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113TH CONGRESS
1ST SESSION

S. 1483

To amend the Oil Pollution Act of 1990 to establish the Federal Oil Spill Research Committee, and to amend the Federal Water Pollution Control Act to include in a response plan certain planned and demonstrated investments in research relating to discharges of oil and to modify the dates by which a response plan must be updated.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2013

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

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A BILL

To amend the Oil Pollution Act of 1990 to establish the Federal Oil Spill Research Committee, and to amend the Federal Water Pollution Control Act to include in a response plan certain planned and demonstrated investments in research relating to discharges of oil and to modify the dates by which a response plan must be updated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Spill Technology and Research Act of 2013''.

SEC. 2. FEDERAL OIL SPILL RESEARCH COMMITTEE.

(a) IN GENERAL.—Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended to read as follows:

"SEC. 7001. FEDERAL OIL SPILL RESEARCH COMMITTEE.

"(a) ESTABLISHMENT.—There is established a committee, to be known as the 'Federal Oil Spill Research Committee' (referred to in this section as the 'Committee').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Committee shall be composed of—

"(A) at least 1 representative of the National Oceanic and Atmospheric Administration;

"(B) at least 1 representative of the United States Coast Guard;

"(C) at least 1 representative of the Environmental Protection Agency;

"(D) at least 1 representative of the Department of the Interior; and

"(E) at least 1 representative of each of such other Federal agencies as the President considers to be appropriate.

"(2) CHAIRPERSON.—The Under Secretary of Commerce for Oceans and Atmosphere (referred to in this section as the 'Under Secretary') shall des-

ignate a Chairperson from among members of the Committee who represent the National Oceanic and Atmospheric Administration.

''(3) MEETINGS.—At a minimum, the members of the Committee shall meet once each quarter.

''(c) DUTIES OF THE COMMITTEE.—

''(1) RESEARCH.—The Committee shall—

''(A) coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, institutions of higher education, research institutions, State governments, tribal governments, and other countries, as the Committee considers to be appropriate; and

''(B) foster cost-effective research mechanisms, including the cost sharing of research.

''(2) REPORTS ON CURRENT STATE OF OIL DISCHARGE PREVENTION AND RESPONSE CAPABILITIES.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Oil Spill Technology and Research Act of 2013, the Committee shall submit to Congress a report on

the state of oil discharge prevention and response capabilities that—

"(i) identifies current research programs conducted by governments, universities, and corporate entities;

"(ii) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies;

"(iii) assesses applicability and effectiveness of the prevention, response, and mitigation technologies under clause (ii) to each class of crude, bitumen crude, and diluted bitumen crude;

"(iv) establishes national research priorities and goals for oil pollution technology development relating to prevention, response, mitigation, and environmental effects;

"(v) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with the State and local governments and tribal governments;

''(vi) assesses the current state of discharge response equipment, and determines areas in need of improvement, including with respect to the quantity, age, quality, and effectiveness of equipment, or necessary technological improvements;

''(vii) evaluates—

''(I) regional Federal, State, tribal, and private vessel assets available for skim response; and

''(II) regional Federal, State, tribal, and private vessel assets available for general response needs, such as data collection, damage assessment, and oiled wildlife response;

''(viii) assesses—

''(I) the current state of real-time data available to mariners, including data on water level, currents, ice cover, ice floes, weather system tracking, weather forecasting, and other weather data;

''(II) whether a lack of timely weather information increases the risk of oil discharges; and

"(III) whether marine weather zones impact the risk of oil discharge; and

"(ix) includes such other information or recommendations as the Committee determines to be appropriate.

"(B) 5-YEAR UPDATES.—Not later than 5 years after the date of enactment of the Oil Spill Technology and Research Act of 2013, and every 5 years thereafter, the Committee shall submit to Congress a report updating the information contained in the previous report submitted under subparagraph (A).

"(d) RESEARCH AND DEVELOPMENT PROGRAM.—

"(1) IN GENERAL.—In carrying out the duties of the Committee under subsection (c)(1), the Committee shall establish a program to conduct oil pollution research and development.

"(2) PROGRAM ELEMENTS.—The program established under paragraph (1) shall provide for research, development, and demonstration of new or improved technologies and methods that are effective in preventing, detecting, responding to, mitigating, and restoring damage from oil discharges and that protect the environment, including—

''(A) high priority research areas described in the reports under subsection (c)(2);

''(B) environmental effects of acute and chronic oil discharges on coastal and marine resources, including impacts on protected areas, such as sanctuaries, and protected species;

''(C) long-term effects of major discharges and the long-term cumulative effects of smaller endemic discharges;

''(D) new technologies to detect accidental or intentional overboard discharges;

''(E) response, containment, and removal capabilities, such as improved booms, oil skimmers, and storage capacity;

''(F) oil discharge risk assessment methods, including the identification of areas of high risk and potential risk reductions for the prevention of discharges;

''(G) capabilities for predicting the environmental fate, transport, and effects of oil discharges, including prediction of the effectiveness of discharge response systems to contain and remove oil discharges, and how these prediction capabilities vary by—

''(i) marine weather zone;

''(ii) degree of available marine weather data;

''(iii) weather factors, surface and wind currents, and seasonality;

''(iv) weather zones which have ice cover, ice floes, or other ice features;

''(v) environmental factors, such as naturally occurring oil consuming bacteria;

''(vi) bathymetric features, such as islands and atolls;

''(vii) class of crude oil; and

''(viii) mixed or thinned crude, such as diluted bitumen crude;

''(H) methods to restore and rehabilitate natural resources and ecosystem functions damaged by oil discharges;

''(I) potential impacts on ecosystems, habitat, and wildlife from the additional toxicity, heavy metal concentrations, and increased corrosiveness of mixed crude, such as diluted bitumen crude;

''(J) methods to restore and rehabilitate natural resources and ecosystem services damaged by oil discharges;

''(K) research and training, in consultation with the National Response Team, to improve the ability of industry and the Federal Government to remove an oil discharge quickly and effectively;

''(L) technology and method development for oil pollution prevention, such as improved blowout preventers and emergency shutoff equipment;

''(M) oil pollution technology evaluation; and

''(N) any other priorities identified by the Committee.

''(3) IMPLEMENTATION PLAN.—

''(A) IN GENERAL.—Not later than 180 days after the date of submission of the report under subsection (c)(2)(A), the Committee shall submit to Congress a plan for the implementation of the program required by paragraph (1).

''(B) ASSESSMENT BY NATIONAL ACADEMY OF SCIENCES.—The Chairperson of the Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall enter into an arrangement with the

National Academy of Sciences under which the National Academy of Sciences shall—

"(i) provide advice and guidance in the preparation and development of the plan required by subparagraph (A); and

"(ii) assess the adequacy of the plan as submitted, and submit a report to Congress on the conclusions of the assessment.

"(e) GRANT PROGRAM IN SUPPORT OF RESEARCH AND DEVELOPMENT PROGRAM.—

"(1) IN GENERAL.—The Under Secretary shall manage a program of competitive grants to universities or other research institutions, including State universities or research institutions and tribal biologists, or groups of universities or research institutions, or partnerships between public entities, nonprofit organizations, universities or other research institutions, for the purposes of conducting the program established under subsection (d).

"(2) APPLICATIONS AND CONDITIONS.—In conducting the program, the Under Secretary—

"(A) shall establish a notification and application procedure;

"(B) may establish such conditions and require such assurances as are appropriate to en-

sure the efficiency and integrity of the grant program; and

"(C) may provide grants under the program on a matching or nonmatching basis.

"(f) ADVICE AND GUIDANCE.—

"(1) IN GENERAL.—The Committee shall accept comments and input from State and local governments, tribal governments, industry representatives, institutions of higher education, and other stakeholders in carrying out the duties of the Committee under subsection (c).

"(2) ADVISORY COUNCIL.—The Committee may establish an advisory council consisting of nongovernment experts and stakeholders for the purpose of providing guidance to the Committee on matters under this section.

"(g) FACILITATION.—The Committee may develop joint partnerships or enter into memoranda of agreement or memoranda of understanding with institutions of higher education, States, and other entities, including tribal biologists, to facilitate the program required by subsection (d).

"(h) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of the Oil Spill Technology and Research Act of 2013, and annually thereafter, the Chair-

person of the Committee shall submit to Congress a report that describes—

''(1) the activities carried out under this section during the preceding fiscal year; and

''(2) the activities that are proposed to be carried out under this section for the fiscal year during which the report is submitted.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce to carry out this section $2,000,000 for each of the fiscal years 2013 through 2016, to remain available until expended.''.

(b) TERMINATION OF AUTHORITY OF INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—The Interagency Coordinating Committee on Oil Pollution Research established under section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) (as in effect on the day before the date of enactment of this Act), and all authority of that Committee, terminate on the date of enactment of this Act.

(2) FUNDING.—Any funds made available for the Interagency Coordinating Committee on Oil Pollution Research described in paragraph (1) and remaining available as of the date of enactment of this

Act shall be transferred to and available for use by the Federal Oil Spill Research Committee (as established under section 2(a) of this Act), without further appropriation or fiscal year limitation.

SEC. 3. RESPONSE PLAN UPDATE REQUIREMENT.

Section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)) is amended—

(1) in subparagraph (D)—

(A) by amending clause (v) to read as follows:

''(v)(I) be updated at least every 5 years;

''(II) require the use of the best available technology and methods to contain and remove, to the maximum extent practicable, a worst-case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge; and

''(III) be resubmitted for approval upon each update (which shall be considered to be a significant change to the response plan) under this clause;'';

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) include planned and demonstrated investments in research relating to oil discharges, risk assessment, and development of technologies for oil discharge response and prevention.''; and

(2) by adding at the end the following:

''(J) TECHNOLOGY STANDARDS.—The Coast Guard may establish requirements and issue guidance for the use of best available technology and methods under subparagraph (D)(v), which technology and methods shall be based on performance metrics and standards, to the maximum extent practicable.''.

SEC. 4. OIL DISCHARGE TECHNOLOGY INVESTMENT.

(a) IN GENERAL.—The Secretary of the Department in which the Coast Guard is operating (referred to in this section as the ''Secretary'') shall establish a program for the formal evaluation and validation of oil pollution containment and removal methods and technologies.

(b) APPROVAL.—

(1) IN GENERAL.—The program shall establish a process for new methods and technologies to be submitted, evaluated, and gain validation for use in

responses to discharges of oil and inclusion in response plans.

(2) CONSIDERATION OF CAPABILITY.—Following each validation of a method or technology described in paragraph (1), the Secretary shall consider whether the method or technology meets a performance capability warranting designation of a new standard for best available methods or technology.

(3) LACK OF VALIDATION.—The lack of validation of a method or technology under this section shall not preclude—

(A) the use of the method or technology in response to a discharge of oil; or

(B) the inclusion of the method or technology in a response plan.

(c) TECHNOLOGY CLEARINGHOUSE.—Each method and technology validated under this section shall be included in the comprehensive list of discharge removal resources maintained through the National Response Unit of the Coast Guard.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

(1) the Secretary of the Interior;

(2) the Administrator of the National Oceanic and Atmospheric Administration;

(3) the Administrator of the Environmental Protection Agency; and

(4) the Secretary of Transportation.

SEC. 5. CONFORMING AMENDMENT.

Section 5001(c)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2731(c)(4)) is amended by striking ", as part of its responsibilities under section 7001(b)(2)".

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