONTINENTAL SHELF LANDS.**

3 (a) ENFORCEMENT.—Section 22 of the Outer Conti-  
 4 nental Shelf Lands Act (43 U.S.C. 1348) is amended—

5 (1) in subsection (d)(1)—

6 (A) by inserting “, each marine casualty  
 7 and accident that posed a serious threat to the  
 8 safety of life and property at sea or to the ma-  
 9 rine environment,” after “fire”; and

10 (B) by inserting “, as a condition of the  
 11 leases or permits” after “any such investiga-  
 12 tion”;

13 (2) in subsection (d)(2), by inserting “, as a  
 14 condition of the leases or permits” after “any such  
 15 investigation”;

16 (3) in subsection (e)—

17 (A) by striking “Secretary, or, in the case  
 18 of occupational safety and health,” and insert-  
 19 ing “Secretary or”; and

20 (B) by striking “Coast Guard is oper-  
 21 ating,” and inserting “Coast Guard is oper-  
 22 ating”; and

23 (4) by adding at the end of the section the fol-  
 24 lowing:

25 “(g) INDEPENDENT INVESTIGATION OF TRANSPOR-  
 26 TATION ACCIDENTS.—

1           “(1) IN GENERAL.—At the request of the Sec-  
 2           retary of the department in which the Coast Guard  
 3           is operating or the Secretary, the National Trans-  
 4           portation Safety Board may conduct an independent  
 5           investigation of any accident, occurring in the outer  
 6           Continental Shelf and involving activities under this  
 7           Act, that does not otherwise fall within the definition  
 8           of an accident or major marine casualty (as those  
 9           terms are used in chapter 11 of title 49, United  
 10          States Code).

11           “(2) TRANSPORTATION ACCIDENT.—For pur-  
 12          poses of an investigation under this subsection, an  
 13          accident that is the subject of a request under para-  
 14          graph (1) shall be treated as a transportation acci-  
 15          dent (as that term is used in chapter 11 of title 49,  
 16          United States Code).

17          “(h) INFORMATION ON CAUSES AND CORRECTIVE  
 18          ACTIONS.—

19           “(1) IN GENERAL.—For each accident inves-  
 20          tigated under this section, the Secretary of the de-  
 21          partment in which the Coast Guard is operating and  
 22          the Secretary shall promptly make available to the  
 23          public technical information about the causes of the  
 24          accident and corrective actions taken.



1           “(2) PUBLIC DATABASE.—All data and reports  
 2           related to an accident described in paragraph (1)  
 3           shall be maintained in a database that is freely  
 4           available to the public.

5           “(i) INSPECTION FEES.—

6           “(1) IN GENERAL.—To the extent necessary to  
 7           fund the carrying out of inspections and other duties  
 8           under this Act of the Secretary of the department in  
 9           which the Coast Guard is operating and the Sec-  
 10          retary of Commerce, upon the request of the Sec-  
 11          retary of the department in which the Coast Guard  
 12          is operating and the Secretary of Commerce, the  
 13          Secretary shall collect a non-refundable inspection  
 14          fee, which shall be deposited in the Ocean Com-  
 15          merce, Transportation, and Navigation Enforcement  
 16          Fund established under paragraph (3), from the des-  
 17          ignated operator for facilities subject to inspection  
 18          under subsection (c).

19          “(2) ESTABLISHMENT.—The Secretary shall es-  
 20          tablish, by rule, inspection fees—

21                 “(A) at an aggregate level equal to the  
 22                 amount necessary to offset the annual expenses  
 23                 incurred by the Secretary of the Department in  
 24                 which the Coast Guard is operating and the  
 25                 Secretary of Commerce in carrying out inspec-

tions of outer Continental Shelf facilities (including mobile offshore drilling units), administering and enforcing safety and health regulations and requirements, providing comments to and consulting with the Secretary as required under this Act; and

“(B) which may vary based on differences in size and complexity among classes of facilities.

“(3) OCEAN COMMERCE, TRANSPORTATION, AND NAVIGATION ENFORCEMENT FUND.—There is established in the Treasury a fund, to be known as the ‘Ocean Commerce, Transportation, and Navigation Enforcement Fund’ (referred to in this subsection as the ‘Fund’), into which shall be deposited amounts collected by the Secretary under paragraph (1) and which shall be available as provided under paragraph (4).

“(4) AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, all amounts collected by the Secretary under this section—

“(A) shall be available for expenditure only for purposes of carrying out inspections of outer Continental Shelf facilities (including mo-

1           bile offshore drilling units) and carrying out the  
 2           other duties and responsibilities of the Sec-  
 3           retary of the department in which the Coast  
 4           Guard is operating and the Secretary of Com-  
 5           merce under this Act;

6           “(B) shall be available only to the extent  
 7           provided for in advance in an appropriations  
 8           Act; and

9           “(C) shall remain available until expended.

10          “(5) ANNUAL REPORTS.—

11           “(A) IN GENERAL.—Not later than 60  
 12           days after the end of each fiscal year beginning  
 13           with fiscal year 2018, the Secretary shall sub-  
 14           mit to the Committee on Commerce, Science,  
 15           and Transportation of the Senate and the Com-  
 16           mittees on Transportation and Infrastructure  
 17           and Natural Resources of the House of Rep-  
 18           resentatives a report on the operation of the  
 19           Fund during the fiscal year.

20           “(B) CONTENT.—Each report shall in-  
 21           clude, for the fiscal year covered by the report,  
 22           the following:

23           “(i) A statement of the amounts de-  
 24           posited into the Fund.

1 “(ii) A description of the expenditures  
2 made from the Fund for the fiscal year, in-  
3 cluding the purpose of the expenditures.

4 “(iii) Recommendations for additional  
5 authorities to fulfill the purpose of the  
6 Fund.

7 “(iv) A statement of the balance re-  
8 maining in the Fund at the end of the fis-  
9 cal year.”.

## 10 **TITLE II—IMPROVING MARINE** 11 **OIL SPILL PREPAREDNESS**

### 12 **SEC. 201. IMPROVEMENTS TO NATIONAL OCEANIC AND AT-** 13 **MOSPHERIC ADMINISTRATION OIL SPILL RE-** 14 **SPONSE, CONTAINMENT, AND PREVENTION.**

15 (a) REVIEW OF ABILITY OF NATIONAL OCEANIC AND  
16 ATMOSPHERIC ADMINISTRATION TO RESPOND TO OIL  
17 SPILLS.—

18 (1) COMPREHENSIVE REVIEW REQUIRED.—Not  
19 later than 1 year after the date of the enactment of  
20 this Act, the Under Secretary for Oceans and At-  
21 mosphere shall conduct a comprehensive review of  
22 the current capacity of the National Oceanic and At-  
23 mospheric Administration to respond to oil spills.

24 (2) ELEMENTS.—The review under paragraph  
25 (1) shall include the following:

1           (A) A comparison of oil spill modeling re-  
2           quirements with the state-of-the-art oil spill  
3           modeling with respect to near shore and off-  
4           shore areas.

5           (B) Development of recommendations on  
6           priorities for improving forecasting of oil spill,  
7           trajectories, and impacts.

8           (C) An inventory of the products and tools  
9           of the National Oceanic and Atmospheric Ad-  
10          ministration that can aid in assessing the po-  
11          tential risk and impacts of oil spills. The prod-  
12          ucts and tools may include environmental sensi-  
13          tivity index maps, the United States Integrated  
14          Ocean Observing System, research vessels, avia-  
15          tion-based sensors, satellites, and oil spill tra-  
16          jectory models.

17          (D) An identification of the baseline ocean-  
18          ographic and climate data required to support  
19          state-of-the-art modeling.

20          (E) An assessment of the ability of the Na-  
21          tional Oceanic and Atmospheric Administration  
22          to respond to the effects of an oil spill on its  
23          trust resources, including—

24                  (i) marine sanctuaries, monuments,  
25                  and other protected areas; and

1 (ii) marine mammals, fish, corals, sea  
2 turtles, and other protected species, and ef-  
3 forts to rehabilitate these species.

4 (3) REPORT.—Upon completion of the review,  
5 the Under Secretary shall submit to Congress a re-  
6 port on the review, including the findings and rec-  
7 ommendations.

8 (b) OIL SPILL TRAJECTORY MODELING.—The Under  
9 Secretary for Oceans and Atmosphere shall be responsible  
10 for developing and maintaining oil spill trajectory mod-  
11 eling capabilities for the United States, including taking  
12 such actions as may be required by subsections (c)  
13 through (f).

14 (c) ENVIRONMENTAL SENSITIVITY INDEX.—

15 (1) UPDATE.—Beginning not later than 180  
16 days after the date of enactment of this Act, and not  
17 less frequently than once every 7 years thereafter,  
18 the Under Secretary for Oceans and Atmosphere  
19 shall update the environmental sensitivity index  
20 products of the National Oceanic and Atmospheric  
21 Administration for—

22 (A) each coastal area of the United States;

23 (B) each offshore area of the United  
24 States that is leased or under consideration for  
25 leasing for offshore energy production; and

1 (C) each offshore area of the United States  
2 that is under consideration for maritime trans-  
3 portation.

4 (2) EXPANDED COVERAGE.—Not later than 270  
5 days after the date of enactment of this Act, the  
6 Under Secretary for Oceans and Atmosphere, to the  
7 greatest extent practicable, shall create an environ-  
8 mental sensitivity index product for each area de-  
9 scribed in paragraph (1) for which the National Oce-  
10 anic and Atmospheric Administration did not have  
11 an environmental sensitivity index product on the  
12 day before the date of enactment of this Act.

13 (3) ENVIRONMENTAL SENSITIVITY INDEX  
14 PRODUCT DEFINED.—In this subsection, the term  
15 “environmental sensitivity index product” means a  
16 map or similar tool that is utilized to identify sen-  
17 sitive shoreline, coastal or offshore, resources prior  
18 to an oil spill event in order to set baseline priorities  
19 for protection and plan cleanup strategies, typically  
20 including information relating to shoreline type, bio-  
21 logical resources, and human use resources.

22 (d) SUBSEA HYDROCARBON REVIEW.—Not later  
23 than 120 days after the date of enactment of this Act,  
24 the Under Secretary for Oceans and Atmosphere shall  
25 conduct a comprehensive review of the current state of the

1 National Oceanic and Atmospheric Administration to  
2 monitor, map, and track subsea hydrocarbons, including  
3 a review of the effect of subsea hydrocarbons and  
4 dispersants at varying concentrations on living marine re-  
5 sources.

6 (e) INITIATIVE ON OIL SPILLS FROM AGING AND  
7 ABANDONED OIL INFRASTRUCTURE.—Not later than 270  
8 days after the date of enactment of this Act, the Under  
9 Secretary for Oceans and Atmosphere shall establish an  
10 initiative—

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

16 (2) to formulate recommendations on how best  
17 to address the spills described in paragraph (1).

18 (f) INVENTORY OF OFFSHORE ABANDONED OR  
19 SUNKEN VESSELS.—Not later than 270 days after the  
20 date of enactment of this Act, the Under Secretary for  
21 Oceans and Atmosphere shall—

22 (1) develop an inventory of offshore abandoned  
23 or sunken vessels in the exclusive economic zone (as  
24 established by Presidential Proclamation Numbered



1       5030 of March 10, 1983 (16 U.S.C. 1453 note));  
2       and

3           (2) identify priorities (based on amount of oil,  
4       feasibility of oil recovery, fate and effects of oil if re-  
5       leased, and cost-benefit of preemptive action) for po-  
6       tential preemptive removal of oil or other actions  
7       that may be effective to mitigate the risk of oil spills  
8       from offshore abandoned or sunken vessels.

9   **SEC. 202. COAST GUARD RESPONSE PLAN REQUIREMENTS.**

10       (a) IN GENERAL.—The Secretary of the department  
11   in which the Coast Guard is operating shall require all  
12   response plans approved by the Coast Guard under section  
13   311(j) of the Federal Water Pollution Control Act (33  
14   U.S.C. 1321(j)) to be updated not less than once every  
15   5 years.

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

23       (c) TECHNOLOGY STANDARDS.—

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

1       tablish requirements and guidance for utilizing the  
 2       best commercially available technology and methods  
 3       under subsection (b).

4           (2) REQUIREMENTS.—The best commercially  
 5       available technology and methods shall be based on  
 6       measurable standards and capabilities whenever  
 7       practicable.

8       (d) RESUBMISSION.—Each update under subsection  
 9       (a) shall be considered a significant change requiring it  
 10      to be resubmitted for approval by the Coast Guard.

11   **SEC. 203. OIL SPILL TECHNOLOGY EVALUATION.**

12       (a) IN GENERAL.—The Secretary of the department  
 13      in which the Coast Guard is operating shall establish a  
 14      program for the formal evaluation and validation of oil  
 15      pollution containment and removal methods and tech-  
 16      nologies.

17       (b) APPROVALS.—

18           (1) IN GENERAL.—The program under sub-  
 19      section (a) shall include the establishment of a proc-  
 20      ess for new methods and technologies—

21                   (A) to be submitted to and evaluated by  
 22                   the Secretary of the department in which the  
 23                   Coast Guard is operating; and

24                   (B) to gain validation for use in spill re-  
 25                   sponses and inclusion in response plans under

1           section 311(j) of the Federal Water Pollution  
2           Control Act (33 U.S.C. 1321(j)).

3           (2) PERFORMANCE CAPABILITIES.—Following  
4           each validation under paragraph (1)(B), the Sec-  
5           retary of the department in which the Coast Guard  
6           is operating shall consider whether the method or  
7           technology meets a performance capability war-  
8           ranting designation of a new standard for best avail-  
9           able technology or methods.

10          (c) TECHNOLOGY CLEARINGHOUSE.—Each tech-  
11         nology and method validated under subsection (b)(1)(B)  
12         shall be included in the comprehensive list of spill removal  
13         resources maintained by the Coast Guard through the Na-  
14         tional Response Unit.

15          (d) CONSULTATION.—The Secretary of the depart-  
16         ment in which the Coast Guard is operating shall consult  
17         with the Secretary of the Interior, the Under Secretary  
18         for Oceans and Atmosphere, the Administrator of the En-  
19         vironmental Protection Agency, the Secretary of Trans-  
20         portation, and the Secretary of Energy in carrying out this  
21         section.

22         **SEC. 204. SAFETY MANAGEMENT SYSTEM REQUIREMENTS**  
23                 **FOR MOBILE OFFSHORE DRILLING UNITS.**

24          (a) APPLICATION.—Section 3202 of title 46, United  
25         States Code, is amended—

1           (1) in subsection (a)(1)(B) by striking “vessel,  
2           or self-propelled mobile offshore drilling unit; and”  
3           and inserting “vessel; and”; and

4           (2) by amending subsection (b) to read as fol-  
5           lows:

6           “(b) OTHER VESSELS.—This chapter applies to a  
7           vessel that—

8                 “(1) is a passenger vessel or small passenger  
9                 vessel and is transporting more passengers than a  
10                number prescribed by the Secretary based on the  
11                number of individuals on the vessel that could be  
12                killed or injured in a marine casualty; or

13               “(2) is a mobile offshore drilling unit.”.

14           (b) SAFETY MANAGEMENT SYSTEMS.—Section 3203  
15           of title 46, United States Code, is amended—

16               (1) by redesignating subsection (b) as sub-  
17               section (c); and

18               (2) by inserting after subsection (a) the fol-  
19               lowing:

20           “(b) MOBILE OFFSHORE DRILLING UNITS.—The  
21           safety management system described in subsection (a) for  
22           a mobile offshore drilling unit operating in waters subject  
23           to the jurisdiction of the United States, including the ex-  
24           clusive economic zone (as established by Presidential Proc-  
25           lamation Numbered 5030 of March 10, 1983 (16 U.S.C.

1 1453 note)), shall include processes, procedures, and poli-  
 2 cies related to the safe, environmentally sound operation  
 3 and maintenance of all machinery and systems of the unit  
 4 that are used for the commercial industrial functions and  
 5 purposes of the unit.”.

6 **SEC. 205. GULF OF MEXICO LONG-TERM MARINE ENVIRON-**  
 7 **MENTAL MONITORING AND RESEARCH PRO-**  
 8 **GRAM.**

9 (a) ENVIRONMENTAL MONITORING AND RESEARCH  
 10 PROGRAM REQUIRED.—

11 (1) IN GENERAL.—As soon as practicable after  
 12 the date of enactment of this Act, and subject to the  
 13 availability of appropriations or other sources of  
 14 funding, the Secretary, acting through the Under  
 15 Secretary for Oceans and Atmosphere, shall estab-  
 16 lish and carry out a long-term marine environmental  
 17 monitoring and research program for the marine  
 18 and coastal environment of the Gulf of Mexico to en-  
 19 sure that the Federal Government has independent,  
 20 peer-reviewed scientific data and information to as-  
 21 sess long-term direct and indirect impacts on trust  
 22 resources located in the Gulf of Mexico and South-  
 23 east region resulting from the oil spill caused by the  
 24 mobile offshore drilling unit Deepwater Horizon.

1           (2) PERIOD OF PROGRAM.—The Secretary, act-  
2           ing through the Under Secretary for Oceans and At-  
3           mosphere, shall carry out the program under para-  
4           graph (1) during the 10-year period beginning on  
5           the date of commencement of the program. The Sec-  
6           retary may extend the period if the Secretary deter-  
7           mines that additional monitoring and research is  
8           warranted.

9           (b) SCOPE OF PROGRAM.—The program under sub-  
10          section (a) shall include the following:

11           (1) Monitoring and research of the physical,  
12           chemical, and biological characteristics of the af-  
13           fected marine, coastal, and estuarine regions of the  
14           Gulf of Mexico and other regions of the exclusive  
15           economic zone (as established by Presidential Proc-  
16           lamation Numbered 5030 of March 10, 1983 (16  
17           U.S.C. 1453 note)) and adjacent regions affected by  
18           the oil spill caused by the mobile offshore drilling  
19           unit Deepwater Horizon.

20           (2) The fate, transport, and persistence of oil  
21           released during the spill and spatial distribution  
22           throughout the water column, including in-situ burn  
23           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 region, including commercial and recreational  
10          fisheries, tourism, and other wildlife-dependent  
11          recreation.

12          (6) Such other elements that the Secretary con-  
13          siders necessary to ensure a comprehensive marine  
14          research and monitoring program to comprehend the  
15          implications to trust resources caused by the oil spill  
16          from the mobile offshore drilling unit Deepwater Ho-  
17          rizon.

18          (c) COOPERATION AND CONSULTATION.—In devel-  
19          oping the research and monitoring program under sub-  
20          section (a), the Secretary, acting through the Under Sec-  
21          retary for Oceans and Atmosphere, shall—

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

24                (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) such academic institutions and other  
8 research organizations as the Secretary con-  
9 siders appropriate; and

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

14 (d) AVAILABILITY OF DATA.—Upon the review by  
15 and approval of the Attorney General regarding impacts  
16 on legal claims or litigation involving the United States,  
17 data and information generated through the program es-  
18 tablished under subsection (a) shall be managed and  
19 archived to ensure that it is accessible and available to  
20 the general 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  
23 (a), and biennially thereafter, the Secretary shall submit  
24 to 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, federally recognized Indian  
16 tribe, or a local government.

17 **SEC. 206. USE OF OIL SPILL LIABILITY TRUST FUND FOR**  
18 **EXPENSES OF NATIONAL OCEANIC AND AT-**  
19 **MOSPHERIC ADMINISTRATION.**

20 Section 1012(a)(5)(B) of the Oil Pollution Act of  
21 1990 (33 U.S.C. 2712(a)(5)(B)) is amended by striking  
22 “\$15,000,000” and inserting “\$25,000,000”.

23 **SEC. 207. NOTICE TO STATES OF BULK OIL TRANSFERS.**

24 (a) IN GENERAL.—A State may require, by law, a  
25 person to provide notice of 24 hours or more to the State

1 and to the Coast Guard prior to transferring oil in bulk  
 2 as cargo in an amount equivalent to 250 barrels or more  
 3 to, from, or within a vessel in State waters.

4 (b) COAST GUARD ASSISTANCE.—The Commandant  
 5 of the Coast Guard may assist a State in developing ap-  
 6 propriate methodologies for joint Federal and State notifi-  
 7 cation of an oil transfer described in subsection (a) to min-  
 8 imize any potential burden to vessels.

9 **SEC. 208. COAST GUARD RESEARCH AND DEVELOPMENT.**

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

12 (1) by striking “\$25,000,000” and inserting  
 13 “\$50,000,000”; and

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

19 **TITLE III—IMPROVING MARINE**  
 20 **OIL SPILL RESPONSE CAPA-**  
 21 **BILITIES**

22 **SEC. 301. PROMPT PUBLICATION OF OIL SPILL INFORMA-**  
 23 **TION.**

24 (a) IN GENERAL.—In any response to an oil spill in  
 25 which the Commandant of the Coast Guard serves as the

1 Federal On-Scene Coordinator leading a Unified Com-  
 2 mand, the Commandant shall publish, on a publicly acces-  
 3 sible website, all written Incident Action Plans prepared  
 4 and approved as a part of the response to such oil spill.

5 (b) TIMELINESS AND DURATION.—The Commandant  
 6 shall—

7 (1) publish each Incident Action Plan under  
 8 subsection (a) promptly after such plan is approved  
 9 for implementation by the Unified Command, and in  
 10 no event later than 12 hours into the operational pe-  
 11 riod for which such plan is prepared; and

12 (2) ensure that such plan remains up-to-date  
 13 and publicly accessible by website for the duration of  
 14 the response to an oil spill.

15 (c) REDACTION OF PERSONAL INFORMATION.—The  
 16 Commandant may redact information from an Incident  
 17 Action Plan published under subsection (a) to the extent  
 18 necessary to comply with applicable privacy laws and other  
 19 requirements regarding personal information.

20 **SEC. 302. COORDINATION OF FEDERAL, STATE, AND LOCAL**  
 21 **ACTIVITIES WITH RESPECT TO OIL SPILL**  
 22 **SURVEYS.**

23 (a) DEVELOPMENT OF NATIONAL PROTOCOLS FOR  
 24 OIL SPILL SURVEYS.—Not later than 270 days after the  
 25 date of enactment of this Act, the Under Secretary for

1 Oceans and Atmosphere, in coordination with the Sec-  
 2 retary of Homeland Security, the Administrator of the En-  
 3 vironmental Protection Agency, and the heads of such de-  
 4 partments and agencies of State governments as the  
 5 Under Secretary considers appropriate, shall develop  
 6 standard national protocols for oil spill response and clean  
 7 up assessments to promote consistent procedures for col-  
 8 lecting shoreline characterization data and to ensure that  
 9 the format and resolution of such data are consistent with  
 10 the needs of coastal States. Such protocols shall encour-  
 11 age, to the extent practicable, the use of electronic meth-  
 12 ods of data collection.

13 (b) GUIDANCE AND TOOLS FOR APPLICATION OF NA-  
 14 TIONAL PROTOCOLS FOR OIL SPILL SURVEYS.—The  
 15 Under Secretary for Oceans and Atmosphere shall develop  
 16 guidance and tools for oil spill responders and offer in-  
 17 structional courses to ensure that the standard national  
 18 protocols developed under subsection (a) are used during  
 19 oil spill responses in the waters subject to the jurisdiction  
 20 of the United States, including the exclusive economic  
 21 zone (as established by Presidential Proclamation Num-  
 22 bered 5030 of March 10, 1983 (16 U.S.C. 1453 note)).

