

115TH CONGRESS
1ST SESSION

S. 74

To improve the ability of the National Oceanic and Atmospheric Administration, the Coast Guard, and coastal States to sustain healthy ocean and coastal ecosystems by maintaining and sustaining their capabilities relating to oil spill preparedness, prevention, response, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2017

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

A BILL

To improve the ability of the National Oceanic and Atmospheric Administration, the Coast Guard, and coastal States to sustain healthy ocean and coastal ecosystems by maintaining and sustaining their capabilities relating to oil spill preparedness, prevention, response, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING MARINE OIL SPILL PREVENTION
 CAPABILITIES

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

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

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

Sec. 104. Coast Guard inspections.

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

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

Sec. 107. Vessel as responsible party.

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

TITLE II—IMPROVING MARINE OIL SPILL PREPAREDNESS

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

Sec. 202. Coast Guard response plan requirements.

Sec. 203. Oil spill technology evaluation.

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

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

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

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

Sec. 208. Coast Guard research and development.

TITLE III—IMPROVING MARINE OIL SPILL RESPONSE
 CAPABILITIES

Sec. 301. Prompt publication of oil spill information.

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

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

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

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

11 (1) in subsection (c)—

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

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

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

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

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

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

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

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

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

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

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

15 (4) in subsection (h)—

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

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

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

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

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

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

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

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

20 “(B) INITIATION OF CONSULTATION.—

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

1 “(ii) PROVISION OF INFORMATION.—

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

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

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

11 “(C) ALTERNATIVES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(e) ANNUAL GRANTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (a) DESIGNATION OF AT-RISK AREAS.—

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

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

6 (A) commercial fisheries;

7 (B) aquaculture facilities;

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

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

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

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

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

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

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

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

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

14 (4) the costs of such measures;

15 (5) the safety implications of such measures;

16 and

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

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

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

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

7 (e) OIL SHIPMENT DATA AND REPORT.—

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

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

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

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

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

21 (2) QUARTERLY REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(A) The Coast Guard.

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

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

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

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

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

10 “(G) The maritime or shipping industry.

11 “(H) The energy industry.

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

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

21 “(d) TERMS.—

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

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

3 “(2) TERMS OF VOTING MEMBERS.—

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

8 “(B) TERMS OF INITIAL APPOINTEES.—

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

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

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

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

19 “(e) GOVERNANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(f) DUTIES.—

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

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

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

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

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

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

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

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

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

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

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

4 “(1) a scientific and technical committee;

5 “(2) an environmental monitoring committee;

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

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

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

15 “(j) AGENCY COOPERATION.—

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

22 “(2) CONSULTATION.—

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

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

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

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

17 “(k) RECOMMENDATIONS OF THE COUNCIL.—

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

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

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

3 “(l) LOCATION AND COMPENSATION.—

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

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

18 “(m) FUNDING.—

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

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

1 as determined by the Secretary of the department in
2 which the Coast Guard is operating, that shall pro-
3 vide for the establishment and ongoing operation of
4 the Council, and shall be adjusted annually to reflect
5 changes in the Consumer Price Index in the Gulf
6 Coast States.

7 “(n) INDEPENDENT AUDITS; REPORTS.—

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

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

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

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

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

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

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

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

20 “(p) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) in subsection (d)(1)—

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

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

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

16 (3) in subsection (e)—

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

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

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

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

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

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

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

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

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

5 “(i) INSPECTION FEES.—

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

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

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

1 tions of outer Continental Shelf facilities (in-
2 cluding mobile offshore drilling units), admin-
3 istering and enforcing safety and health regula-
4 tions and requirements, providing comments to
5 and consulting with the Secretary as required
6 under this Act; and

7 “(B) which may vary based on differences
8 in size and complexity among classes of facili-
9 ties.

10 “(3) OCEAN COMMERCE, TRANSPORTATION,
11 AND NAVIGATION ENFORCEMENT FUND.—There is
12 established in the Treasury a fund, to be known as
13 the ‘Ocean Commerce, Transportation, and Naviga-
14 tion Enforcement Fund’ (referred to in this sub-
15 section as the ‘Fund’), into which shall be deposited
16 amounts collected by the Secretary under paragraph
17 (1) and which shall be available as provided under
18 paragraph (4).

19 “(4) AVAILABILITY OF FEES.—Notwithstanding
20 section 3302 of title 31, United States Code, all
21 amounts collected by the Secretary under this sec-
22 tion—

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

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

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

9 “(C) shall remain available until expended.

10 “(5) ANNUAL REPORTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (c) ENVIRONMENTAL SENSITIVITY INDEX.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (c) TECHNOLOGY STANDARDS.—

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

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

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

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

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

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

17 (b) APPROVALS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (2) The fate, transport, and persistence of oil
21 released during the spill and spatial distribution
22 throughout the water column, including in-situ burn
23 residues.

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

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

7 (5) Impacts to regional, State, and local econo-
8 mies that depend on the natural resources of the af-
9 fected region, including commercial and recreational
10 fisheries, tourism, and other wildlife-dependent
11 recreation.

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

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

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

24 (2) consult with—

1 (A) the National Ocean Research Leader-
2 ship Council established under section 7902 of
3 title 10, United States Code;

4 (B) such representatives from the Gulf
5 coast States and affected countries as the Sec-
6 retary considers appropriate;

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

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

14 (d) AVAILABILITY OF DATA.—Upon the review by
15 and approval of the Attorney General regarding impacts
16 on legal claims or litigation involving the United States,
17 data and information generated through the program es-
18 tablished under subsection (a) shall be managed and
19 archived to ensure that it is accessible and available to
20 the general public for their use and information.

21 (e) REPORT.—Not later than 1 year after the date
22 of the commencement of the program under subsection
23 (a), and biennially thereafter, the Secretary shall submit
24 to Congress a comprehensive report—

1 (1) summarizing the activities and findings of
2 the program; and

3 (2) detailing areas and issues requiring future
4 monitoring and research.

5 (f) DEFINITIONS.—In this section:

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

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of Commerce.

11 (3) TRUST RESOURCES.—The term “trust re-
12 sources” means the living and non-living natural re-
13 sources belonging to, managed by, held in trust by,
14 appertaining to, or otherwise controlled by the
15 United States, any State, federally recognized Indian
16 tribe, or a local government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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