

110TH CONGRESS  
1ST SESSION

# S. 1620

To provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 14, 2007

Ms. CANTWELL (for herself and Mr. KERRY) 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 provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, 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.**

4 This Act may be cited as the “Oil Pollution Preven-  
5 tion and Response Act of 2007”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

- Sec. 2. Table of contents.
- Sec. 3. Findings.
- Sec. 4. Definitions.

## TITLE I—PREVENTION OF OIL SPILLS

### Subtitle A—Coast Guard Provisions

- Sec. 101. Rulemakings.
- Sec. 102. Oil spill response capability.
- Sec. 103. Inspections by Coast Guard.
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- Sec. 109. Prevention of small oil spills.
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- Sec. 111. Oil spill advisory council.
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- Sec. 113. Cooperative State inspection authority.
- Sec. 114. Tug escorts for laden oil tankers.
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- Sec. 116. Report on the availability of technology to detect the loss of oil.

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- Sec. 151. Hydrographic surveys.
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## TITLE II—RESPONSE

- Sec. 201. Rapid response system.
- Sec. 202. Coast Guard oil spill database.
- Sec. 203. Use of oil spill liability trust fund.
- Sec. 204. Extension of financial responsibility.
- Sec. 205. Liability for use of unsafe single-hull vessels.
- Sec. 206. Response tugs.
- Sec. 207. International efforts on enforcement.
- Sec. 208. Investment of amounts in damage assessment and restoration revolving fund.

## TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

- Sec. 301. Federal Oil Spill Research Committee.
- Sec. 302. Grant project for development of cost-effective detection technologies.
- Sec. 303. Status of implementation of recommendations by the National Research Council.
- Sec. 304. GAO report.
- Sec. 305. Oil transportation infrastructure analysis.

## 1 **SEC. 3. FINDINGS.**

2       The Congress finds the following:

1           (1) Oil released into the Nation's marine waters  
2           can cause substantial, and in some cases irreparable,  
3           harm to the marine environment.

4           (2) The economic impact of oil spills is substan-  
5           tial. Billions of dollars have been spent in the United  
6           States for cleanup of, and damages due to, oil spills;  
7           while many social, cultural, economic, and environ-  
8           mental damages remain uncompensated.

9           (3) The Oil Pollution Act of 1990, enacted in  
10          response to the worst vessel oil spill in United States  
11          history, substantially reduced the amount of oil spills  
12          from vessels. However, significant volumes of oil  
13          continue to be released, and the potential for a  
14          major spill remains unacceptably high.

15          (4) Although the total number of oil spills from  
16          vessels has decreased since passage of the Oil Pollu-  
17          tion Act of 1990, more oil was spilled in 2004 from  
18          vessels nationwide than was spilled from vessels in  
19          1992.

20          (5) Waterborne transportation of oil in the  
21          United States continues to increase.

22          (6) Although the number of oil spills from tank-  
23          ers declined from 193 in 1992 to 36 in 2004, spills  
24          from oil tankers tend to be large with devastating  
25          impacts.

1           (7) While the number of oil spills from tank  
2 barges has declined since 1992 (322 spills to 141  
3 spills in 2004), the volume of oil spilled from tank  
4 barges has remained constant at approximately  
5 200,000 gallons spilled each year.

6           (8) Oil spills from non-tank vessels averaged be-  
7 tween 125,000 gallons and 400,000 gallons per year  
8 from 1992 through 2004 and accounted for over half  
9 of the total number of spills from all sources, includ-  
10 ing vessels and non-vessel sources.

11           (9) Recent spills involving significant quantities  
12 of oil have occurred off the coasts of Alaska, Maine,  
13 Massachusetts, Oregon, Virginia, and Washington,  
14 and involved barges, tank vessels, and non-tank ves-  
15 sels. The value of waterfront property, sport, com-  
16 mercial and tribal treaty fisheries, recreation, tour-  
17 ism, and threatened and endangered species con-  
18 tinue to increase.

19           (10) It is more cost-effective to prevent oil spills  
20 than it is to clean-up oil once it is released into the  
21 environment.

22           (11) Of the 20 major vessel oil spill incidents  
23 since 1990 where liability limits have been exceeded,  
24 10 involved tank barges, 8 involved non-tank vessels,

1       2 involved tankers, and only 1 involved a vessel that  
2       was double-hulled.

3           (12) Although recent technological improve-  
4       ments in oil tanker design, such as double hulls and  
5       redundant steering, increase tanker safety, these  
6       technologies are not a panacea and cannot ensure  
7       against oil spills, the leading cause of which is  
8       human error.

9           (13) The Federal Government has a responsi-  
10      bility to protect the Nation's natural resources, pub-  
11      lic health, and environment by improving Federal  
12      measures to prevent and respond to oil spills.

13          (14) Environmentally fragile coastal areas are  
14      vitally important to local economies and the way of  
15      life in coastal States and federally recognized tribal  
16      governments. These areas are particularly vulnerable  
17      to the threat of oil spills. Coastal waters contribute  
18      approximately 75 percent of all commercial shellfish  
19      and finfish catches, and over 81 percent of all rec-  
20      reational fishing catches in the United States, out-  
21      side of Alaska and Hawaii.

22          (15) The northern coast of Washington State  
23      and entrance to Puget Sound is the principal cor-  
24      ridor conveying Pacific Rim commerce into the  
25      State, to Canada's largest port, and to the United

1 States' third largest naval complex. The area con-  
2 tains a National Marine Sanctuary, a National  
3 Park, and many National Wildlife Refuges contig-  
4 uous with marine waters.

5 (16) State, local, and tribal governments have  
6 important human resources and spill response capa-  
7 bilities which can contribute to response efforts in  
8 the event of a significant oil spill. State, local, and  
9 tribal governments may have unique local knowledge  
10 of natural resources which can improve the quality  
11 of spill response. For these reasons, State, local and  
12 tribal governments need appropriate information to  
13 have knowledge of spills, as well as incidents and ac-  
14 tivities that may result in a spill, which can impact  
15 State waters.

16 **SEC. 4. DEFINITIONS.**

17 In this Act:

18 (1) AREA TO BE AVOIDED.—The term “area to  
19 be avoided” means a routing measure established by  
20 the International Maritime Organization as an area  
21 to be avoided.

22 (2) COASTAL STATE.—The term “coastal  
23 State” has the meaning given that term by section  
24 304(4) of the Coastal Zone Management Act of  
25 1972 (16 U.S.C. 1453(4)).

1           (3) COMMANDANT.—The term “Commandant”  
2 means the Commandant of the Coast Guard.

3           (4) NON-TANK VESSEL.—The term “non-tank  
4 vessel” means a self-propelled vessel other than a  
5 tank vessel.

6           (5) OIL.—The term “oil” has the meaning  
7 given that term by section 1001(23) of the Oil Pol-  
8 lution Act of 1990 (33 U.S.C. 2701(23)).

9           (6) SECRETARY.—The term “Secretary” means  
10 the Secretary of the department in which the Coast  
11 Guard is operating except where otherwise explicitly  
12 stated.

13           (7) TANK VESSEL.—The term “tank vessel”  
14 has the meaning given that term by section  
15 1001(34) of the Oil Pollution Act of 1990 (33  
16 U.S.C. 2701(34)).

17           (8) WATERS SUBJECT TO THE JURISDICTION  
18 OF THE UNITED STATES.—The term “waters sub-  
19 ject to the jurisdiction of the United States” means  
20 navigable waters (as defined in section 1001(21) of  
21 the Oil Pollution Act of 1990 (33 U.S.C. 2701(21))  
22 as well as—

23                   (A) the territorial sea of the United States  
24 as defined in Presidential Proclamation Number  
25 5928 of December 27, 1988; and

1 (B) the Exclusive Economic Zone of the  
 2 United States established by Presidential Pro-  
 3 clamation Number 5030 of March 10, 1983.

4 (9) OTHER TERMS.—The terms “facility”,  
 5 “gross ton”, “exclusive economic zone”, “incident”,  
 6 “oil”, “tank vessel”, “territorial seas”, and “vessel”  
 7 have the meaning given those terms in section 1001  
 8 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

9 **TITLE I—PREVENTION OF OIL**  
 10 **SPILLS**

11 **Subtitle A—Coast Guard**  
 12 **Provisions**

13 **SEC. 101. RULEMAKINGS.**

14 (a) STATUS REPORT.—

15 (1) IN GENERAL.—Within 90 days after the  
 16 date of enactment of this Act, the Secretary shall  
 17 provide a report to the Senate Committee on Com-  
 18 merce, Science, and Transportation and the House  
 19 of Representatives Committee on Transportation  
 20 and Infrastructure on the status of all Coast Guard  
 21 rulemakings required (but for which no final rule  
 22 has been issued as of the date of enactment of this  
 23 Act)—

24 (A) under the Oil Pollution Act of 1990  
 25 (33 U.S.C. 2701 et seq.); and

1 (B) for—

2 (i) automatic identification systems  
3 required under section 70114 of title 46,  
4 United States Code; and

5 (ii) inspection requirements for towing  
6 vessels required under section 3306(j) of  
7 that title.

8 (2) INFORMATION REQUIRED.—The Secretary  
9 shall include in the report required by paragraph  
10 (1)—

11 (A) a detailed explanation with respect to  
12 each such rulemaking as to—

13 (i) what steps have been completed;

14 (ii) what areas remain to be ad-  
15 dressed; and

16 (iii) the cause of any delays; and

17 (B) the date by which a final rule may rea-  
18 sonably be expected to be issued.

19 (b) FINAL RULES.—The Secretary shall issue a final  
20 rule in each pending rulemaking under the Oil Pollution  
21 Act of 1990 (33 U.S.C. 2701 et seq.) as soon as prac-  
22 ticable, but in no event later than 18 months after the  
23 date of enactment of this Act.

1 **SEC. 102. OIL SPILL RESPONSE CAPABILITY.**

2 (a) SAFETY STANDARDS FOR TOWING VESSELS.—In  
3 promulgating regulations for towing vessels under chapter  
4 33 of title 46, United States Code, the Secretary of the  
5 department in which the Coast Guard is operating shall—

6 (1) give priority to completing such regulations  
7 for towing operations involving tank vessels; and

8 (2) consider the possible application of stand-  
9 ards that, as of the date of enactment of this Act,  
10 apply to self-propelled tank vessels, and any modi-  
11 fications that may be necessary for application to  
12 towing vessels due to ship design, safety, and other  
13 relevant factors.

14 (b) REDUCTION OF OIL SPILL RISK IN BUZZARDS  
15 BAY.—No later than January 1, 2008, the Secretary of  
16 the department in which the Coast Guard is operating  
17 shall promulgate a final rule for Buzzards Bay, Massachu-  
18 setts, pursuant to the notice of proposed rulemaking pub-  
19 lished on March 29, 2006, (71 Fed. Reg. 15649), after  
20 taking into consideration public comments submitted pur-  
21 suant to that notice, to adopt measures to reduce the risk  
22 of oil spills in Buzzards Bay, Massachusetts.

23 (c) REPORTING.—The Secretary shall transmit an  
24 annual report to the Senate Committee on Commerce,  
25 Science, and Transportation and the House of Represent-  
26 atives Committee on Resources on the extent to which

1 tank vessels in Buzzards Bay, Massachusetts, are using  
2 routes recommended by the Coast Guard.

3 **SEC. 103. INSPECTIONS BY COAST GUARD.**

4 (a) IN GENERAL.—The Secretary shall ensure that  
5 the inspection schedule for all United States and foreign-  
6 flag tank vessels that enter a United States port or place  
7 increases the frequency and comprehensiveness of Coast  
8 Guard safety inspections based on such factors as vessel  
9 age, hull configuration, past violations of any applicable  
10 discharge and safety regulations under United States and  
11 international law, indications that the class societies in-  
12 specting such vessels may be substandard, and other fac-  
13 tors relevant to the potential risk of an oil spill.

14 (b) ENHANCED VERIFICATION OF STRUCTURAL CON-  
15 DITION.—The Coast Guard shall adopt, as part of its in-  
16 spection requirements for tank vessels, additional proce-  
17 dures for enhancing the verification of the reported struc-  
18 tural condition of such vessels, taking into account the  
19 Condition Assessment Scheme adopted by the Inter-  
20 national Maritime Organization by Resolution 94(46) on  
21 April 27, 2001.

22 **SEC. 104. OIL TRANSFERS FROM VESSELS.**

23 (a) REGULATIONS.—Within 1 year after the date of  
24 enactment of this Act, the Secretary shall promulgate reg-  
25 ulations to reduce the risks of oil spills in operations in-

1 volving the transfer of oil from or to a tank vessel. The  
2 regulations—

3 (1) shall focus on operations that have the  
4 highest risks of discharge, including operations at  
5 night and in inclement weather; and

6 (2) shall consider—

7 (A) requirements for use of equipment,  
8 such as putting booms in place for transfers;

9 (B) operational procedures such as man-  
10 ning standards, communications protocols, and  
11 restrictions on operations in high-risk areas; or

12 (C) both such requirements and oper-  
13 ational procedures.

14 (b) APPLICATION WITH STATE LAWS.—The regula-  
15 tions promulgated under subsection (a) do not preclude  
16 the enforcement of any State law or regulation the re-  
17 quirements of which are at least as stringent as require-  
18 ments under the regulations (as determined by the Sec-  
19 retary) that—

20 (1) applies in State waters;

21 (2) does not conflict with, or interfere with the  
22 enforcement of, requirements and operational proce-  
23 dures under the regulations; and

24 (3) has been enacted or promulgated before the  
25 date of enactment of this Act.

1 **SEC. 105. IMPROVEMENTS TO REDUCE HUMAN ERROR AND**  
2 **NEAR-MISS INCIDENTS.**

3 (a) REPORT.—Within 1 year after the date of enact-  
4 ment of this Act, the Secretary shall transmit a report  
5 to the Senate Committee on Commerce, Science, and  
6 Transportation, the Senate Committee on Environment  
7 and Public Works, and the House of Representatives Com-  
8 mittee on Transportation and Infrastructure that, using  
9 available data—

10 (1) identifies the types of human errors that,  
11 combined, account for over 50 percent of all oil spills  
12 involving vessels that have been caused by human  
13 error in the past 10 years;

14 (2) identifies the most frequent types of near-  
15 miss oil spill incidents involving vessels such as colli-  
16 sions, groundings, and loss of propulsion in the past  
17 10 years;

18 (3) describes the extent to which there are gaps  
19 in the data with respect to the information required  
20 under paragraphs (1) and (2) and explains the rea-  
21 son for those gaps; and

22 (4) includes recommendations by the Secretary  
23 to address the identified types of errors and inci-  
24 dents and to address any such gaps in the data.

25 (b) MEASURES.—Based on the findings contained in  
26 the report required by subsection (a), the Secretary shall

1 take appropriate action, both domestically and at the  
2 International Maritime Organization, to reduce the risk  
3 of oil spills from human errors.

4 **SEC. 106. NAVIGATIONAL MEASURES FOR PROTECTION OF**  
5 **NATURAL RESOURCES.**

6 (a) DESIGNATION OF AT-RISK AREAS.—The Sec-  
7 retary and the Under Secretary of Commerce for Oceans  
8 and Atmosphere shall jointly identify areas where routing  
9 or other navigational measures are warranted in waters  
10 subject to the jurisdiction of the United States to reduce  
11 the risk of oil spills and potential damage to natural re-  
12 sources. In identifying those areas, the Secretary and the  
13 Under Secretary shall give priority consideration to nat-  
14 ural resources of particular ecological importance or eco-  
15 nomic importance, including commercial fisheries, aqua-  
16 culture facilities, marine sanctuaries designated by the  
17 Secretary of Commerce pursuant to the National Marine  
18 Sanctuaries Act (16 U.S.C. 1431 et seq.), estuaries of na-  
19 tional significance designated under section 319 of the  
20 Federal Water Pollution Control Act (33 U.S.C. 1330),  
21 critical habitats (as defined in section 3(5) of the Endan-  
22 gered Species Act of 1973 (16 U.S.C. 1532(5)), estuarine  
23 research reserves within the National Estuarine Research  
24 Reserve System established by section 315 of the Coastal  
25 Zone Management Act of 1972, and national parks and

1 national seashores administered by the National Park  
2 Service under the National Park Service Organic Act (16  
3 U.S.C. 1 et seq.).

4 (b) FACTORS CONSIDERED.—In determining whether  
5 navigational measures are warranted, the Secretary and  
6 the Under Secretary shall consider, at a minimum—

7 (1) the frequency of transits of vessels required  
8 to prepare a response plan under section 311(j) of  
9 the Federal Water Pollution Control Act (33 U.S.C.  
10 1321(j));

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

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

15 (4) the costs of such measures;

16 (5) the safety implications of such measures;

17 and

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

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

24 (d) ESTABLISHMENT OF AVOIDANCE AREAS.—To the  
25 extent that the Secretary and the Under Secretary con-

1 clude that the establishment of areas to be avoided is war-  
2 ranted under this section, they shall seek to establish such  
3 areas through the International Maritime Organization or  
4 establish comparable areas pursuant to regulations and in  
5 a manner that is consistent with international law.

6 (e) OIL SHIPMENT DATA AND REPORT.—

7 (1) DATA COLLECTION.—The Secretary,  
8 through the Commandant and in consultation with  
9 the Army Corps of Engineers, shall analyze data on  
10 oil transported as cargo on vessels in the navigable  
11 waters of the United States, including information  
12 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) REPORT.—The Secretary shall transmit a  
22 report, not less frequently than quarterly, to the  
23 Senate Committee on Commerce, Science, and  
24 Transportation and the House of Representatives  
25 Committee on Energy and Commerce, on the data

1 collected and analyzed under paragraph (1) in a for-  
2 mat that does not disclose information exempted  
3 from disclosure under section 552b(e) of title 5,  
4 United States Code.

5 **SEC. 107. OLYMPIC COAST NATIONAL MARINE SANCTUARY.**

6 (a) OLYMPIC COAST NATIONAL MARINE SANCTUARY  
7 AREA TO BE AVOIDED.—The Secretary and the Under  
8 Secretary of Commerce for Oceans and Atmosphere shall  
9 revise the area to be avoided off the coast of the State  
10 of Washington so that restrictions apply to all vessels re-  
11 quired to prepare a response plan under section 311(j) of  
12 the Federal Water Pollution Control Act (33 U.S.C.  
13 1321(j)) (other than fishing or research vessels while en-  
14 gaged in fishing or research within the area to be avoided).

15 (b) EMERGENCY OIL SPILL DRILL.—

16 (1) IN GENERAL.—In cooperation with the Sec-  
17 retary, the Under Secretary of Commerce for Oceans  
18 and Atmosphere shall conduct a Safe Seas oil spill  
19 drill in the Olympic Coast National Marine Sanc-  
20 tuary in fiscal year 2008. The Secretary and the  
21 Under Secretary of Commerce for Oceans and At-  
22 mosphere jointly shall coordinate with other Federal  
23 agencies, State, local, and tribal governmental enti-  
24 ties, and other appropriate entities, in conducting  
25 this drill.

1           (2) OTHER REQUIRED DRILLS.—Nothing in  
2 this subsection supersedes any Coast Guard require-  
3 ment for conducting emergency oil spill drills in the  
4 Olympic Coast National Marine Sanctuary. The Sec-  
5 retary shall consider conducting regular field exer-  
6 cises, such as National Preparedness for Response  
7 Exercise Program (PREP) in other national marine  
8 sanctuaries as well as areas identified in section  
9 106(a) of this bill.

10           (3) AUTHORIZATION OF APPROPRIATIONS.—  
11 There are authorized to be appropriated to the  
12 Under Secretary of Commerce for Oceans and At-  
13 mosphere for fiscal year 2008 \$700,000 to carry out  
14 this subsection.

15 **SEC. 108. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.**  
16

17           (a) IN GENERAL.—Within 30 days after the date of  
18 enactment of this Act, notwithstanding subchapter 5 of  
19 title 5, United States Code, the Commandant shall modify  
20 the definition of the term “higher volume port area” in  
21 section 155.1020 of the Coast Guard regulations (33  
22 C.F.R. 155.1020) by striking “Port Angeles, WA” in  
23 paragraph (13) of that section and inserting “Cape Flat-  
24 tery, WA” without initiating a rulemaking proceeding.

1 (b) EMERGENCY RESPONSE PLAN REVIEWS.—With-  
2 in 5 years after the date of enactment of this Act, the  
3 Coast Guard shall complete its review of any changes to  
4 emergency response plans pursuant to the Federal Water  
5 Pollution Control Act (33 U.S.C. 1251 et seq.) resulting  
6 from the modification of the higher volume port area defi-  
7 nition required by subsection (a).

8 **SEC. 109. PREVENTION OF SMALL OIL SPILLS.**

9 (a) IN GENERAL.—The Under Secretary of Com-  
10 merce for Oceans and Atmosphere, in consultation with  
11 other appropriate agencies, shall establish an oil spill pre-  
12 vention and education program for small vessels. The pro-  
13 gram shall provide for assessment, outreach, and training  
14 and voluntary compliance activities to prevent and improve  
15 the effective response to oil spills from vessels and facili-  
16 ties not required to prepare a vessel response plan under  
17 the Federal Water Pollution Control Act, including rec-  
18 reational vessels, commercial fishing vessels, marinas, and  
19 aquaculture facilities. The Under Secretary may provide  
20 grants to sea grant colleges and institutes designated  
21 under section 207 of the National Sea Grant College Pro-  
22 gram Act (33 U.S.C. 1126) and to State agencies, tribal  
23 governments, and other appropriate entities to carry out—  
24 (1) regional assessments to quantify the source,  
25 incidence and volume of small oil spills, focusing ini-

1 tially on regions in the country where, in the past  
2 10 years, the incidence of such spills is estimated to  
3 be the highest;

4 (2) voluntary, incentive-based clean marina pro-  
5 grams that encourage marina operators, recreational  
6 boaters and small commercial vessel operators to en-  
7 gage in environmentally sound operating and main-  
8 tenance procedures and best management practices  
9 to prevent or reduce pollution from oil spills and  
10 other sources;

11 (3) cooperative oil spill prevention education  
12 programs that promote public understanding of the  
13 impacts of spilled oil and provide useful information  
14 and techniques to minimize pollution including meth-  
15 ods to remove oil and reduce oil contamination of  
16 bilge water, prevent accidental spills during mainte-  
17 nance and refueling and properly cleanup and dis-  
18 pose of oil and hazardous substances; and

19 (4) support for programs, including outreach  
20 and education to address derelict vessels and the  
21 threat of such vessels sinking and discharging oil  
22 and other hazardous substances, including outreach  
23 and education to involve efforts to the owners of  
24 such vessels.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Under Secretary  
3 of Commerce for Oceans and Atmosphere to carry out this  
4 section, \$10,000,000 annually for each of fiscal years  
5 2008 through 2012.

6 **SEC. 110. IMPROVED COORDINATION WITH TRIBAL GOV-**  
7 **ERNMENTS.**

8 (a) IN GENERAL.—Within 6 months after the date  
9 of enactment of this Act, the Secretary shall complete the  
10 development of a tribal consultation policy, which recog-  
11 nizes and protects to the maximum extent practicable trib-  
12 al treaty rights and trust assets in order to improve the  
13 Coast Guard’s consultation and coordination with the trib-  
14 al governments of federally recognized Indian tribes with  
15 respect to oil spill prevention, preparedness, response and  
16 natural resource damage assessment.

17 (b) NATIONAL PLANNING.—The Secretary shall as-  
18 sist tribal governments to participate in the development  
19 and capacity to implement the National Contingency Plan  
20 and local Area Contingency Plans to the extent they affect  
21 tribal lands, cultural and natural resources. The Secretary  
22 shall ensure that in regions where oil spills are likely to  
23 have an impact on natural or cultural resources owned or  
24 utilized by a federally recognized Indian tribe, the Coast  
25 Guard will—

1           (1) ensure that representatives of the tribal  
2           government of the potentially affected tribes are in-  
3           cluded as part of the regional response team co-  
4           chaired by the Coast Guard and the Environmental  
5           Protection Agency to establish policies for respond-  
6           ing to oil spills; and

7           (2) provide training of tribal incident com-  
8           manders and spill responders.

9           (c) INCLUSION OF TRIBAL GOVERNMENT.—The Sec-  
10          retary shall ensure that, as soon as practicable after iden-  
11          tifying an oil spill that is likely to have an impact on nat-  
12          ural or cultural resources owned or utilized by a federally  
13          recognized Indian tribe, the Coast Guard will—

14                (1) ensure that representatives of the tribal  
15                government of the affected tribes are included as  
16                part of the incident command system established by  
17                the Coast Guard to respond to the spill;

18                (2) share information about the oil spill with  
19                the tribal government of the affected tribe; and

20                (3) to the extent practicable, involve tribal gov-  
21                ernments in deciding how to respond to such spill.

22          (d) COOPERATIVE ARRANGEMENTS.—The Coast  
23          Guard may enter into memoranda of agreement and asso-  
24          ciated protocols with Indian tribal governments in order  
25          to establish cooperative arrangements for oil pollution pre-

1 vention, preparedness, and response. Such memoranda  
2 may be entered into prior to the development of the tribal  
3 consultation and coordination policy to provide Indian  
4 tribes grant and contract assistance and may include  
5 training for preparedness and response and provisions on  
6 coordination in the event of a spill. As part of these memo-  
7 randa of agreement, the Secretary may carry out dem-  
8 onstration projects to assist tribal governments in building  
9 the capacity to protect tribal treaty rights and trust assets  
10 from oil spills to the maximum extent possible.

11 (e) FUNDING FOR TRIBAL PARTICIPATION.—Subject  
12 to the availability of appropriations, the Commandant of  
13 the Coast Guard shall provide assistance to participating  
14 tribal governments in order to facilitate the implementa-  
15 tion of cooperative arrangements under subsection (d) and  
16 ensure the participation of tribal governments in such ar-  
17 rangements. There are authorized to be appropriated to  
18 the Commandant \$500,000 for each of fiscal years 2008  
19 through 2012 to be used to carry out this section.

20 **SEC. 111. OIL SPILL ADVISORY COUNCIL.**

21 Section 5002(k) of the Oil Pollution Act of 1990 (33  
22 U.S.C. 2732(k)) is amended by adding at the end the fol-  
23 lowing:

24 “(4) WASHINGTON STATE PROGRAM.—

1           “(A) IN GENERAL.—For purposes of this para-  
2 graph, the oil spill advisory council established by  
3 section 90.56.120 of title 90 of the Revised Code of  
4 Washington is deemed to be an advisory council es-  
5 tablished under this section. The provisions of this  
6 section, other than this paragraph, do not apply to  
7 that oil spill advisory council.

8           “(B) FUNDING.—The owners or operators of  
9 terminal facilities or crude oil tankers operating in  
10 Washington State waters shall provide, on an annual  
11 basis, an aggregate amount of not more than  
12 \$1,000,000, as determined by the Secretary. Such  
13 amount—

14           “(i) shall be made available to the oil spill  
15 advisory council established by section  
16 90.56.120 of title 90 of the Revised Code of  
17 Washington;

18           “(ii) shall be adjusted annually by the  
19 Consumer Price Index; and

20           “(iii) may be adjusted periodically upon  
21 the mutual consent of the owners or operators  
22 of terminal facilities or crude oil tankers oper-  
23 ating in Washington State waters and the  
24 Council.”.

1 **SEC. 112. NOTIFICATION REQUIREMENTS.**

2 (a) MARINE CASUALTIES.—Section 6101 of title 46,  
3 United States Code, is amended by adding at the end the  
4 following:

5 “(j) NOTICE TO STATES AND TRIBAL GOVERN-  
6 MENTS.—Within 1 hour after receiving a report under this  
7 section, the Secretary shall forward the report to each  
8 State and federally recognized Indian tribal government  
9 that has jurisdiction concurrent with the United States or  
10 adjacent to waters in which the casualty occurred. Each  
11 State shall identify for the Secretary the agency to which  
12 such reports shall be forwarded and shall be responsible  
13 for forwarding appropriate information to local and tribal  
14 governments within its jurisdiction.”.

15 (b) STATE-REQUIRED NOTICE OF BULK OIL TRANS-  
16 FERS.—Notwithstanding any other provision of law, a  
17 coastal State may, by law, require a person to provide no-  
18 tice of 24 hours or more to the State and to the United  
19 States Coast Guard before transferring oil in bulk in an  
20 amount equivalent to 250 barrels or more to, from, or  
21 within a vessel in State waters. The Commandant may as-  
22 sist coastal States in developing appropriate methodologies  
23 for joint Federal and State notification of any such trans-  
24 fers to minimize any potential burden to vessels.

1 **SEC. 113. COOPERATIVE STATE INSPECTION AUTHORITY.**

2 (a) IN GENERAL.—The Secretary is authorized to  
3 execute a joint enforcement agreement with the Governor  
4 of a coastal state that meets the requirements of sub-  
5 section (b) under which—

6 (1) State law enforcement officers with marine  
7 law enforcement responsibilities may be authorized  
8 to perform duties of the Secretary relating to law  
9 enforcement provisions under this title or any other  
10 marine resource law enforced by the Secretary; and

11 (2) State inspectors are authorized to conduct  
12 inspections of United States and foreign-flag vessels  
13 in United States ports under the supervision of the  
14 Coast Guard and report and refer any documented  
15 deficiencies or violations to the Coast Guard for ac-  
16 tion.

17 (b) STATE QUALIFICATIONS.—To be eligible to par-  
18 ticipate in a joint enforcement agreement under subsection  
19 (a), a coastal state shall—

20 (1) submit an application to the Secretary at  
21 such time, in such form, and containing such infor-  
22 mation as the Secretary may require; and

23 (2) demonstrate to the satisfaction of the Sec-  
24 retary that—

25 (A) its State inspectors possess, or qualify  
26 for, a merchant mariner officer or engineer li-

1           cense for at least a 1600 gross-ton vessel under  
2           subchapter B of title 46, Code of Federal Regu-  
3           lations;

4                   (B) it has established support for its in-  
5           spection program to track, schedule, and mon-  
6           itor shipping traffic within its waters; and

7                   (C) it has a funding mechanism to main-  
8           tain an inspection program for at least 5 years.

9           (c) **TECHNICAL SUPPORT AND TRAINING.**—The Sec-  
10          retary may provide technical support and training for  
11          State inspectors who participate in a joint enforcement  
12          agreement under this section.

13          **SEC. 114. TUG ESCORTS FOR LADEN OIL TANKERS.**

14          Within 1 year after the date of enactment of this Act,  
15          the Secretary of State, in consultation with the Com-  
16          mandant, shall enter into negotiations with the Govern-  
17          ment of Canada to ensure that tugboat escorts are re-  
18          quired for all tank ships with a capacity over 40,000 dead-  
19          weight tons in the Strait of Juan de Fuca, Strait of Geor-  
20          gia, and in Haro Strait. The Commandant shall consult  
21          with the State of Washington and affected tribal govern-  
22          ments during negotiations with the Government of Can-  
23          ada.

1 **SEC. 115. TANK AND NON-TANK VESSEL RESPONSE PLANS.**

2       Within 1 year after the date of enactment of this Act,  
3 the Secretary shall promulgate regulations authorizing  
4 owners and operators of tank and non-tank vessel to form  
5 non-profit cooperatives for the purpose of complying with  
6 section 311(j) of the Federal Water Pollution Control Act  
7 (33 U.S.C. 1321(j)).

8 **SEC. 116. REPORT ON THE AVAILABILITY OF TECHNOLOGY**  
9                   **TO DETECT THE LOSS OF OIL.**

10       Within 1 year after the date of enactment of this Act,  
11 the Secretary shall submit a report to the Senate Com-  
12 mittee on Commerce, Science, and Transportation and the  
13 House of Representatives Committee on Energy and Com-  
14 merce on the availability, feasibility, and potential cost of  
15 technology to detect the loss of oil carried as cargo or as  
16 fuel on tank and non-tank vessels greater than 400 gross  
17 tons.

18 **Subtitle B—National Oceanic and**  
19       **Atmospheric           Administration**  
20       **Provisions**

21 **SEC. 151. HYDROGRAPHIC SURVEYS.**

22       (a) REDUCTION OF BACKLOG.—The Under Secretary  
23 of Commerce for Oceans and Atmosphere shall continue  
24 survey operations to reduce the survey backlog in naviga-  
25 tionally significant waters outlined in its National Survey

1 Plan, concentrating on areas where oil and other haz-  
2 ardous materials are transported.

3 (b) NEW SURVEYS.—By no later than January 1,  
4 2010, the Under Secretary shall complete new surveys, to-  
5 gether with necessary data processing, analysis, and dis-  
6 semination, for all areas in United States coastal areas  
7 determined by the Under Secretary to be critical areas.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to the Under Secretary  
10 for the purpose of carrying out the new surveys required  
11 by subsection (b) such sums as may be necessary for each  
12 of fiscal years 2008 through 2012.

13 **SEC. 152. ELECTRONIC NAVIGATIONAL CHARTS.**

14 (a) IN GENERAL.—By no later than September 1,  
15 2008, the Under Secretary of Commerce for Oceans and  
16 Atmosphere shall complete the electronic navigation chart  
17 suite for all coastal waters of the United States.

18 (b) PRIORITIES.—In completing the suite, the Under  
19 Secretary shall give priority to producing and maintaining  
20 the electronic navigation charts of the entrances to major  
21 ports and the coastal transportation routes for oil and haz-  
22 ardous materials, and for estuaries of national significance  
23 designated under section 319 of the Federal Water Pollu-  
24 tion Control Act (33 U.S.C. 1330).

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Under Secretary  
3 for the purpose of completing the electronic navigation  
4 chart suite \$6,200,000 for fiscal years 2008 and 2009.

## 5 **TITLE II—RESPONSE**

### 6 **SEC. 201. RAPID RESPONSE SYSTEM.**

7 The Under Secretary of Commerce for Oceans and  
8 Atmosphere shall develop and implement a rapid response  
9 system to collect and predict in situ information about oil  
10 spill behavior, trajectory and impacts, and a mechanism  
11 to provide such information rapidly to Federal, State, trib-  
12 al, and other entities involved in a response to an oil spill.

### 13 **SEC. 202. COAST GUARD OIL SPILL DATABASE.**

14 The Secretary shall modify the Coast Guard’s oil spill  
15 database as necessary to ensure that it—

16 (1) includes information on the cause of oil  
17 spills maintained in the database;

18 (2) is capable of facilitating the analysis of  
19 trends and the comparison of accidents involving oil  
20 spills; and

21 (3) makes the data available to the public.

### 22 **SEC. 203. USE OF OIL SPILL LIABILITY TRUST FUND.**

23 (a) IN GENERAL.—Section 1012(a)(5) of the Oil Pol-  
24 lution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

1           (1) by redesignating subparagraphs (B) and  
2           (C) as subparagraphs (C) and (D), respectively; and

3           (2) by inserting after subparagraph (A) the fol-  
4           lowing:

5                       “(B) not more than \$15,000,000 in each  
6           fiscal year shall be available to the Under Sec-  
7           retary of Commerce for Oceans and Atmos-  
8           phere for expenses incurred by, and activities  
9           related to, response and damage assessment ca-  
10          pabilities of the National Oceanic and Atmos-  
11          pheric Administration;”.

12          (b) **USE OF FUND IN NATIONAL EMERGENCIES.**—  
13          Notwithstanding any provision of the Oil Pollution Act of  
14          1990 (33 U.S.C. 2701 et seq.) to the contrary, no amount  
15          may be made available from the Oil Spill Liability Trust  
16          Fund established by section 9509 of the Internal Revenue  
17          Code of 1986 for claims described in section 1012(a)(4)  
18          of that Act (33 U.S.C. 2712(a)(4)) attributable to any na-  
19          tional emergency or major disaster declared by the Presi-  
20          dent under the Robert T. Stafford Disaster Relief and  
21          Emergency Assistance Act (42 U.S.C. 5121 et seq.).

22          **SEC. 204. EXTENSION OF FINANCIAL RESPONSIBILITY.**

23          Section 1016(a) of the Oil Pollution Act of 1990 (33  
24          U.S.C. 2716(a)) is amended—

1           (1) by striking “or” after the semicolon in  
2 paragraph (1);

3           (2) by inserting “or” after the semicolon in  
4 paragraph (2); and

5           (3) by inserting after paragraph (2) the fol-  
6 lowing:

7           “(3) any tank vessel over 100 gross tons (ex-  
8 cept a non-self-propelled vessel that does not carry  
9 oil as cargo) using any place subject to the jurisdic-  
10 tion of the United States;”.

11 **SEC. 205. LIABILITY FOR USE OF UNSAFE SINGLE-HULL**  
12 **VESSELS.**

13           Section 1001(32) of the Oil Pollution Act of 1990  
14 (33 U.S.C. 2702(d)) is amended by striking subparagraph  
15 (A) and inserting the following:

16           “(A) VESSELS.—In the case of a vessel—

17                   “(i) any person owning, operating, or  
18 demise chartering the vessel; and

19                   “(ii) the owner of oil being trans-  
20 ported in a tank vessel with a single hull  
21 after December 31, 2010, if the owner of  
22 the oil knew, or should have known, from  
23 publicly available information that the ves-  
24 sel had a poor safety or operational  
25 record.”.

1 **SEC. 206. RESPONSE TUGS.**

2 (a) IN GENERAL.—Paragraph (5) of section 311(j)  
3 of the Federal Water Pollution Control Act (33 U.S.C.  
4 1321(j)) is amended by adding at the end the following:

5 “(J) RESPONSE TUG.—

6 “(i) IN GENERAL.—The Secretary  
7 shall require the stationing of a year round  
8 response tug of a minimum of 70-tons  
9 bollard pull in the entry to the Strait of  
10 Juan de Fuca at Neah Bay capable of pro-  
11 viding rapid assistance and towing capa-  
12 bility to disabled vessels during severe  
13 weather conditions.

14 “(ii) SHARED RESOURCES.—The Sec-  
15 retary may authorize compliance with the  
16 response tug stationing requirement of  
17 clause (i) through joint or shared resources  
18 between or among entities to which this  
19 subsection applies.

20 “(iii) EXISTING STATE AUTHORITY  
21 NOT AFFECTED.—Nothing in this subpara-  
22 graph supersedes or interferes with any ex-  
23 isting authority of a State with respect to  
24 the stationing of rescue tugs in any area  
25 under State law or regulations.

1           “(iv) ADMINISTRATION.—In carrying  
2 out this subparagraph, the Secretary—

3           “(I) shall require the vessel re-  
4 sponse plan holders to negotiate and  
5 adopt a cost-sharing formula and a  
6 schedule for carrying out this sub-  
7 paragraph by no later than June 1,  
8 2008;

9           “(II) shall establish a cost-shar-  
10 ing formula and a schedule for car-  
11 rying out this subparagraph by no  
12 later than July 1, 2008 (without re-  
13 gard to the requirements of chapter 5  
14 of title 5, United States Code) if the  
15 vessel response plan holders fail to  
16 adopt the cost-sharing formula and  
17 schedule required by subclause (I) of  
18 this clause by June 1, 2008; and

19           “(III) shall implement clauses (i)  
20 and (ii) of this subparagraph by June  
21 1, 2008, without a rulemaking and  
22 without regard to the requirements of  
23 chapter 5 of title 5, United States  
24 Code.

1           “(v) LONG TERM TUG CAPABILI-  
2 TIES.—Within 6 months after imple-  
3 menting clauses (i) and (ii), and section  
4 110 of the Oil Pollution Prevention and  
5 Response Act of 2007, the Secretary shall  
6 execute a contract with the National Acad-  
7 emy of Sciences to conduct a study of re-  
8 gional response tug and salvage needs for  
9 Washington’s Olympic coast. In developing  
10 the scope of the study, the National Acad-  
11 emy of Sciences shall consult with Federal,  
12 State, and Tribal trustees as well as rel-  
13 evant stakeholders. The study—

14           “(I) shall define the needed capa-  
15 bilities, equipment, and facilities for a  
16 response tug in the entry to the Strait  
17 of Juan de Fuca at Neah Bay in  
18 order to optimize oil spill protection  
19 on Washington’s Olympic coast, pro-  
20 vide rescue towing services, oil spill  
21 response, and salvage and fire-fighting  
22 capabilities;

23           “(II) shall analyze the tug’s  
24 multi-mission capabilities as well as  
25 its ability to utilize cached salvage, oil

1 spill response, and oil storage equip-  
2 ment while responding to a spill or a  
3 vessel in distress and make rec-  
4 ommendations as to the placement of  
5 this equipment;

6 “(III) shall address scenarios  
7 that consider all vessel types and  
8 weather conditions and compare cur-  
9 rent Neah Bay tug capabilities, costs,  
10 and benefits with other United States  
11 industry funded response tugs, includ-  
12 ing those currently operating in Alas-  
13 ka’s Prince William Sound;

14 “(IV) shall determine whether  
15 the current level of protection af-  
16 forded by the Neah Bay response tug  
17 and associated response equipment is  
18 comparable to protection in other lo-  
19 cations where response tugs operate,  
20 including Prince William Sound, and  
21 if it is not comparable, shall make  
22 recommendations as to how capabili-  
23 ties, equipment, and facilities should  
24 be modified to achieve optimum pro-  
25 tection.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Secretary for fis-  
3 cal year 2008 such sums as necessary to carry out section  
4 311(j)(5)(J)(v) of the Federal Water Pollution Control  
5 Act (33 U.S.C. 1321(j)(5)(J)(v)).

6 **SEC. 207. INTERNATIONAL EFFORTS ON ENFORCEMENT.**

7 The Secretary, in consultation with the heads of other  
8 appropriate Federal agencies, shall ensure that the Coast  
9 Guard pursues stronger enforcement in the International  
10 Maritime Organization of agreements related to oil dis-  
11 charges, including joint enforcement operations, training,  
12 and stronger compliance mechanisms.

13 **SEC. 208. INVESTMENT OF AMOUNTS IN DAMAGE ASSESS-**  
14 **MENT AND RESTORATION REVOLVING FUND.**

15 The Secretary of the Treasury shall invest such por-  
16 tion of the damage assessment and restoration revolving  
17 fund described in title I of the Departments of Commerce,  
18 Justice, and State, the Judiciary, and Related Agencies  
19 Appropriations Act, 1991 (33 U.S.C. 2706 note) as is not,  
20 in the Secretary's judgment, required to meet current  
21 withdrawals in interest-bearing obligations of the United  
22 States in accordance with section 9602 of the Internal  
23 Revenue Code of 1986.

1           **TITLE III—RESEARCH AND**  
2           **MISCELLANEOUS REPORTS**

3   **SEC. 301. FEDERAL OIL SPILL RESEARCH COMMITTEE.**

4           (a) **ESTABLISHMENT.**—There is established a com-  
5   mittee to be known as the Federal Oil Spill Research Com-  
6   mittee.

7           (b) **MEMBERSHIP.**—The members of the Committee  
8   shall be designated by the Under Secretary of Commerce  
9   for Oceans and Atmosphere and shall include representa-  
10  tives from the National Oceanic and Atmospheric Admin-  
11  istration, the United States Coast Guard, the Environ-  
12  mental Protection Agency, and such other Federal agen-  
13  cies as the President may designate. A representative of  
14  the National Oceanic and Atmospheric Administration,  
15  designated by the Under Secretary, shall serve as Chair-  
16  man.

17          (c) **DUTIES.**—The Committee shall coordinate a com-  
18  prehensive program of oil pollution research, technology  
19  development, and demonstration among the Federal agen-  
20  cies, in cooperation and coordination with industry, uni-  
21  versities, research institutions, State governments, tribal  
22  governments, and other nations, as appropriate, and shall  
23  foster cost-effective research mechanisms, including the  
24  joint funding of research.

25          (d) **REPORTS TO CONGRESS.**—

1           (1) Not later than 180 days after the date of  
2           enactment of this Act, the Committee shall submit  
3           to Congress a report on the current state of oil spill  
4           prevention and response capabilities that—

5                   (A) identifies current research programs  
6                   conducted by governments, universities, and  
7                   corporate entities;

8                   (B) assesses the current status of knowl-  
9                   edge on oil pollution prevention, response, and  
10                  mitigation technologies;

11                  (C) establishes national research priorities  
12                  and goals for oil pollution technology develop-  
13                  ment related to prevention, response, mitiga-  
14                  tion, and environmental effects;

15                  (D) identifies regional oil pollution re-  
16                  search needs and priorities for a coordinated  
17                  program of research at the regional level devel-  
18                  oped in consultation with the State and local  
19                  governments, tribes;

20                  (E) assesses the current state of spill re-  
21                  sponse equipment, and determines areas in  
22                  need of improvement including amount, age,  
23                  quality, effectiveness, or necessary technological  
24                  improvements;

1 (F) assesses the current state of real time  
2 data available to mariners, including water  
3 level, currents and weather information and  
4 predictions, and assesses whether lack of timely  
5 information increases the risk of oil spills; and

6 (G) includes such recommendations as the  
7 Committee deems appropriate.

8 (2) QUINQUENNIAL UPDATES.—The Committee  
9 shall submit a report every fifth year after its first  
10 report under paragraph (1) updating the informa-  
11 tion contained in its previous report under this sub-  
12 section.

13 (e) ADVICE AND GUIDANCE.—The Committee shall  
14 accept comments and input from State and local govern-  
15 ments, Indian tribes, industry representatives, and other  
16 stakeholders.

17 (f) NATIONAL ACADEMY OF SCIENCE PARTICIPA-  
18 TION.—The Chairman, through the National Oceanic and  
19 Atmospheric Administration, shall contract with the Na-  
20 tional Academy of Sciences to—

21 (1) provide advice and guidance in the prepara-  
22 tion and development of the research plan; and

23 (2) assess the adequacy of the plan as sub-  
24 mitted, and submit a report to Congress on the con-  
25 clusions of such assessment.

1 (g) RESEARCH AND DEVELOPMENT PROGRAM.—

2 (1) IN GENERAL.—The Committee shall estab-  
3 lish a program for conducting oil pollution research  
4 and development. Within 180 days after submitting  
5 its report to the Congress under subsection (d), the  
6 Committee shall submit to Congress a plan for the  
7 implementation of the program.

8 (2) PROGRAM ELEMENTS.—The program estab-  
9 lished under paragraph (1) shall provide for re-  
10 search, development, and demonstration of new or  
11 improved technologies which are effective in pre-  
12 venting, detecting, or mitigating oil discharges and  
13 which protect the environment, and include—

14 (A) high priority research areas described  
15 in the report;

16 (B) environmental effects of acute and  
17 chronic oil spills;

18 (C) long-term effects of major spills and  
19 the long-term cumulative effects of smaller en-  
20 demic spills;

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

23 (E) response capabilities, such as improved  
24 booms, oil skimmers, and storage capacity;

1 (F) methods to restore and rehabilitate  
2 natural resources damaged by oil discharges;  
3 and

4 (G) research and training, in consultation  
5 with the National Response Team, to improve  
6 industry's and Government's ability to remove  
7 an oil discharge quickly and effectively.

8 (h) GRANT PROGRAM.—

9 (1) IN GENERAL.—The Under Secretary of  
10 Commerce for Oceans and Atmosphere shall manage  
11 a program of competitive grants to universities or  
12 other research institutions, or groups of universities  
13 or research institutions, for the purposes of con-  
14 ducting the program established under subsection  
15 (g).

16 (2) APPLICATIONS AND CONDITIONS.—In con-  
17 ducting the program, the Under Secretary—

18 (A) shall establish a notification and appli-  
19 cation procedure;

20 (B) may establish such conditions, and re-  
21 quire such assurances, as may be appropriate to  
22 ensure the efficiency and integrity of the grant  
23 program; and

24 (C) may make grants under the program  
25 on a matching or nonmatching basis.

1           (i) FACILITATION.—The Committee may develop  
2 memoranda of agreement or memoranda of understanding  
3 with universities, States, or other entities to facilitate the  
4 research program.

5           (j) ANNUAL REPORTS.—The chairman of the Com-  
6 mittee shall submit an annual report to Congress on the  
7 activities carried out under this section in the preceding  
8 fiscal year, and on activities proposed to be carried out  
9 under this section in the current fiscal year.

10          (k) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to the Secretary of Com-  
12 merce to carry out this section—

13               (1) \$200,000 for fiscal year 2008, to remain  
14 available until expended, for contracting with the  
15 National Academy of Sciences and other expenses  
16 associated with developing the report and research  
17 program; and

18               (2) \$2,000,000 for each of fiscal years 2008,  
19 2009, and 2010, to remain available until expended,  
20 to fund grants under subsection (h).

21          (l) COMMITTEE REPLACES EXISTING AUTHORITY.—  
22 The authority provided by this section supersedes the au-  
23 thority provided by section 7001 of the Oil Pollution Act  
24 of 1990 (33 U.S.C. 2761) for the establishment of the  
25 Interagency Committee on Oil Pollution Research under

1 subsection (a) of that section, and that Committee shall  
2 cease operations and terminate on the date of enactment  
3 of this Act.

4 **SEC. 302. GRANT PROJECT FOR DEVELOPMENT OF COST-**  
5 **EFFECTIVE DETECTION TECHNOLOGIES.**

6 (a) **IN GENERAL.**—Not later than 180 days after the  
7 date of enactment of this Act, the Commandant shall es-  
8 tablish a grant program for the development of cost-effec-  
9 tive technologies, such as infrared, pressure sensors, and  
10 remote sensing, for detecting discharges of oil from vessels  
11 as well as methods and technologies for improving detec-  
12 tion and recovery of submerged and sinking oils.

13 (b) **MATCHING REQUIREMENT.**—The Federal share  
14 of any project funded under subsection (a) may not exceed  
15 50 percent of the total cost of the project.

16 (c) **REPORT TO CONGRESS.**—Not later than 3 years  
17 after the date of enactment of this Act the Secretary shall  
18 provide a report to the Senate Committee on Commerce,  
19 Science, and Transportation, and to the House of Rep-  
20 resentatives Committee on Transportation and Infrastruc-  
21 ture on the results of the program.

22 (d) **AUTHORIZATION OF APPROPRIATIONS.**—There  
23 are authorized to be appropriated to the Commandant to  
24 carry out this section \$2,000,000 for each of fiscal years  
25 2008, 2009, and 2010, to remain available until expended.

1 (e) TRANSFER PROHIBITED.—Administration of the  
2 program established under subsection (a) may not be  
3 transferred within the Department of Homeland Security  
4 or to another department or Federal agency.

5 **SEC. 303. STATUS OF IMPLEMENTATION OF RECOMMENDA-**  
6 **TIONS BY THE NATIONAL RESEARCH COUN-**  
7 **CIL.**

8 (a) IN GENERAL.—Within 90 days after the date of  
9 enactment of this Act, the Secretary shall provide a report  
10 to the Senate Committee on Commerce, Science, and  
11 Transportation and the House of Representatives Com-  
12 mittee on Transportation and Infrastructure on whether  
13 the Coast Guard has implemented each of the rec-  
14 ommendations directed at the Coast Guard, or at the  
15 Coast Guard and other entities, in the following National  
16 Research Council reports:

17 (1) “Double-Hull Tanker Legislation, An As-  
18 sessment of the Oil Pollution Act of 1990”, dated  
19 1998.

20 (2) “Oil in the Sea III, Inputs, Fates and Ef-  
21 fects”, dated 2003.

22 (b) CONTENT.—The report shall contained a detailed  
23 explanation of the actions taken by the Coast Guard pur-  
24 suant to the National Research Council reports. If the  
25 Secretary determines that the Coast Guard has not fully

1 implemented the recommendations, the Secretary shall in-  
2 clude a detailed explanation of the reasons any such rec-  
3 ommendation has not been fully implemented, together  
4 with any recommendations the Secretary deems appro-  
5 priate for implementing any such non-implemented rec-  
6 ommendation.

7 **SEC. 304. GAO REPORT.**

8       Within 1 year after the date of enactment of this Act,  
9 the Comptroller General shall provide a written report  
10 with recommendations for reducing the risks and fre-  
11 quency of releases of oil from vessels (both intentional and  
12 accidental) to the Senate Committee on Commerce,  
13 Science, and Transportation and the House of Represent-  
14 atives Committee on Transportation and Infrastructure  
15 that includes the following:

16           (1) CONTINUING OIL RELEASES.—A summary  
17 of continuing sources of oil pollution from vessels,  
18 the major causes of such pollution, the extent to  
19 which the Coast Guard or other Federal or State en-  
20 tities regulate such sources and enforce such regula-  
21 tions, possible measures that could reduce such re-  
22 leases of oil.

23           (2) DOUBLE HULLS.—

24           (A) A description of the various types of  
25 double hulls, including designs, construction,

1 and materials, authorized by the Coast Guard  
2 for United States flag vessels, and by foreign  
3 flag vessels pursuant to international law, and  
4 any changes with respect to what is now au-  
5 thorized compared to the what was authorized  
6 in the past.

7 (B) A comparison of the potential struc-  
8 tural and design safety risks of the various  
9 types of double hulls described in subparagraph  
10 (A) that have been observed or identified by the  
11 Coast Guard, or in public documents readily  
12 available to the Coast Guard, including suscep-  
13 tibility to corrosion and other structural con-  
14 cerns, unsafe temperatures within the hulls, the  
15 build-up of gases within the hulls, ease of in-  
16 spection, and any other factors affecting reli-  
17 ability and safety.

18 (3) ALTERNATIVE DESIGNS FOR NON-TANK  
19 VESSELS.—A description of the various types of al-  
20 ternative designs for non-tank vessels to reduce risk  
21 of an oil spill, known effectiveness in reducing oil  
22 spills, and a summary of how extensively such de-  
23 signs are being used in the United States and else-  
24 where.

1           (4) RESPONSE EQUIPMENT.—An assessment of  
2           the sufficiency of oil pollution response and salvage  
3           equipment, the quality of existing equipment, new  
4           developments in the United States and elsewhere,  
5           and whether new technologies are being used in the  
6           United States.

7   **SEC. 305. OIL TRANSPORTATION INFRASTRUCTURE ANAL-**  
8                                   **YSIS.**

9           The Secretary of the Department of Homeland Secu-  
10          rity shall, in conjunction with the Secretary of Commerce,  
11          the Secretary of Transportation, the Administrator of the  
12          Environmental Protection Agency, and the heads of other  
13          appropriate Federal agencies, contract with the National  
14          Research Council to conduct an analysis of the condition  
15          and safety of all aspects of oil transportation infrastruc-  
16          ture in the United States, and provide recommendations  
17          to improve such safety, including an assessment of the  
18          adequacy of contingency and emergency plans in the event  
19          of a natural disaster or emergency.

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