

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5607

To provide for the establishment of a program to support the development, demonstration, and commercialization of innovative technologies to prevent, stop, or capture large-scale accidental discharges of oil or other hydrocarbons from offshore oil and gas drilling operations, including deepwater and ultra-deepwater operations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2010

Mr. MARKEY of Massachusetts introduced the following bill; which was referred to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, 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 provide for the establishment of a program to support the development, demonstration, and commercialization of innovative technologies to prevent, stop, or capture large-scale accidental discharges of oil or other hydrocarbons from offshore oil and gas drilling operations, including deepwater and ultra-deepwater operations, 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.**

2 This Act may be cited as the “Stop Oil Spills Act”  
3 or the “SOS Act”.

4 **SEC. 2. OFFSHORE DRILLING SAFETY TECHNOLOGY DEVELOP-**  
5 **OPMENT.**

6 (a) Subtitle J of title IX of the Energy Policy Act  
7 of 2005 (42 U.S.C. 16371–16378) is amended to read as  
8 follows:

9 **“Subtitle J—Offshore Drilling**  
10 **Safety Technology Development**

11 **“SEC. 999. INNOVATIVE OFFSHORE DRILLING SAFETY**  
12 **TECHNOLOGY PROGRAM.**

13 “(a) DEFINITIONS.—For purposes of this section:

14 “(1) ADVISORY COMMITTEE.—The term ‘Advi-  
15 sory Committee’ means the SOS Fund Technical  
16 Advisory Committee established under subsection  
17 (f).

18 “(2) AWARD.—The term ‘award’ means a  
19 grant, contract, or cooperative agreement.

20 “(3) BLOWOUT PREVENTER.—The term ‘blow-  
21 out preventer’ means a device installed on an off-  
22 shore well that uses one or more valves, rams, or  
23 preventers to control or stop any otherwise uncon-  
24 trolled flow of hydrocarbons or drilling fluids from  
25 the well.

1           “(4) DEEPWATER.—The term ‘deepwater’  
2 means a water depth that is greater than 200 but  
3 less than 1,500 meters.

4           “(5) FUND.—The term ‘Fund’ means the Safe-  
5 ty and Offshore Spills (SOS) Fund established  
6 under subsection (g).

7           “(6) REMOTELY OPERATED VEHICLE.—The  
8 term ‘remotely operated vehicle’ means a remotely  
9 controlled unmanned submersible vehicle, used to in-  
10 spect, control, or perform operations on a blowout  
11 preventer or other subsea drilling equipment.

12           “(7) SECONDARY CONTROL SYSTEM.—The term  
13 ‘secondary control system’ means a system, such as  
14 a deadman, autoshear, or acoustic switch, designed  
15 to activate blowout preventer components to shut in  
16 an offshore well in the event of an emergency event  
17 such as a loss of communication with or power to  
18 the blowout preventer.

19           “(8) ULTRA-DEEPWATER.—The term ‘ultra-  
20 deepwater’ means a water depth that is equal to or  
21 greater than 1,500 meters.

22           “(b) PROGRAM ESTABLISHMENT.—Not later than  
23 180 days after the date of enactment of this section, the  
24 Secretary, in consultation with the Secretary of Interior,  
25 shall establish a program, in accordance with the require-

1 ments of this section, to provide awards to support the  
2 development, demonstration, and commercialization of in-  
3 novative technologies to prevent, stop, or capture large-  
4 scale accidental discharges of oil or other hydrocarbons  
5 from offshore oil and gas drilling operations, including  
6 deepwater and ultra-deepwater operations.

7 “(c) FOCUS AREAS FOR AWARDS.—Awards provided  
8 under this section shall focus on new technologies or inno-  
9 vative improvements to existing technologies, including—

10 “(1) blowout preventers;

11 “(2) secondary control systems;

12 “(3) remotely operated vehicles; and

13 “(4) prefabricated systems or technologies to  
14 stop or capture a large-scale hydrocarbon discharge  
15 from an offshore well, at or near the source of such  
16 discharge, in the event of the failure of a blowout  
17 preventer.

18 “(d) PROJECT SELECTION.—The Secretary shall  
19 issue solicitations for applications for awards under this  
20 section and shall select projects for awards, on a competi-  
21 tive basis, based on—

22 “(1) potential for commercialization of the rel-  
23 evant technology;

24 “(2) potential to enhance industry’s capacity to  
25 prevent, stop, or contain a large-scale accidental dis-

1 charge of oil or other hydrocarbons from offshore  
2 drilling operations; and

3 “(3) such other factors as the Secretary may  
4 prescribe.

5 “(e) ANNUAL PLAN.—

6 “(1) IN GENERAL.—The program under this  
7 section shall be carried out pursuant to annual plans  
8 prepared by the Secretary in accordance with the re-  
9 quirements of this subsection, which shall describe  
10 the ongoing and prospective activities of the pro-  
11 gram under this section.

12 “(2) OUTSIDE BODIES.—In formulating each  
13 annual plan under this subsection, the Secretary  
14 shall—

15 “(A) solicit and take into consideration  
16 recommendations from the Advisory Committee;  
17 and

18 “(B) take into consideration the needs  
19 identified and recommendations set forth by  
20 any independent commission established by the  
21 President to investigate the Deepwater Horizon  
22 oil spill and by the Interagency Coordinating  
23 Committee on Oil Pollution Research estab-  
24 lished pursuant to section 7001 of the Oil Pol-  
25 lution Act of 1990 (33 U.S.C. 2761).

1           “(3) PUBLICATION.—Not later than November  
2           30 of 2010 and each calendar year thereafter  
3           through 2016, the Secretary shall transmit to Con-  
4           gress and publish on the Internet the annual plan  
5           for the succeeding year, together with the rec-  
6           ommendations provided by the Advisory Committee  
7           with regard to such plan.

8           “(f) TECHNICAL ADVISORY COMMITTEE.—

9           “(1) ESTABLISHMENT.—Not later than 60 days  
10          after the date of enactment of this section, the Sec-  
11          retary shall establish an independent advisory com-  
12          mittee to be known as the SOS Fund Technical Ad-  
13          visory Committee.

14          “(2) MEMBERSHIP.—The Advisory Committee  
15          shall consist of at least 9 members. Each member  
16          shall have extensive research or operational knowl-  
17          edge of safety technologies associated with offshore  
18          oil and gas exploration and production. The Sec-  
19          retary shall appoint Advisory Committee members,  
20          including a chair and vice-chair of the Advisory  
21          Committee. Terms shall be 3 years in length, except  
22          for initial terms, which may be up to 5 years in  
23          length to allow staggering. Members may be re-  
24          appointed only once for an additional 3-year term.

1           “(3) DUTIES.—The Advisory Committee shall  
2           advise the Secretary on the development and imple-  
3           mentation of programs under this section, including  
4           by reviewing and providing recommendations with  
5           regard to each annual plan under subsection (e).

6           “(4) COMPENSATION.—A member of the Advi-  
7           sory Committee shall serve without compensation  
8           but shall receive travel expenses in accordance with  
9           applicable provisions under subchapter I of chapter  
10          57 of title 5, United States Code.

11          “(g) FUNDING.—

12           “(1) FUND.—There is hereby established in the  
13          Treasury of the United States a separate fund to be  
14          known as the Safety and Offshore Spill (SOS)  
15          Fund.

16           “(2) OIL AND GAS LEASE INCOME.—For each  
17          of fiscal years 2011 through 2017, from any Federal  
18          royalties, rents, and bonuses derived from Federal  
19          onshore and offshore oil and gas leases issued under  
20          the Outer Continental Shelf Lands Act (43 U.S.C.  
21          1331 et seq.) which are deposited in the Treasury,  
22          and after distribution of any such funds as described  
23          in paragraph (3), \$50,000,000 shall be deposited  
24          into the Fund.

1           “(3) PRIOR DISTRIBUTIONS.—The distributions  
2 described in paragraph (2) are those required by  
3 law—

4           “(A) to States and to the Reclamation  
5 Fund under the Mineral Leasing Act (30  
6 U.S.C. 191(a)); and

7           “(B) to other funds receiving monies from  
8 Federal oil and gas leasing programs, includ-  
9 ing—

10           “(i) any recipients pursuant to section  
11 8(g) of the Outer Continental Shelf Lands  
12 Act (43 U.S.C. 1337(g));

13           “(ii) the Land and Water Conserva-  
14 tion Fund, pursuant to section 2(c) of the  
15 Land and Water Conservation Fund Act of  
16 1965 (16 U.S.C. 4601–5(c));

17           “(iii) the Historic Preservation Fund,  
18 pursuant to section 108 of the National  
19 Historic Preservation Act (16 U.S.C.  
20 470h); and

21           “(iv) the coastal impact assistance  
22 program established under section 31 of  
23 the Outer Continental Shelf Lands Act (43  
24 U.S.C. 1356a).



1           “(4) OBLIGATION AUTHORITY.—Monies in the  
2           Fund shall be available to the Secretary for obliga-  
3           tion, or to cover the Secretary’s costs of admin-  
4           istering the program in accordance with the limita-  
5           tion in paragraph (5), under this section without fis-  
6           cal year limitation, to remain available until ex-  
7           pended.

8           “(5) ADMINISTRATIVE COSTS.—For each of fis-  
9           cal years 2011 through 2017, the Secretary may use  
10          not more than 5 percent of the monies deposited in  
11          the Fund to cover the Secretary’s costs of admin-  
12          istering the program under this section.”.

13          (b) CONFORMING AMENDMENT.—The items relating  
14          to subtitle J of title IX in the table of contents of the  
15          Energy Policy Act of 2005 are amended to read as follows:

          “Subtitle J—Offshore Drilling Safety Technology Development  
“Sec. 999. Innovative offshore drilling safety technology program.”.

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