

116TH CONGRESS  
1ST SESSION

# H. R. 2352

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, and response, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2019

Ms. WASSERMAN SCHULTZ (for herself, Ms. MUCARSEL-POWELL, Mr. BUCHANAN, and Mr. GAETZ) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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, and 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Marine Oil Spill Prevention Act”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 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 Administra-  
tion, 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 oil and natural gas preleasing, leasing, and related ac-  
tivities in certain areas off the coast of Florida.

Sec. 104. Coast Guard inspections.

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

Sec. 106. Gulf Coast 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 re-  
search 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 the enactment of  
22 this section, the Secretary shall submit a pro-  
23 posed leasing program to the Congress, the At-  
24 torney General,” and inserting “The Secretary  
25 shall submit any proposed leasing program to

1 the Congress, the head of each interested Fed-  
2 eral department or agency described in para-  
3 graph (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 the 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 requests 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, be-  
12 fore the approval of any program, lease, explo-  
13 ration 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, on 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 on  
10 ocean and coastal resources.

11 “(C) ALTERNATIVES.—

12 “(i) IN GENERAL.—At any time be-  
13 fore 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 on  
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 on  
 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**  
 15 **PLANNING AND RESPONSE.**

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 observation and data collection capa-  
21          bilities necessary to assess ocean conditions before,  
22          during, and after an oil spill or other adverse inci-  
23          dent resulting from Outer Continental Shelf energy  
24          activities; and

1           “(8) other information or actions as may be  
2           necessary to address the environmental, economic,  
3           and social impacts of oil spills or other adverse inci-  
4           dents resulting from Outer Continental Shelf energy  
5           activities.

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

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

16          “(e) ANNUAL GRANTS.—

17                 “(1) IN GENERAL.—For each of fiscal years  
18                 2022 through 2024, the Secretary may make a  
19                 grant to a coastal State to develop new enforceable  
20                 policies and procedures under this section.

21                 “(2) GRANT AMOUNTS AND LIMIT ON  
22                 AWARDS.—The amount of any grant to any coastal  
23                 State under this section shall not exceed \$750,000  
24                 for any fiscal year.

1           “(3) NO STATE MATCHING CONTRIBUTION RE-  
2           QUIRED.—A coastal State shall not be required to  
3           contribute any portion of the cost of a grant award-  
4           ed under this section.

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

9           “(5) 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  
12          be made to that coastal State under this section un-  
13          less the Secretary finds that the coastal State is sat-  
14          isfactorily developing revisions to address the im-  
15          pacts and accidents described in subsection (a)(1).  
16          No coastal State is eligible to receive grants under  
17          this section for more than 2 fiscal years.

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

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

1 of the Outer Continental Shelf under the administration  
 2 of the Federal Government. Nothing in this section repeals  
 3 or supersedes any existing coastal State authority.

4 “(h) ASSISTANCE BY THE SECRETARY.—The Sec-  
 5 retary, as authorized under section 310(a) and to the ex-  
 6 tent practicable, shall 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. 103. MORATORIUM ON OIL AND NATURAL GAS**  
 13 **PRELEASING, LEASING, AND RELATED AC-**  
 14 **TIVITIES IN CERTAIN AREAS OFF THE COAST**  
 15 **OF FLORIDA.**

16 Section 18 of the Outer Continental Shelf Lands Act  
 17 (43 U.S.C. 1344) is amended by adding at the end the  
 18 following:

19 “(i) MORATORIUM ON OIL AND NATURAL GAS  
 20 PRELEASING, LEASING, AND RELATED ACTIVITIES IN  
 21 CERTAIN AREAS OFF THE COAST OF FLORIDA.—Not-  
 22 withstanding any other provision of this section or any  
 23 other law, the Secretary may not offer for oil and gas leas-  
 24 ing or preleasing or any related activity, any tract located  
 25 in—

1 “(1) any area of the Eastern Gulf of Mexico  
2 that is referred to in section 104(a) of the Gulf of  
3 Mexico Energy Security Act of 2006;

4 “(2) the portion of the South Atlantic Planning  
5 Area south of 30 degrees 43 minutes North Lat-  
6 tude; or

7 “(3) the Straits of Florida Planning Area.”.

8 **SEC. 104. COAST GUARD INSPECTIONS.**

9 (a) IN GENERAL.—The Secretary of the department  
10 in which the Coast Guard is operating shall increase the  
11 frequency and comprehensiveness of safety inspections of  
12 all United States and foreign-flag tank vessels that enter  
13 a United States port or place, including increasing the fre-  
14 quency and comprehensiveness of inspections of vessel age,  
15 hull configuration, and past violations of any applicable  
16 discharge and safety regulations under United States and  
17 international law that may indicate that the class societies  
18 inspecting such vessels may be substandard, and other fac-  
19 tors relevant to the potential risk of an oil spill.

20 (b) ENHANCED VERIFICATION OF STRUCTURAL CON-  
21 DITION.—The Secretary of the department in which the  
22 Coast Guard is operating shall adopt, as part of the Sec-  
23 retary’s inspection requirements for tank vessels, addi-  
24 tional procedures for enhancing the verification of the re-  
25 ported structural condition of such vessels, taking into ac-

1 count the Condition Assessment Scheme adopted by the  
2 International Maritime Organization by Resolution 94(46)  
3 on April 27, 2001, as amended and consolidated.

4 **SEC. 105. NAVIGATIONAL MEASURES FOR PROTECTION OF**  
5 **NATURAL RESOURCES.**

6 (a) DESIGNATION OF AT-RISK AREAS.—

7 (1) IN GENERAL.—The Commandant of the  
8 Coast Guard, in consultation with the Under Sec-  
9 retary for Oceans and Atmosphere, shall identify  
10 areas in waters subject to the jurisdiction of the  
11 United States, including the exclusive economic zone  
12 (as established by Presidential Proclamation Num-  
13 bered 5030 of March 10, 1983 (16 U.S.C. 1453  
14 note)), in which routing or other navigational meas-  
15 ures are warranted to reduce the risk of oil spills  
16 and potential damage to natural resources.

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

22 (A) commercial fisheries;

23 (B) aquaculture facilities;

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

4 (D) estuaries of national significance des-  
5 igned under section 320 of the Federal Water  
6 Pollution Control Act (33 U.S.C. 1330);

7 (E) critical habitat, as defined in section  
8 3(5) of the Endangered Species Act of 1973  
9 (16 U.S.C. 1532(5));

10 (F) estuarine research reserves within the  
11 National Estuarine Research Reserve System  
12 established by section 315 of the Coastal Zone  
13 Management Act of 1972 (16 U.S.C. 1461);  
14 and

15 (G) national parks and national seashores  
16 administered by the National Park Service  
17 under the National Park Service Organic Act  
18 (16 U.S.C. 1 et seq.).

19 (b) FACTORS CONSIDERED.—In determining whether  
20 navigational measures are warranted for an area identified  
21 under subsection (a), the Commandant and the Under  
22 Secretary shall consider, at a minimum—

23 (1) the frequency of transits of vessels that are  
24 required to prepare a response plan under section



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

3           (2) the type and quantity of oil transported as  
4       cargo or fuel;

5           (3) the expected benefits of routing measures in  
6       reducing risks of spills;

7           (4) the costs of such measures;

8           (5) the safety implications of such measures;

9       and

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

12       (c) ESTABLISHMENT OF ROUTING AND OTHER NAVI-  
13       GATIONAL MEASURES.—The Commandant shall establish  
14       routing or other navigational measures for areas identified  
15       under subsection (a).

16       (d) ESTABLISHMENT OF AREAS TO BE AVOIDED.—  
17       To the extent that the Commandant and the Under Sec-  
18       retary identify areas in which navigational measures are  
19       warranted for an area under subsection (a), the Secretary  
20       of Commerce and the Under Secretary shall seek to estab-  
21       lish such areas through the International Maritime Orga-  
22       nization or establish comparable areas pursuant to regula-  
23       tions and in a manner that is consistent with international  
24       law.

25       (e) OIL SHIPMENT DATA AND REPORT.—

1           (1) DATA COLLECTION.—The Commandant, in  
2           consultation with the Chief of Engineers of the  
3           United States Army, shall analyze data on oil trans-  
4           ported as cargo on vessels in the navigable waters of  
5           the United States, including information on—

6                   (A) the quantity and type of oil being  
7           transported;

8                   (B) the vessels used for such transpor-  
9           tation;

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

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

14           (2) QUARTERLY REPORT.—

15                   (A) REQUIREMENT FOR QUARTERLY RE-  
16           PORT.—The Secretary of Commerce, not less  
17           frequently than once each calendar quarter,  
18           shall submit to the Committee on Commerce,  
19           Science, and Transportation of the Senate and  
20           the Committee on Energy and Commerce of the  
21           House of Representatives a report on the data  
22           collected and analyzed under paragraph (1).

23                   (B) FORMAT.—Each report submitted  
24           under subparagraph (A) shall be submitted in

1 a format that does not disclose information ex-  
2 empted from disclosure.

3 **SEC. 106. GULF COAST REGIONAL CITIZENS' ADVISORY**  
4 **COUNCIL.**

5 (a) IN GENERAL.—Subtitle A of title IV of the Oil  
6 Pollution Act of 1990 (Public Law 115–282) is amended  
7 by adding at the end the following:

8 **“SEC. 4119. GULF COAST REGIONAL CITIZENS' ADVISORY**  
9 **COUNCIL.**

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

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

14 “(1) VOTING MEMBERS.—The Secretary of the  
15 department in which the Coast Guard is operating  
16 shall appoint 5 voting members from each Gulf  
17 Coast State, one to represent each of the following  
18 interests from each Gulf Coast State.

19 “(A) Commercial fin fish and shellfish in-  
20 dustry organizations, the members of which de-  
21 pend on the marine fisheries resources of the  
22 State.

23 “(B) Recreational fishing industry organi-  
24 zations, the members of which depend on the  
25 marine fisheries resources of the State.

1           “(C) Restaurant, hotel, and tourism indus-  
2           try organizations, the members of which depend  
3           upon the beaches, dunes, barrier islands, wet-  
4           lands, estuaries, bayous, sounds, bays, lagoons,  
5           reefs, fish, wildlife, or other coastal resources of  
6           the State.

7           “(D) Marine and coastal conservation or-  
8           ganizations, members of which reside in the  
9           State.

10           “(E) Counties or parishes, and incor-  
11           porated and unincorporated municipalities of  
12           the State.

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

16           “(A) The Coast Guard.

17           “(B) The Environmental Protection Agen-  
18           cy.

19           “(C) The National Oceanic and Atmos-  
20           pheric Administration.

21           “(D) The Bureau of Safety and Environ-  
22           mental Enforcement.

23           “(E) The Office of Pipeline Safety.

1           “(F) The lead maritime environmental and  
2           natural resources management and enforcement  
3           agency of each of the Gulf Coast States.

4           “(G) The maritime or shipping industry.

5           “(H) The energy industry.

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

9           “(c) INITIAL FORMATION.—Not later than 90 days  
10          after the date of the enactment of the Marine Oil Spill  
11          Prevention Act, the Secretary of the department in which  
12          the Coast Guard is operating shall appoint the initial vot-  
13          ing members of the Council and call the first meeting of  
14          the Council.

15          “(d) TERMS.—

16               “(1) DURATION OF THE COUNCIL.—The dura-  
17          tion of the Council shall be throughout the lifetime  
18          of energy exploration, development, production,  
19          transportation, and facility removal activities in one  
20          or more of the Gulf Coast States, and throughout  
21          the lifetime of such activities in the Gulf of Mexico.

22               “(2) TERMS OF VOTING MEMBERS.—

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

1           3 years, except as provided in subparagraph  
2           (B).

3           “(B) TERMS OF INITIAL APPOINTEES.—

4           The terms of service of voting members initially  
5           appointed by the Secretary of the department in  
6           which the Coast Guard is operating shall be es-  
7           tablished by a drawing of lots, under which—

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

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

12                   “(iii) 7 of the voting members shall  
13                   serve for 1 year.

14           “(e) GOVERNANCE.—

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

18                   “(2) SELF-GOVERNING.—After the initial orga-  
19                   nizational meeting called by the Secretary of the de-  
20                   partment in which the Coast Guard is operating, the  
21                   Council shall be self-governing and shall hold meet-  
22                   ings thereafter at least once each year.

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

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

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

3           “(C) hold at least 1 meeting each year that  
4           is open to the public, and for each such meeting  
5           provide notice to the public at least 30 days be-  
6           fore such meeting; and

7           “(D) maintain a freely accessible website  
8           on which it shall make available to the public,  
9           at a minimum—

10           “(i) recommendations made by the  
11           Council, together with information as to  
12           whether or not the recommendations were  
13           adopted and, if not, an explanation of why  
14           they were not adopted;

15           “(ii) a description of matters cur-  
16           rently under review by the Council, without  
17           disclosing any private, confidential, or priv-  
18           ileged information consistent with applica-  
19           ble law;

20           “(iii) a statement of industry stand-  
21           ards; and

22           “(iv) an interactive component  
23           through which the general public may sub-  
24           mit questions and comments and report  
25           matters of interest.

1           “(4) CONFLICTS OF INTEREST.—An individual  
2           appointed as a voting member of the Council may  
3           not engage in any activity that may conflict with the  
4           execution of the functions or duties of the individual  
5           as a Council member.

6           “(f) DUTIES.—

7           “(1) IN GENERAL.—The Council shall, with re-  
8           gard to the activities, operation, and maintenance of  
9           facilities and tank vessels in the Gulf Coast States  
10          and the Gulf of Mexico—

11           “(A) provide advice and recommendations  
12           to covered persons, relevant Federal agencies,  
13           and Gulf Coast States regarding applicable poli-  
14           cies, permits, operations, and regulations;

15           “(B) monitor impacts on marine and  
16           coastal ecosystems;

17           “(C) monitor relevant oil spill prevention  
18           and response plans, including plans relating to  
19           blowout prevention and response; and

20           “(D) recommend standards and conditions  
21           for regulations intended to ensure safety of life  
22           and property and minimize negative impacts on  
23           marine and coastal ecosystems.

24           “(2) GEOGRAPHIC SCOPE.—The Council shall  
25          carry out the duties described in paragraph (1) in a



1 manner that, to the extent practicable, covers all ac-  
2 tivities, operation, and maintenance of facilities and  
3 tank vessels occurring in Gulf Coast States and the  
4 Gulf of Mexico.

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

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

14 “(1) may conduct applicable scientific research;  
15 and

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

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

22 “(1) a scientific and technical committee;

23 “(2) an environmental monitoring committee;

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

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

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

8       “(j) AGENCY COOPERATION.—

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

15      “(2) CONSULTATION.—

16           “(A) IN GENERAL.—For any Federal  
17      agency action with respect to a permit, site-spe-  
18      cific regulation, or other matter governing mat-  
19      ters within the purview of the Council taken  
20      more than 180 days after the date of the enact-  
21      ment of this Act, such agency shall consult with  
22      the Council before taking such action.

23           “(B) REVIEW.—A Federal agency con-  
24      sultation required by this paragraph shall be  
25      carried out in a manner that enables the Coun-

1           cil to review such agency action and make ap-  
2           propriate recommendations consistent with its  
3           duties.

4           “(C) EMERGENCIES.—No consultation  
5           shall be required under this paragraph if an au-  
6           thorized representative of a Federal agency rea-  
7           sonably believes that an emergency exists re-  
8           quiring action without delay.

9           “(k) RECOMMENDATIONS OF THE COUNCIL.—

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

12           “(2) RESPONSE TO RECOMMENDATIONS.—If a  
13           covered person decides not to adopt, or decides to  
14           adopt with substantial modification, a recommenda-  
15           tion of the Council, then the covered person shall  
16           provide to the Council, not later than 10 days after  
17           the date of such decision, written notice of the deci-  
18           sion and a written explanation of the reason or rea-  
19           sons for the decision.

20           “(l) LOCATION AND COMPENSATION.—

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

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

11      “(m) FUNDING.—

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

16           “(2) CONTRIBUTIONS BY COVERED PERSONS.—  
17      Covered persons shall provide, on an annual basis,  
18      an aggregate amount of not more than \$10,000,000,  
19      as determined by the Secretary of the department in  
20      which the Coast Guard is operating, that shall pro-  
21      vide for the establishment and ongoing operation of  
22      the Council, and shall be adjusted annually to reflect  
23      changes in the Consumer Price Index in the Gulf  
24      Coast States.

25      “(n) INDEPENDENT AUDITS; REPORTS.—

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

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

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

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

16                   “(C) the Council operations and expendi-  
17 tures, needs, issues, and recommendations; and

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

20           “(3) GAO REPORT.—Not later than 3 years  
21 after the date of establishment of the Council, and  
22 thereafter as necessary, the Comptroller General of  
23 the United States shall submit to the Committee on  
24 Commerce, Science, and Transportation of the Sen-  
25 ate and the Committee on Transportation and Infra-

1 structure of the House of Representatives a report  
2 covering the operations and expenditures of the  
3 Council in carrying out this section, including any  
4 recommendations the Comptroller deems appro-  
5 priate.

6 “(o) SUITES BARRED.—Neither the Council nor any  
7 committee, program, association, or other organization  
8 created by or under the authority of this section may sue  
9 a public or private person or entity concerning any matter  
10 arising under this section other than the performance of  
11 a contract.

12 “(p) DEFINITIONS.—In this section:

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

16 “(2) COVERED PERSON.—The term ‘covered  
17 person’ means an owner or operator of a facility, an  
18 owner or operator of a tank vessel, a lessee, or a  
19 permittee.

20 “(3) FEDERAL AGENCY.—The term ‘Federal  
21 agency’ means any department, agency, or other in-  
22 strumentality of the Federal Government, any inde-  
23 pendent agency or establishment of the Federal Gov-  
24 ernment including any Government corporation, and  
25 the Government Publishing Office.

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

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

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

          “4119. Gulf Coast Regional Citizens’ Advisory Council.”.

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

13          Section 1001(32)(A) of the Oil Pollution Act of 1990  
14          (33 U.S.C. 2701(32)(A)) is amended by striking “with a  
15          single hull after December 31, 2010”.

16       **SEC. 108. TRANSPORTATION AND COMMERCE ASPECTS OF**  
17                       **OUTER CONTINENTAL SHELF LANDS.**

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

20               (1) in subsection (d)(1)—

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

1 (B) by inserting “, as a condition of the  
2 leases or permits” after “any such investiga-  
3 tion”;

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

7 (3) in subsection (e)—

8 (A) by striking “Secretary, or, in the case  
9 of occupational safety and health,” and insert-  
10 ing “Secretary or”; and

11 (B) by striking “Coast Guard is oper-  
12 ating,” and inserting “Coast Guard is oper-  
13 ating”; and

14 (4) by adding at the end the following:

15 “(g) INDEPENDENT INVESTIGATION OF TRANSPOR-  
16 TATION ACCIDENTS.—

17 “(1) IN GENERAL.—At the request of the Sec-  
18 retary of the department in which the Coast Guard  
19 is operating or the Secretary, the National Trans-  
20 portation Safety Board may conduct an independent  
21 investigation of any accident, occurring in the outer  
22 Continental Shelf and involving activities under this  
23 Act, that does not otherwise fall within the definition  
24 of an accident or major marine casualty (as those



1 terms are used in chapter 11 of title 49, United  
2 States Code).

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

9 “(h) INFORMATION ON CAUSES AND CORRECTIVE  
10 ACTIONS.—

11 “(1) IN GENERAL.—For each accident inves-  
12 tigated under this section, the Secretary of the de-  
13 partment in which the Coast Guard is operating and  
14 the Secretary shall promptly make available to the  
15 public technical information about the causes of the  
16 accident and corrective actions taken.

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

21 “(i) INSPECTION FEES.—

22 “(1) IN GENERAL.—To the extent necessary to  
23 fund inspections and other duties under this Act of  
24 the Secretary of the department in which the Coast  
25 Guard is operating and the Secretary of Commerce,

1       upon the request of the Secretary of the department  
2       in which the Coast Guard is operating and the Sec-  
3       retary of Commerce, the Secretary shall collect a  
4       non-refundable inspection fee, which shall be depos-  
5       ited in the Ocean Commerce, Transportation, and  
6       Navigation Enforcement Fund established under  
7       paragraph (3), from the designated operator for fa-  
8       cilities subject to inspection under subsection (c).

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

11               “(A) at an aggregate level equal to the  
12       amount necessary to offset the annual expenses  
13       incurred by the Secretary of the department in  
14       which the Coast Guard is operating and the  
15       Secretary of Commerce in carrying out inspec-  
16       tions of outer Continental Shelf facilities (in-  
17       cluding mobile offshore drilling units), admin-  
18       istering and enforcing safety and health regula-  
19       tions and requirements, providing comments to  
20       and consulting with the Secretary as required  
21       under this Act; and

22               “(B) which may vary based on differences  
23       in size and complexity among classes of facili-  
24       ties.

1           “(3) OCEAN COMMERCE, TRANSPORTATION,  
2           AND NAVIGATION ENFORCEMENT FUND.—There is  
3           established in the Treasury a separate account, to be  
4           known as the ‘Ocean Commerce, Transportation,  
5           and Navigation Enforcement Fund’ (referred to in  
6           this subsection as the ‘Fund’), into which shall be  
7           deposited amounts collected by the Secretary under  
8           paragraph (1) and which shall be available as pro-  
9           vided under paragraph (4).

10           “(4) AVAILABILITY OF FEES.—Notwithstanding  
11           section 3302 of title 31, United States Code, all  
12           amounts collected by the Secretary under this sec-  
13           tion—

14                   “(A) shall be available for expenditure only  
15                   for purposes of carrying out inspections of  
16                   outer Continental Shelf facilities (including mo-  
17                   bile offshore drilling units) and carrying out the  
18                   other duties and responsibilities of the Sec-  
19                   retary of the department in which the Coast  
20                   Guard is operating and the Secretary of Com-  
21                   merce under this Act;

22                   “(B) shall be available only to the extent  
23                   provided for in advance in an appropriations  
24                   Act; and

25                   “(C) shall remain available until expended.

1 “(5) ANNUAL REPORTS.—

2 “(A) IN GENERAL.—Not later than 60  
3 days after the end of each fiscal year beginning  
4 with fiscal year 2025, the Secretary shall sub-  
5 mit to the Committee on Commerce, Science,  
6 and Transportation of the Senate and the Com-  
7 mittees on Transportation and Infrastructure  
8 and on Natural Resources of the House of Rep-  
9 resentatives a report on the operation of the  
10 Fund during the fiscal year.

11 “(B) CONTENT.—Each report shall in-  
12 clude, for the fiscal year covered by the report,  
13 the following:

14 “(i) A statement of the amounts de-  
15 posited into the Fund.

16 “(ii) A description of the expenditures  
17 made from the Fund for the fiscal year, in-  
18 cluding the purpose of the expenditures.

19 “(iii) Recommendations for additional  
20 authorities to fulfill the purpose of the  
21 Fund.

22 “(iv) A statement of the balance re-  
23 maining in the Fund at the end of the fis-  
24 cal year.”.

1     **TITLE II—IMPROVING MARINE**  
2     **OIL SPILL PREPAREDNESS**

3     **SEC. 201. IMPROVEMENTS TO NATIONAL OCEANIC AND AT-**  
4                 **MOSPHERIC ADMINISTRATION OIL SPILL RE-**  
5                 **SPONSE, CONTAINMENT, AND PREVENTION.**

6             (a) REVIEW OF ABILITY OF NATIONAL OCEANIC AND  
7     ATMOSPHERIC ADMINISTRATION TO RESPOND TO OIL  
8     SPILLS.—

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

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

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

21                    (B) Development of recommendations on  
22     priorities for improving forecasting of oil spill,  
23     trajectories, and impacts.

24                    (C) An inventory of the products and tools  
25     of the National Oceanic and Atmospheric Ad-

1           ministration that can aid in assessing the po-  
2           tential risk and impacts of oil spills. The prod-  
3           ucts and tools may include environmental sensi-  
4           tivity index maps, the United States Integrated  
5           Ocean Observing System, research vessels, avia-  
6           tion-based sensors, satellites, and oil spill tra-  
7           jectory models.

8                   (D) An identification of the baseline ocean-  
9           ographic and climate data required to support  
10          state-of-the-art modeling.

11                   (E) An assessment of the ability of the Na-  
12          tional Oceanic and Atmospheric Administration  
13          to respond to the effects of an oil spill on its  
14          trust resources, including—

15                   (i) marine sanctuaries, monuments,  
16                   and other protected areas; and

17                   (ii) marine mammals, fish, corals, sea  
18                   turtles, and other protected species, and ef-  
19                   forts to rehabilitate these species.

20                   (3) REPORT.—Upon completion of the review,  
21          the Under Secretary shall submit to the Congress a  
22          report on the review, including the findings and rec-  
23          ommendations.

24                   (b) OIL SPILL TRAJECTORY MODELING.—The Under  
25          Secretary of Commerce for Oceans and Atmosphere shall

1 be responsible for developing and maintaining oil spill tra-  
2 jectory modeling capabilities for the United States, includ-  
3 ing taking such actions as may be required by subsections  
4 (c) through (f).

5 (c) ENVIRONMENTAL SENSITIVITY INDEX.—

6 (1) UPDATE.—Beginning not later than 180  
7 days after the date of the enactment of this Act, and  
8 not less frequently than once every 7 years there-  
9 after, the Under Secretary of Commerce for Oceans  
10 and Atmosphere shall update the environmental sen-  
11 sitivity index products of the National Oceanic and  
12 Atmospheric Administration for—

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

14 (B) each offshore area of the United  
15 States that is leased or under consideration for  
16 leasing for offshore energy production; and

17 (C) each offshore area of the United States  
18 that is under consideration for maritime trans-  
19 portation.

20 (2) EXPANDED COVERAGE.—Not later than 270  
21 days after the date of the enactment of this Act, the  
22 Under Secretary of Commerce for Oceans and At-  
23 mosphere, to the greatest extent practicable, shall  
24 create an environmental sensitivity index product for  
25 each area described in paragraph (1) for which the

1 National Oceanic and Atmospheric Administration  
2 did not have an environmental sensitivity index  
3 product on the day before the date of the enactment  
4 of this Act.

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

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

23 (e) INITIATIVE ON OIL SPILLS FROM AGING AND  
24 ABANDONED OIL INFRASTRUCTURE.—Not later than 270  
25 days after the date of the enactment of this Act, the Under



1 Secretary of Commerce for Oceans and Atmosphere shall  
2 establish an initiative—

3 (1) to determine the significance, response, fre-  
4 quency, size, potential fate, and potential effects, in-  
5 cluding those on sensitive habitats, of oil spills re-  
6 sulting from aging and abandoned oil infrastructure;  
7 and

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

10 (f) INVENTORY OF OFFSHORE ABANDONED OR  
11 SUNKEN VESSELS.—Not later than 270 days after the  
12 date of the enactment of this Act, the Under Secretary  
13 of Commerce for Oceans and Atmosphere shall—

14 (1) develop an inventory of offshore abandoned  
15 or sunken vessels in the exclusive economic zone (as  
16 established by Presidential Proclamation Numbered  
17 5030 of March 10, 1983 (16 U.S.C. 1453 note));  
18 and

19 (2) identify priorities (based on amount of oil,  
20 feasibility of oil recovery, fate and effects of oil if re-  
21 leased, and cost-benefit of preemptive action) for po-  
22 tential preemptive removal of oil or other actions  
23 that may be effective to mitigate the risk of oil spills  
24 from offshore abandoned or sunken vessels.

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

2 (a) IN GENERAL.—The Secretary of the department  
3 in which the Coast Guard is operating shall require all  
4 response plans approved by the Coast Guard under section  
5 311(j) of the Federal Water Pollution Control Act (33  
6 U.S.C. 1321(j)) to be updated not less than once every  
7 5 years.

8 (b) BEST AVAILABLE TECHNOLOGY.—Each response  
9 plan update under subsection (a) shall utilize the best  
10 commercially available technology and methods to contain  
11 and remove to the maximum extent practicable a worst  
12 case discharge (including a discharge resulting from fire  
13 or explosion), and to mitigate or prevent a substantial  
14 threat of such a discharge.

15 (c) TECHNOLOGY STANDARDS.—

16 (1) IN GENERAL.—The Secretary of the depart-  
17 ment in which the Coast Guard is operating may es-  
18 tablish requirements and guidance for utilizing the  
19 best commercially available technology and methods  
20 under subsection (b).

21 (2) REQUIREMENTS.—The best commercially  
22 available technology and methods shall be based on  
23 measurable standards and capabilities whenever  
24 practicable.

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

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

5 (a) IN GENERAL.—The Secretary of the department  
 6 in which the Coast Guard is operating shall establish a  
 7 program for the formal evaluation and validation of oil  
 8 pollution containment and removal methods and tech-  
 9 nologies.

10 (b) APPROVALS.—

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

14 (A) to be submitted to and evaluated by  
 15 the Secretary of the department in which the  
 16 Coast Guard is operating; and

17 (B) to gain validation for use in spill re-  
 18 sponses and inclusion in response plans under  
 19 section 311(j) of the Federal Water Pollution  
 20 Control Act (33 U.S.C. 1321(j)).

21 (2) PERFORMANCE CAPABILITIES.—Following  
 22 each validation under paragraph (1)(B), the Sec-  
 23 retary of the department in which the Coast Guard  
 24 is operating shall consider whether the method or  
 25 technology meets a performance capability war-

1        ranting designation of a new standard for best avail-  
 2        able technology or methods.

3        (c) TECHNOLOGY CLEARINGHOUSE.—Each tech-  
 4        nology and method validated under subsection (b)(1)(B)  
 5        shall be included in the comprehensive list of spill removal  
 6        resources maintained by the Coast Guard through the Na-  
 7        tional Response Unit.

8        (d) CONSULTATION.—The Secretary of the depart-  
 9        ment in which the Coast Guard is operating shall consult  
 10       with the Secretary of the Interior, the Under Secretary  
 11       of Commerce for Oceans and Atmosphere, the Adminis-  
 12       trator of the Environmental Protection Agency, the Sec-  
 13       retary of Transportation, and the Secretary of Energy in  
 14       carrying out this section.

15       **SEC. 204. SAFETY MANAGEMENT SYSTEM REQUIREMENTS**  
 16       **FOR MOBILE OFFSHORE DRILLING UNITS.**

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

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

22                (2) by amending subsection (b) to read as fol-  
 23        lows:

24                “(b) OTHER VESSELS.—This chapter applies to a  
 25        vessel that—

1           “(1) is a passenger vessel or small passenger  
2           vessel and is transporting more passengers than a  
3           number prescribed by the Secretary based on the  
4           number of individuals on the vessel that could be  
5           killed or injured in a marine casualty; or

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

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

9           (1) by redesignating subsection (b) as sub-  
10          section (c); and

11          (2) by inserting after subsection (a) the fol-  
12          lowing:

13          “(b) MOBILE OFFSHORE DRILLING UNITS.—The  
14          safety management system described in subsection (a) for  
15          a mobile offshore drilling unit operating in waters subject  
16          to the jurisdiction of the United States, including the ex-  
17          clusive economic zone (as established by Presidential Proc-  
18          lamation Numbered 5030 of March 10, 1983 (16 U.S.C.  
19          1453 note)), shall include processes, procedures, and poli-  
20          cies related to the safe, environmentally sound operation  
21          and maintenance of all machinery and systems of the unit  
22          that are used for the commercial industrial functions and  
23          purposes of the unit.”.

1 **SEC. 205. GULF OF MEXICO LONG-TERM MARINE ENVIRON-**  
2 **MENTAL MONITORING AND RESEARCH PRO-**  
3 **GRAM.**

4 (a) ENVIRONMENTAL MONITORING AND RESEARCH  
5 PROGRAM REQUIRED.—

6 (1) IN GENERAL.—As soon as practicable after  
7 the date of the enactment of this Act, and subject  
8 to the availability of appropriations or other sources  
9 of funding, the Secretary, acting through the Under  
10 Secretary of Commerce for Oceans and Atmosphere,  
11 shall establish and carry out a long-term marine en-  
12 vironmental monitoring and research program for  
13 the marine and coastal environment of the Gulf of  
14 Mexico to ensure that the Federal Government has  
15 independent, peer-reviewed scientific data and infor-  
16 mation to assess long-term direct and indirect im-  
17 pacts on trust resources located in the Gulf of Mex-  
18 ico and Southeast region resulting from the oil spill  
19 caused by the mobile offshore drilling unit Deep-  
20 water Horizon.

21 (2) PERIOD OF PROGRAM.—The Secretary, act-  
22 ing through the Under Secretary of Commerce for  
23 Oceans and Atmosphere, shall carry out the program  
24 under paragraph (1) during the 10-year period be-  
25 ginning on the date of commencement of the pro-  
26 gram. The Secretary may extend the period if the

1 Secretary determines that additional monitoring and  
2 research is warranted.

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

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

14 (2) The fate, transport, and persistence of oil  
15 released during the spill and spatial distribution  
16 throughout the water column, including in-situ burn  
17 residues.

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

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

24 (5) Impacts to regional, State, and local econo-  
25 mies that depend on the natural resources of the af-

1        fected region, including commercial and recreational  
2        fisheries, tourism, and other wildlife-dependent  
3        recreation.

4            (6) Such other elements that the Secretary con-  
5        siders necessary to ensure a comprehensive marine  
6        research and monitoring program to comprehend the  
7        implications to trust resources caused by the oil spill  
8        from the mobile offshore drilling unit Deepwater Ho-  
9        rizon.

10        (c) COOPERATION AND CONSULTATION.—In devel-  
11        oping the research and monitoring program under sub-  
12        section (a), the Secretary, acting through the Under Sec-  
13        retary of Commerce for Oceans and Atmosphere, shall—

14            (1) coordinate with the United States Geologi-  
15        cal Survey; and

16            (2) consult with—

17                    (A) the National Ocean Research Leader-  
18                    ship Council established under section 8932 of  
19                    title 10, United States Code;

20                    (B) such representatives from the Gulf  
21                    coast States and affected countries as the Sec-  
22                    retary considers appropriate;

23                    (C) such academic institutions and other  
24                    research organizations as the Secretary con-  
25                    siders appropriate; and



1 (D) such other experts with expertise in  
2 long-term environmental monitoring and re-  
3 search of the marine environment as the Sec-  
4 retary considers appropriate.

5 (d) AVAILABILITY OF DATA.—Upon the review and  
6 approval by the Attorney General regarding impacts on  
7 legal claims or litigation involving the United States, data  
8 and information generated through the program estab-  
9 lished under subsection (a) shall be managed and archived  
10 to ensure that it is accessible and available to the general  
11 public for their use and information.

12 (e) REPORT.—Not later than 1 year after the date  
13 of the commencement of the program under subsection  
14 (a), and biennially thereafter, the Secretary shall submit  
15 to Congress a comprehensive report—

16 (1) summarizing the activities and findings of  
17 the program; and

18 (2) detailing areas and issues requiring future  
19 monitoring and research.

20 (f) DEFINITIONS.—In this section:

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

24 (2) SECRETARY.—The term “Secretary” means  
25 the Secretary of Commerce.

1           (3) TRUST RESOURCES.—The term “trust re-  
 2           sources” means the living and non-living natural re-  
 3           sources belonging to, managed by, held in trust by,  
 4           appertaining to, or otherwise controlled by the  
 5           United States, any State, federally recognized Indian  
 6           Tribe, or a local government.

7   **SEC. 206. USE OF OIL SPILL LIABILITY TRUST FUND FOR**  
 8                           **EXPENSES OF NATIONAL OCEANIC AND AT-**  
 9                           **MOSPHERIC ADMINISTRATION.**

10          Section 1012(a)(5)(B) of the Oil Pollution Act of  
 11   1990 (33 U.S.C. 2712(a)(5)(B)) is amended by striking  
 12   “\$15,000,000” and inserting “\$25,000,000”.

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

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

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

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

2 Section 1012(a)(5)(A) of the Oil Pollution Act of  
3 1990 (33 U.S.C. 2712(a)(5)(A)) is amended—

4 (1) by striking “\$25,000,000” and inserting  
5 “\$50,000,000”; and

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

11 **TITLE III—IMPROVING MARINE**  
12 **OIL SPILL RESPONSE CAPA-**  
13 **BILITIES**

14 **SEC. 301. PROMPT PUBLICATION OF OIL SPILL INFORMA-**  
15 **TION.**

16 (a) IN GENERAL.—In any response to an oil spill in  
17 which the Commandant of the Coast Guard serves as the  
18 Federal On-Scene Coordinator leading a Unified Com-  
19 mand, the Commandant shall publish, on a publicly acces-  
20 sible website, all written Incident Action Plans prepared  
21 and approved as a part of the response to such oil spill.

22 (b) TIMELINESS AND DURATION.—The Commandant  
23 shall—

24 (1) publish each Incident Action Plan under  
25 subsection (a) promptly after such plan is approved  
26 for implementation by the Unified Command, and in

1 no event later than 12 hours into the operational pe-  
2 riod for which such plan is prepared; and

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

6 (c) REDACTION OF PERSONAL INFORMATION.—The  
7 Commandant may redact information from an Incident  
8 Action Plan published under subsection (a) to the extent  
9 necessary to comply with applicable privacy laws and other  
10 requirements regarding personal information.

11 **SEC. 302. COORDINATION OF FEDERAL, STATE, AND LOCAL**  
12 **ACTIVITIES WITH RESPECT TO OIL SPILL**  
13 **SURVEYS.**

14 (a) DEVELOPMENT OF NATIONAL PROTOCOLS FOR  
15 OIL SPILL SURVEYS.—Not later than 270 days after the  
16 date of the enactment of this Act, the Under Secretary  
17 of Commerce for Oceans and Atmosphere, in coordination  
18 with the Secretary of Homeland Security, the Adminis-  
19 trator of the Environmental Protection Agency, and the  
20 heads of such departments and agencies of State govern-  
21 ments as such Under Secretary considers appropriate,  
22 shall develop standard national protocols for oil spill re-  
23 sponse and clean up assessments to promote consistent  
24 procedures for collecting shoreline characterization data  
25 and to ensure that the format and resolution of such data

1 are consistent with the needs of coastal States. Such pro-  
2 tocols shall encourage, to the extent practicable, the use  
3 of electronic methods of data collection.

4 (b) GUIDANCE AND TOOLS FOR APPLICATION OF NA-  
5 TIONAL PROTOCOLS FOR OIL SPILL SURVEYS.—The  
6 Under Secretary of Commerce for Oceans and Atmosphere  
7 shall develop guidance and tools for oil spill responders  
8 and offer instructional courses to ensure that the standard  
9 national protocols developed under subsection (a) are used  
10 during oil spill responses in the waters subject to the juris-  
11 diction of the United States, including the exclusive eco-  
12 nomic zone (as established by Presidential Proclamation  
13 Numbered 5030 of March 10, 1983 (16 U.S.C. 1453  
14 note)).

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