

Calendar No. 502111TH CONGRESS
2^D SESSION**S. 3515****[Report No. 111-242]**

To authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Federal land managed by the Department, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2010

Mrs. SHAHEEN (for herself, Mr. UDALL of Colorado, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 2, 2010

Reported by Mrs. BOXER, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Federal land managed by the Department, 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 “Department of the In-
3 terior Research and Technologies for Oil Spill Prevention
4 and Response Act of 2010”.

5 **SEC. 2. PURPOSE.**

6 The purpose of this Act is to maintain and enhance
7 the world-class research and facilities of the Department
8 of the Interior and to ensure that there is adequate knowl-
9 edge, practices, and technologies to detect, respond to,
10 contain, and clean up oil spills occurring on Federal land
11 managed by the Department of the Interior, whether on-
12 shore or on the outer Continental Shelf.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **BOARD.**—The term “Board” means the
16 Science and Technology Advisory Board established
17 under section 5(a).

18 (2) **FUND.**—The term “Fund” means the Oil
19 Spill Technology and Research Fund established by
20 section 13(a).

21 (3) **PROGRAM.**—The term “program” means
22 the program established under section 4(a).

1 **SEC. 4. AUTHORIZATION OF DEPARTMENT OF THE INTE-**
2 **RIOR OIL SPILL RESEARCH AND DEVELOP-**
3 **MENT PROGRAM.**

4 (a) **IN GENERAL.**—The Secretary shall carry out a
5 program of research, development, technology demonstra-
6 tion, and risk assessment to address issues associated with
7 the detection of, response to, and mitigation and cleanup
8 of oil spills occurring on Federal land managed by the De-
9 partment of the Interior, whether onshore or on the outer
10 Continental Shelf.

11 (b) **SPECIFIC AREAS OF FOCUS.**—The program shall
12 include research, development, demonstration, validation,
13 personnel training, and other activities relating to—

14 (1) technologies, materials, methods, and prac-
15 tices—

16 (A) to detect the release of hydrocarbons
17 from leaking exploration or production equip-
18 ment;

19 (B) to characterize the rates of flow from
20 leaking exploration and production equipment
21 in locations that are remote or difficult to ac-
22 cess;

23 (C) to protect the safety of workers ad-
24 dressing hydrocarbon releases from exploration
25 and production equipment;

1 (D) to contain, respond to, and clean up
2 oil spills, including with the use of dispersants,
3 containment vessels, booms, and skimmers, par-
4 ticularly under worst-case release scenarios;

5 (E) to contain, respond to, and clean up
6 an oil spill in extreme or harsh conditions on
7 the outer Continental Shelf; and

8 (F) for environmental assessment, restora-
9 tion, and long-term monitoring;

10 (2) fundamental scientific characterization of
11 the behavior of oil and natural gas in and on soil
12 and water, including miscibility, plume behavior,
13 emulsification, physical separation, and chemical and
14 biological degradation;

15 (3) behavior and effects of emulsified, dis-
16 persed, and submerged oil in water; and

17 (4) modeling, simulation, and prediction of oil
18 flows from releases and the trajectories of releases
19 on the surface, the subsurface, and in water.

20 **SEC. 5. SCIENCE AND TECHNOLOGY ADVISORY BOARD.**

21 (a) **IN GENERAL.**—The Secretary shall enter into ap-
22 propriate arrangements with the National Academy of
23 Sciences to establish an independent committee, to be
24 known as the “Science and Technology Advisory Board”,

1 to provide scientific and technical advice to the program;
2 including—

3 (1) the identification of knowledge gaps that
4 the program should address;

5 (2) the establishment of scientific and technical
6 priorities; and

7 (3) an annual review of the results and effec-
8 tiveness of the program, including successful tech-
9 nology development.

10 (b) **REPORTS.**—Reports and recommendations of the
11 Board shall promptly be made available to Congress and
12 the public.

13 **SEC. 6. RESEARCH AND TECHNOLOGY PLAN.**

14 (a) **IN GENERAL.**—Not later than 1 year after the
15 date of enactment of this Act, and every 2 years there-
16 after, the Secretary, in consultation with the Board, shall
17 develop and publish a research and technology plan for
18 the program.

19 (b) **CONTENTS.**—The plan under this section shall—

20 (1) identify research needs and opportunities;

21 (2) propose areas of focus for the program;

22 (3) establish program priorities, including prior-
23 ities for the research centers of excellence under sec-
24 tion 7, demonstration projects under section 8, and
25 research grants under section 9; and

1 (4) estimate—

2 (A) the extent of resources needed to con-
3 duct the program; and

4 (B) timetables for completing research
5 tasks under the program.

6 (c) PUBLICATION.—The Secretary shall timely pub-
7 lish—

8 (1) the plan under this section; and

9 (2) a review of the plan by the Board.

10 **SEC. 7. RESEARCH CENTERS OF EXCELLENCE.**

11 (a) RESPONSE TECHNOLOGIES FOR DEEPWATER,
12 ULTRA DEEPWATER, AND OTHER EXTREME ENVIRON-
13 MENT OIL SPILLS.—

14 (1) ESTABLISHMENT.—The Secretary shall es-
15 tablish at 1 or more institutions of higher education
16 a research center of excellence for the research, de-
17 velopment, and demonstration of technologies nec-
18 essary to respond to, contain, mitigate, and clean up
19 deepwater, ultra deepwater, and other extreme envi-
20 ronment oil spills.

21 (2) GRANTS.—The Secretary shall provide
22 grants to the research center of excellence estab-
23 lished under paragraph (1) to conduct and oversee
24 basic and applied research in the technologies de-
25 scribed in that paragraph.

1 (b) OIL SPILL RESPONSE AND RESTORATION.—

2 (1) ESTABLISHMENT.—The Secretary, in co-
3 ordination with the Undersecretary of Commerce for
4 Oceans and Atmosphere, shall establish at 1 or more
5 institutions of higher education a research center of
6 excellence for research and innovation in oil spill
7 fate, behavior and effects, and damage assessment
8 and restoration.

9 (2) GRANTS.—The Secretary shall provide
10 grants to the research center of excellence estab-
11 lished under paragraph (1) to conduct and oversee
12 basic and applied research in the areas described in
13 that paragraph.

14 (c) OTHER RESEARCH CENTERS OF EXCELLENCE.—
15 The Secretary may establish such other research centers
16 of excellence as the Secretary determines to be necessary
17 for the research, development, and demonstration of tech-
18 nologies necessary to carry out this Act.

19 **SEC. 8. DEMONSTRATION PROJECTS.**

20 (a) IN GENERAL.—In carrying out the program, the
21 Secretary shall conduct deepwater, ultra deepwater, and
22 other extreme environment oil spill response demonstra-
23 tion projects for the purpose of developing and dem-
24 onstrating new integrated deepwater oil spill mitigation
25 and response systems that use the information and imple-

1 ment the improved practices and technologies developed
2 from the program.

3 (b) **REQUIREMENTS.**—The mitigation and response
4 systems developed under subsection (a) shall use tech-
5 nologies and management practices for improving the re-
6 sponse capabilities to deepwater oil spills, including—

7 (1) improved oil flow monitoring and calcula-
8 tion;

9 (2) improved oil spill response capability;

10 (3) improved subsurface mitigation tech-
11 nologies;

12 (4) improved capability to track and predict the
13 flow and effects of oil discharges in both subsurface
14 and surface areas for the purposes of making oil
15 mitigation and response decisions; and

16 (5) any other activities necessary to achieve the
17 purposes of the program.

18 **SEC. 9. RESEARCH GRANTS.**

19 In carrying out the program, the Secretary may
20 award competitive grants in coordination with research
21 centers of excellence under section 7 and consistent with
22 the research and technology plan under section 6 to insti-
23 tutions of higher education or other research institu-
24 tions—

1 (1) to carry out projects that are relevant to the
2 goals and priorities of the research and technology
3 plan; and—

4 (2)(A) to advance research and development; or
5 (B) to demonstrate technologies.

6 **SEC. 10. PILOT PROGRAMS FOR FIELD TESTING TECH-**
7 **NOLOGIES.**

8 (a) **IN GENERAL.**—The Secretary, in coordination
9 with the Administrator of the Environmental Protection
10 Agency, shall conduct a pilot program to conduct field
11 tests on new oil spill response, mitigation, and cleanup
12 technologies developed under the program in the waters
13 of the United States.

14 (b) **RESULTS.**—The results of the field tests con-
15 ducted under subsection (a) shall be used—

16 (1) to refine oil spill technology research and
17 development; and

18 (2) to assist the Secretary and the Adminis-
19 trator of the Environmental Protection Agency in
20 the development of safety and environmental regula-
21 tions under this Act and other applicable laws.

22 **SEC. 11. PEER REVIEW OF PROPOSALS AND RESEARCH.**

23 (a) **IN GENERAL.**—Any award of funds under the
24 program shall be made only after the Secretary has ear-

1 ried out an impartial peer review of the scientific and tech-
2 nical merit of the proposals for the award.

3 (b) REQUIREMENTS.—The Secretary shall ensure
4 that any research conducted under the program shall be
5 peer-reviewed, transparent, and made available to the pub-
6 lic.

7 **SEC. 12. COORDINATION WITH OTHER AGENCIES.**

8 (a) IN GENERAL.—In carrying out this Act, the Sec-
9 retary shall consult and coordinate, as appropriate, with
10 other Federal agencies and programs, including the Inter-
11 agency Coordinating Committee on Oil Pollution Research
12 established under section 7001 of the Oil Pollution Act
13 of 1990 (33 U.S.C. 2761).

14 (b) RESPONSIBILITY OF THE SECRETARY.—Notwith-
15 standing any requirements to consult or coordinate, the
16 Secretary shall maintain authority, direction, and control
17 of the program.

18 **SEC. 13. OIL SPILL TECHNOLOGY AND RESEARCH FUND.**

19 (a) ESTABLISHMENT.—There is established in the
20 Treasury of the United States a revolving fund, to be
21 known as the “Oil Spill Technology and Research Fund”,
22 consisting of such amounts as are transferred to the Fund
23 under subsection (b), to be administered by the Secretary,
24 to be available without fiscal year limitation and not sub-
25 ject to appropriation, to carry out the program.

1 (b) TRANSFERS TO FUND.—From any Federal royal-
2 ties, rents, and bonuses derived from Federal onshore and
3 offshore oil and gas leases issued the Outer Continental
4 Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Mineral
5 Leasing Act (30 U.S.C. 181 et seq.) that are deposited
6 in the Treasury, and after distribution of any funds de-
7 scribed in subsection (c), there shall be transferred to the
8 Fund \$25,000,000 for each of fiscal years 2010 through
9 2020, to remain available until expended.

10 (c) PRIOR DISTRIBUTIONS.—The distributions re-
11 ferred to in subsection (b) are those required by law—

12 (1) to States and to the Reclamation Fund
13 under section 35(a) of the Mineral Leasing Act (30
14 U.S.C. 191(a)); and

15 (2) to other funds receiving amounts from Fed-
16 eral oil and gas leasing programs, including—

17 (A) any recipients pursuant to section 8(g)
18 of the Outer Continental Shelf Lands Act (43
19 U.S.C. 1337(g));

20 (B) the land and water conservation fund,
21 pursuant to section 2(e) of the Land and Water
22 Conservation Fund Act of 1965 (16 U.S.C.
23 4601-5(e));

1 (C) the Historic Preservation Fund, pursu-
2 ant to section 108 of the National Historic
3 Preservation Act (16 U.S.C. 470h); and

4 (D) the coastal impact assistance program
5 established under section 31 of the Outer Conti-
6 nental Shelf Lands Act (43 U.S.C. 1356a).

7 (d) PROHIBITION.—Amounts in the Fund may not
8 be made available for any purpose other than a purpose
9 described in subsection (a).

10 (e) ANNUAL REPORTS.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the end of each fiscal year beginning with fiscal year
13 2010, the Secretary shall submit to the Committee
14 on Appropriations of the House of Representatives,
15 the Committee on Appropriations of the Senate, the
16 Committee on Energy and Natural Resources of the
17 Senate, and the Committee on Natural Resources of
18 the House of Representatives a report on the oper-
19 ation of the Fund during the fiscal year.

20 (2) CONTENTS.—Each report shall include, for
21 the fiscal year covered by the report, the following:

22 (A) A statement of the amounts deposited
23 into the Fund.

1 ~~(B)~~ A description of the expenditures made
 2 from the Fund for the fiscal year, including the
 3 purpose of the expenditures.

4 ~~(C)~~ Recommendations for additional au-
 5 thorities to fulfill the purpose of the Fund.

6 ~~(D)~~ A statement of the balance remaining
 7 in the Fund at the end of the fiscal year.

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Federal Research and*
 10 *Technologies for Oil Spill Prevention and Response Act of*
 11 *2010”.*

12 **SEC. 2. PURPOSES.**

13 *The purposes of this Act are—*

14 *(1) to maintain and enhance the world-class re-*
 15 *search and facilities of the Federal Government; and*

16 *(2) to ensure that there are adequate knowledge,*
 17 *practices, and technologies to detect, respond to, con-*
 18 *tain, and clean up oil spills, whether onshore or on*
 19 *the outer Continental Shelf.*

20 **SEC. 3. SCIENCE AND TECHNOLOGY ADVICE AND GUID-**
 21 **ANCE.**

22 *Section 7001(b) of the Oil Pollution Act of 1990 (33*
 23 *U.S.C. 2761(b)) is amended—*

24 *(1) in the matter following paragraph (2), by*
 25 *striking “The National Institute of Standards and*

1 *Technology*” and all that follows through “*this sec-*
2 *tion.*”; and

3 (2) *by adding at the end the following:*

4 “(3) *SCIENCE AND TECHNOLOGY ADVISORY*
5 *BOARD.—*

6 “(A) *IN GENERAL.—The Chairman shall*
7 *enter into appropriate arrangements with the*
8 *National Academy of Sciences to establish an*
9 *independent committee, to be known as the*
10 *‘Science and Technology Advisory Board’, to*
11 *provide scientific and technical advice to the*
12 *Interagency Committee relating to research car-*
13 *ried out pursuant to the program established*
14 *under subsection (c), including—*

15 “(i) *the identification of knowledge*
16 *gaps that the program should address;*

17 “(ii) *the establishment of scientific and*
18 *technical priorities; and*

19 “(iii) *an annual review of the results*
20 *and effectiveness of the program, including*
21 *successful technology development.*

22 “(B) *REPORTS.—Reports and recommenda-*
23 *tions of the Board shall promptly be made avail-*
24 *able to Congress and the public.*

1 “(C) NATIONAL INSTITUTE OF STANDARDS
2 AND TECHNOLOGY.—The National Institute of
3 Standards and Technology shall provide the
4 Interagency Committee with advice and guid-
5 ance on issues relating to quality assurance and
6 standards measurements relating to activities of
7 the Interagency Committee under this section.”.

8 **SEC. 4. OIL POLLUTION RESEARCH AND DEVELOPMENT**
9 **PROGRAM.**

10 (a) *IN GENERAL.*—Section 7001(c) of the Oil Pollution
11 Act of 1990 (33 U.S.C. 2761(c)) is amended—

12 (1) in paragraph (2)—

13 (A) in subparagraph (C), by striking “and
14 bioremediation” and inserting “bioremediation,
15 containment vessels, booms, and skimmers, par-
16 ticularly under worst-case release scenarios”;

17 (B) in subparagraph (I), by striking “and”
18 at the end;

19 (C) by redesignating subparagraph (J) as
20 subparagraph (L); and

21 (D) by inserting after subparagraph (I) the
22 following:

23 “(J) research, development, and demonstra-
24 tion of new or improved technologies and systems
25 to contain, respond to, and clean up a discharge

1 *of oil in extreme or harsh conditions on the outer*
2 *Continental Shelf;*

3 “(K) *research to evaluate the relative effec-*
4 *tiveness and environmental impacts (including*
5 *human and environmental toxicity) of*
6 *dispersants; and”;*

7 (2) *by redesignating subparagraphs (3) through*
8 (7) *and (8) through (11) as paragraphs (4) through*
9 (8) *and (11) through (14), respectively;*

10 (3) *by inserting after paragraph (2) the fol-*
11 *lowing:*

12 “(3) *AUTHORIZATION OF AGENCY OIL DIS-*
13 *CHARGE RESEARCH AND DEVELOPMENT PROGRAMS.—*

14 “(A) *IN GENERAL.—The Secretary of the*
15 *Interior, in coordination with the program es-*
16 *tablished under this subsection, the Interagency*
17 *Committee, and such other agencies as the Presi-*
18 *dent may designate, shall carry out a program*
19 *of research, development, technology demonstra-*
20 *tion, and risk assessment to address issues asso-*
21 *ciated with the detection of, response to, and*
22 *mitigation and cleanup of discharges of oil oc-*
23 *curring on Federal land managed by the Depart-*
24 *ment of the Interior, whether onshore or on the*
25 *outer Continental Shelf.*

1 “(B) *SPECIFIC AREAS OF FOCUS.*—*The pro-*
2 *gram established under this paragraph shall pro-*
3 *vide for research, development, demonstration,*
4 *validation, personnel training, and other activi-*
5 *ties relating to new and improved technologies*
6 *that are effective at preventing or mitigating oil*
7 *discharges and that protect the environment, in-*
8 *cluding technologies, materials, methods, and*
9 *practices—*

10 “(i) *to detect the release of hydro-*
11 *carbons from leaking exploration or produc-*
12 *tion equipment;*

13 “(ii) *to characterize the rates of flow*
14 *from leaking exploration and production*
15 *equipment in locations that are remote or*
16 *difficult to access;*

17 “(iii) *to protect the safety of workers*
18 *addressing hydrocarbon releases from explo-*
19 *ration and production equipment;*

20 “(iv) *to control or contain the release*
21 *of hydrocarbons from a blowout or other loss*
22 *of well control; and*

23 “(v) *in coordination with the Adminis-*
24 *trator and the Secretary of Commerce, for*

1 *environmental assessment, restoration, and*
2 *long-term monitoring.”;*

3 (4) *in paragraph (5)(A)(i) (as redesignated by*
4 *paragraph (2)), by striking the period at the end and*
5 *inserting the following: “, including—*

6 *“(I) fundamental scientific char-*
7 *acterization of the behavior of oil and*
8 *natural gas in and on soil and water,*
9 *including miscibility, plume behavior,*
10 *emulsification, physical separation,*
11 *and chemical and biological degrada-*
12 *tion;*

13 *“(II) behavior and effects of*
14 *emulsified, dispersed, and submerged*
15 *oil in water; and*

16 *“(III) modeling, simulation, and*
17 *prediction of oil flows from releases*
18 *and the trajectories of releases on the*
19 *surface, the subsurface, and in water.”;*

20 (5) *in paragraph (7) (as redesignated by para-*
21 *graph (2))—*

22 (A) *by redesignating subparagraphs (A)*
23 *through (D) as clauses (i) through (iv), respec-*
24 *tively;*

1 (B) by striking “The United States Coast
2 Guard” and inserting the following:

3 “(A) *IN GENERAL.*—The United States
4 Coast Guard”; and

5 (C) by adding at the end the following:

6 “(B) *EXTREME ENVIRONMENTAL CONDITION*
7 *DEMONSTRATION PROJECTS.*—

8 “(i) *IN GENERAL.*—The Secretary of
9 the Interior, in conjunction with the heads
10 of such other agencies as the President may
11 designate, shall conduct deepwater, ultra
12 deepwater, and other extreme environment
13 oil discharge response demonstration
14 projects for the purpose of developing and
15 demonstrating new integrated deepwater oil
16 discharge mitigation and response systems
17 that use the information and implement the
18 improved practices and technologies devel-
19 oped through the program under this sub-
20 section.

21 “(ii) *REQUIREMENTS.*—The mitigation
22 and response systems developed under clause
23 (i) shall use technologies and management
24 practices for improving the response capa-

1 *bilities to deepwater oil discharges, includ-*
 2 *ing—*

3 *“(I) improved oil flow monitoring*
 4 *and calculation;*

5 *“(II) improved oil discharge re-*
 6 *sponse capability;*

7 *“(III) improved subsurface miti-*
 8 *gation technologies;*

9 *“(IV) improved capability to*
 10 *track and predict the flow and effects*
 11 *of oil discharges in both subsurface and*
 12 *surface areas for the purposes of mak-*
 13 *ing oil mitigation and response deci-*
 14 *sions; and*

15 *“(V) any other activities necessary*
 16 *to achieve the purposes of the pro-*
 17 *gram.”;*

18 *(6) by inserting after paragraph (8) (as redesign-*
 19 *ated by paragraph (2)) the following:*

20 *“(9) RESEARCH CENTERS OF EXCELLENCE.—*

21 *“(A) RESPONSE TECHNOLOGIES FOR DEEP-*
 22 *WATER, ULTRA DEEPWATER, AND OTHER EX-*
 23 *TREME ENVIRONMENT OIL DISCHARGES.—*

24 *“(i) ESTABLISHMENT.—The Secretary*
 25 *of the Interior shall establish at 1 or more*

1 *institutions of higher education a research*
2 *center of excellence for the research, develop-*
3 *ment, and demonstration of technologies*
4 *necessary to respond to, contain, mitigate,*
5 *and clean up deepwater, ultra deepwater,*
6 *and other extreme-environment discharges of*
7 *oil.*

8 “(ii) *GRANTS.—The Secretary shall*
9 *provide grants to the research center of ex-*
10 *cellence established under clause (i) to con-*
11 *duct and oversee basic and applied research*
12 *in the technologies described in that clause.*

13 “(B) *OIL DISCHARGE RESPONSE AND RES-*
14 *TORATION.—*

15 “(i) *ESTABLISHMENT.—The Undersec-*
16 *retary of Commerce for Oceans and Atmos-*
17 *phere, in coordination with the Adminis-*
18 *trator and the Secretary of the Interior,*
19 *shall establish at 1 or more institutions of*
20 *higher education a research center of excel-*
21 *lence for research and innovation in the fate*
22 *of, behavior and effects of, and damage as-*
23 *essment and restoration relating to dis-*
24 *charges of oil.*

1 “(ii) *GRANTS.*—*The Undersecretary of*
2 *Commerce for Oceans and Atmosphere shall*
3 *provide grants to the research center of ex-*
4 *cellence established under clause (i) to con-*
5 *duct and oversee basic and applied research*
6 *in the areas described in that clause.*

7 “(C) *OTHER RESEARCH CENTERS OF EX-*
8 *CELLENCE.*—*Any agency that is a member of the*
9 *Interagency Committee may establish such other*
10 *research centers of excellence as the agency deter-*
11 *mines to be necessary for the research, develop-*
12 *ment, and demonstration of technologies nec-*
13 *essary to carry out the program established*
14 *under this subsection.*

15 “(10) *PILOT PROGRAM.*—

16 “(A) *IN GENERAL.*—*The Secretary of the*
17 *Interior and the Administrator shall jointly con-*
18 *duct a pilot program to conduct field tests, in*
19 *the waters of the United States, of new oil dis-*
20 *charge response, mitigation, and cleanup tech-*
21 *nologies developed under the program established*
22 *under this subsection.*

23 “(B) *RESULTS.*—*The results of the field*
24 *tests conducted under subparagraph (A) shall be*
25 *used—*

1 “(i) to refine oil discharge technology
2 research and development; and

3 “(ii) to assist the Secretary of the Inte-
4 rior and the Administrator in the develop-
5 ment of safety and environmental regula-
6 tions under this Act and other applicable
7 laws.”;

8 (7) in paragraph (12) (as redesignated by para-
9 graph (2)), in the first sentence—

10 (A) by striking “paragraph (8)” and insert-
11 ing “paragraph (11)”; and

12 (B) by striking “paragraph (10)” and in-
13 serting “paragraph (13)”; and

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

15 “(15) RESEARCH AND TECHNOLOGY PLAN.—

16 “(A) IN GENERAL.—Not later than 1 year
17 after the date of enactment of this paragraph,
18 and every 2 years thereafter, the Chairman, in
19 consultation with the Board, shall develop and
20 publish a research and technology plan for the
21 program established under this subsection.

22 “(B) CONTENTS.—The plan under this
23 paragraph shall—

24 “(i) identify research needs and oppor-
25 tunities;

1 “(ii) propose areas of focus for the pro-
2 gram;

3 “(iii) establish program priorities, in-
4 cluding priorities for demonstration projects
5 under paragraph (7), the research centers of
6 excellence under paragraph (9), and re-
7 search funding provided under paragraphs
8 (11) and (12); and

9 “(iv) estimate—

10 “(I) the extent of resources needed
11 to conduct the program; and

12 “(II) timetables for completing re-
13 search tasks under the program.

14 “(C) PUBLICATION.—The Chairman shall
15 timely publish—

16 “(i) the plan under this paragraph;
17 and

18 “(ii) a review of the plan by the
19 Board.

20 “(16) PEER REVIEW OF PROPOSALS AND RE-
21 SEARCH.—

22 “(A) IN GENERAL.—Any provision of funds
23 under the program established under this sub-
24 section shall be made only after the agency pro-
25 viding the funding has carried out an impartial

1 *peer review of the scientific and technical merit*
2 *of the proposals for the funding.*

3 “(B) *REQUIREMENTS.*—*The agency pro-*
4 *viding funding shall ensure that any research*
5 *conducted under the program shall be peer-re-*
6 *viewed, transparent, and made available to the*
7 *public.*

8 “(17) *OIL DISCHARGE TECHNOLOGY AND RE-*
9 *SEARCH FUND.*—

10 “(A) *ESTABLISHMENT.*—*There is estab-*
11 *lished in the Treasury of the United States a re-*
12 *volving fund, to be known as the ‘Oil Spill Tech-*
13 *nology and Research Fund’ (referred to in this*
14 *paragraph as the ‘Fund’), consisting of such*
15 *amounts as are transferred to the Fund under*
16 *subparagraph (B), to be administered by the*
17 *Chairman, to be available without fiscal year*
18 *limitation and not subject to appropriation, to*
19 *carry out the program established under this*
20 *subsection.*

21 “(B) *TRANSFERS TO FUND.*—*From any*
22 *Federal royalties, rents, and bonuses derived*
23 *from Federal onshore and offshore oil and gas*
24 *leases issued the Outer Continental Shelf Lands*
25 *Act (43 U.S.C. 1331 et seq.) or the Mineral Leas-*

1 *ing Act (30 U.S.C. 181 et seq.) that are deposited*
2 *in the Treasury, and after distribution of any*
3 *funds described in subparagraph (C), there shall*
4 *be transferred to the Fund \$25,000,000 for each*
5 *of fiscal years 2010 through 2020, to remain*
6 *available until expended.*

7 “(C) *PRIOR DISTRIBUTIONS.—The distribu-*
8 *tions referred to in subparagraph (B) are those*
9 *required by law—*

10 *“(i) to States and to the Reclamation*
11 *Fund under section 35(a) of the Mineral*
12 *Leasing Act (30 U.S.C. 191(a)); and*

13 *“(ii) to other funds receiving amounts*
14 *from Federal oil and gas leasing programs,*
15 *including—*

16 *“(I) any recipients pursuant to*
17 *section 8(g) of the Outer Continental*
18 *Shelf Lands Act (43 U.S.C. 1337(g));*

19 *“(II) the land and water con-*
20 *servation fund, pursuant to section*
21 *2(c) of the Land and Water Conserva-*
22 *tion Fund Act of 1965 (16 U.S.C.*
23 *460l–5(c));*

24 *“(III) the Historic Preservation*
25 *Fund, pursuant to section 108 of the*

1 *National Historic Preservation Act (16*
2 *U.S.C. 470h); and*

3 “*(IV) the coastal impact assist-*
4 *ance program established under section*
5 *31 of the Outer Continental Shelf*
6 *Lands Act (43 U.S.C. 1356a).*

7 “*(D) PROHIBITION.—Amounts in the Fund*
8 *may not be made available for any purpose other*
9 *than a purpose described in subparagraph (A).*

10 “*(E) ANNUAL REPORTS.—*

11 “*(i) IN GENERAL.—Not later than 60*
12 *days after the end of each fiscal year begin-*
13 *ning with fiscal year 2010, the Chairman*
14 *shall submit to the Committees on Appro-*
15 *priations, Energy and Natural Resources,*
16 *and Environment and Public Works of the*
17 *Senate and the Committees on Appropria-*
18 *tions, Natural Resources, and Transpor-*
19 *tation and Infrastructure of the House of*
20 *Representatives a report on the operation of*
21 *the Fund during the fiscal year.*

22 “*(ii) CONTENTS.—Each report shall*
23 *include, for the fiscal year covered by the re-*
24 *port, the following:*

1 “(I) *A statement of the amounts*
2 *deposited in the Fund.*

3 “(II) *A description of the expendi-*
4 *tures made from the Fund for the fiscal*
5 *year, including the purpose of the ex-*
6 *penditures.*

7 “(III) *Recommendations for addi-*
8 *tional authorities to fulfill the purpose*
9 *of the Fund.*

10 “(IV) *A statement of the balance*
11 *remaining in the Fund at the end of*
12 *the fiscal year.”.*

13 (b) *CONFORMING AMENDMENTS.*—Section 7001(f) of
14 *the Oil Pollution Act of 1990 (33 U.S.C. 2761(f)) is amend-*
15 *ed—*

16 (1) *in the matter preceding paragraph (1), by*
17 *striking “(c)(8)” and inserting “(c)(11)”;*

18 (2) *in paragraph (1), by striking “(c)(4)” and*
19 *inserting “(c)(5)”;*

20 (3) *in paragraph (2), by striking “(c)(6)” and*
21 *inserting “(c)(7)”;* and

22 (4) *in the matter following paragraph (2), by*
23 *striking “(c)(8)” and inserting “(c)(11)”.*

24 (c) *TECHNICAL AMENDMENT.*—Section 7001(a)(4) of
25 *the Oil Pollution Act of 1990 (33 U.S.C. 2761(a)(4)) is*

1 *amended by inserting “of the Interagency Committee (re-*
2 *ferred to in this section as the ‘Chairman’)” before the pe-*
3 *riod at the end.*

Amend the title so as to read: “A bill to authorize and enhance Federal programs relating to research on the detection of, response to, and mitigation and cleanup of oil spills, and for other purposes.”.

Calendar No. 502

111TH CONGRESS
2^D SESSION

S. 3515

[Report No. 111-242]

A BILL

To authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Federal land managed by the Department, and for other purposes.

AUGUST 2, 2010

Reported with an amendment and an amendment to the
title