

118TH CONGRESS
2D SESSION

H. R. 10490

To amend the Deepwater Port Act of 1974 to improve community outreach, public participation, and the consideration of community and environmental impacts with respect to the issuance of a license under that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2024

Mr. HUFFMAN introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To amend the Deepwater Port Act of 1974 to improve community outreach, public participation, and the consideration of community and environmental impacts with respect to the issuance of a license under that Act, 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 “Nautical Oversight,
5 Safety, and Protection of Inflammable Liquids by Law in
6 the Sea Act of 2024” or the “NO SPILLS Act of 2024”.

1 **SEC. 2. DEFINITIONS.**

2 Section 3 of the Deepwater Port Act of 1974 (33
3 U.S.C. 1502) is amended—

4 (1) in paragraph (5), in the first sentence, by
5 striking “including waters” and inserting “(includ-
6 ing waters”;

7 (2) by redesignating paragraphs (10), (11), and
8 (12) through (19) as paragraphs (13), (16), and
9 (18) through (25), respectively;

10 (3) by inserting after paragraph (9) the fol-
11 lowing:

12 “(10) ENVIRONMENT.—The term ‘environment’
13 includes—

14 “(A) water, air, and land; and

15 “(B) the interrelationship that exists
16 among and between water, air, and land and all
17 present and future generations of living beings.

18 “(11) ENVIRONMENTAL JUSTICE COMMU-
19 NITY.—The term ‘environmental justice community’
20 means a community with significant representation
21 of communities of color, low-income communities, or
22 Tribal and Indigenous communities, that experi-
23 ences, or is at risk of experiencing, higher or more
24 adverse human health or environmental effects.

25 “(12) ENVIRONMENTAL PROTECTION; PROTEC-
26 TION OF THE ENVIRONMENT.—The terms ‘environ-

1 mental protection’ and ‘protection of the environ-
2 ment’ mean wide-ranging measures to prevent or
3 mitigate negative impacts to the environment, in-
4 cluding the preservation of ocean ecosystems and the
5 mitigation of air pollutants.”;

6 (4) by inserting after paragraph (13) (as so re-
7 designated) the following:

8 “(14) IMPACTED COMMUNITY.—The term ‘im-
9 pacted community’ means—

10 “(A) residents of an adjacent coastal State
11 who may be impacted, including through eco-
12 logical harm, economic disruption, or social dis-
13 placement, by—

14 “(i) the permitting of a deepwater
15 port; or

16 “(ii) a spill, leak, or other disaster at
17 a deepwater port; and

18 “(B) workers who may be impacted, and
19 labor organizations and worker advocacy orga-
20 nizations representing workers who may be im-
21 pacted, by—

22 “(i) the permitting of a deepwater
23 port; or

24 “(ii) a spill, leak, or other disaster at
25 a deepwater port.

1 “(15) INDIAN TRIBE.—The term ‘Indian Tribe’
 2 has the meaning given the term in section 4 of the
 3 Indian Self-Determination and Education Assistance
 4 Act (25 U.S.C. 5304).”; and

5 (5) by inserting after paragraph (16) (as so re-
 6 designated) the following:

7 “(17) LOW-INCOME COMMUNITY.—The term
 8 ‘low-income community’ means a census block group
 9 in which 30 percent or more of the population are
 10 individuals with an annual household income equal
 11 to, or less than, the greater of—

12 “(A) an amount equal to 80 percent of the
 13 median income of the area in which the house-
 14 hold is located, as reported by the Department
 15 of Housing and Urban Development; and

16 “(B) 200 percent of the Federal poverty
 17 line.”.

18 **SEC. 3. CONDITIONS FOR ISSUANCE OF A LICENSE FOR**
 19 **THE OWNERSHIP, CONSTRUCTION, AND OP-**
 20 **ERATION OF A DEEPWATER PORT.**

21 (a) IN GENERAL.—Section 4(c) of the Deepwater
 22 Port Act of 1974 (33 U.S.C. 1503(c)) is amended—

23 (1) in paragraph (3), by striking “and environ-
 24 mental quality” and inserting “, protection of the

environment, and protection of environmental justice communities and impacted communities”; and

(2) in paragraph (8), by striking “State” and all that follows through “approves” and inserting “State, and the governing body of each Indian Tribe, within which there are impacted communities, approves”.

(b) LIMITS ON LIABILITY.—Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended—

(1) in paragraph (1)(C)—

(A) in clause (i)—

(i) in subclause (I), by striking “\$22,000,000” and inserting “\$70,000,000”; and

(ii) in subclause (II), by striking “\$16,000,000” and inserting “\$60,000,000”; and

(B) in clause (ii)—

(i) in subclause (I), by striking “\$6,000,000” and inserting “\$32,000,000”; and

(ii) in subclause (II), by striking “\$4,000,000” and inserting “\$26,000,000”; and

1 (2) in paragraph (2)—

2 (A) by striking “\$950” and inserting
3 “\$4,000”; and

4 (B) by striking “\$800,000” and inserting
5 “\$2,000,000”.

6 (c) FINANCIAL RESPONSIBILITY REQUIREMENTS.—

7 Section 1016(c)(1) of the Oil Pollution Act of 1990 (33
8 U.S.C. 2716(c)(1)) is amended—

9 (1) in subparagraph (B)—

10 (A) in clause (i), by striking
11 “\$35,000,000” and inserting “\$105,000,000”;
12 and

13 (B) in clause (ii), by striking
14 “\$10,000,000” and inserting “\$70,000,000”;
15 and

16 (2) in subparagraph (C), by striking
17 “\$150,000,000” and inserting “\$300,000,000”.

18 **SEC. 4. OUTREACH TO IMPACTED COMMUNITIES, PUBLIC**
19 **COMMENT, AND PUBLIC HEARINGS.**

20 Section 5(g) of the Deepwater Port Act of 1974 (33
21 U.S.C. 1504(g)) is amended—

22 (1) by striking “(g) A license” and inserting the
23 following:

24 “(g) OUTREACH, PUBLIC NOTICE, PUBLIC COM-
25 MENT, AND PUBLIC HEARINGS.—

1 “(1) IN GENERAL.—A license”;

2 (2) in paragraph (1) (as so designated)—

3 (A) in the first sentence, by striking “pub-
4 lic notice and public hearings” and inserting
5 “public notice, comment, and hearings”; and

6 (B) in the second sentence, by striking “At
7 least” and inserting the following:

8 “(2) OUTREACH.—The Secretary shall conduct
9 active and ongoing outreach to impacted commu-
10 nities, especially those that are also environmental
11 justice communities, including through representa-
12 tive civil, business, environmental, neighborhood,
13 health, education, labor, and other organizations.

14 “(3) PUBLIC NOTICE, COMMENT, AND HEAR-
15 INGS.—

16 “(A) NOTICE.—Notice of a public com-
17 ment period or public hearing shall be provided
18 through multiple communication methods acces-
19 sible to an impacted community, which may in-
20 clude—

21 “(i) electronic media;

22 “(ii) newspapers;

23 “(iii) radio;

24 “(iv) direct mailings;

25 “(v) canvassing; and

1 “(vi) other outreach methods particu-
 2 larly targeted at environmental justice
 3 communities.

4 “(B) PUBLIC COMMENT PERIODS.—All
 5 public comment periods associated with a pro-
 6 posed deepwater port project shall be 90 days
 7 or longer.

8 “(C) PUBLIC HEARINGS.—

9 “(i) NOTICE.—Notice of a public
 10 hearing shall be provided at least 30 days
 11 before the date of the hearing.

12 “(ii) REQUIREMENT.—At least”; and
 13 (3) in paragraph (3) (as so designated)—

14 (A) in subparagraph (C) (as so des-
 15 ignated)—

16 (i) in clause (ii) (as so designated), in
 17 the second sentence, by striking “Any in-
 18 terested” and inserting the following:

19 “(iii) PARTICIPATION.—Any inter-
 20 ested”;

21 (ii) in clause (iii) (as so designated),
 22 in the second sentence, by striking “After
 23 hearings in each adjacent coastal State”
 24 and inserting the following:

25 “(iv) ADJUDICATORY HEARING.—

1 “(I) IN GENERAL.—After all
 2 hearings under clause (ii)”;
 3 (iii) in clause (iv) (as so designated)—
 4 (I) in subclause (I) (as so des-
 5 ignated), in the second sentence, by
 6 striking “The record” and inserting
 7 the following:

8 “(II) USE OF RECORD.—The
 9 record”; and

10 (II) in subclause (II) (as so des-
 11 ignated), in the second sentence, by
 12 striking “Hearings held” and insert-
 13 ing the following:

14 “(v) CONSOLIDATION OF HEARINGS.—

15 “(I) INTERAGENCY CONSOLIDA-
 16 TION.—Hearings held”; and

17 (iv) in clause (v)(I) (as so designated),
 18 in the second sentence, by striking “All
 19 public” and inserting the following:

20 **SEC. 5. NATIONAL INTEREST DETERMINATION.**

21 Section 5(i)(3) of the Deepwater Port Act of 1974
 22 (33 U.S.C. 1504(i)(3)) is amended—

23 (1) by redesignating subparagraphs (C) and
 24 (D) as subparagraphs (D) and (E), respectively; and

1 (2) by inserting after subparagraph (B) the fol-
 2 lowing:

3 “(C) Public opinion and the impact of the
 4 proposed deepwater port on impacted commu-
 5 nities and, especially, environmental justice
 6 communities, as determined through public
 7 comment and hearings under subsection (g).”.

8 **SEC. 6. ENVIRONMENTAL REVIEW CRITERIA.**

9 Section 6 of the Deepwater Port Act of 1974 (33
 10 U.S.C. 1505) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (3), by inserting “recre-
 13 ation,” after “fishing,”;

14 (B) in paragraph (6)—

15 (i) by inserting “, safety,” after
 16 “health”; and

17 (ii) by striking “and” at the end;

18 (C) by redesignating paragraphs (1)
 19 through (5), (6), and (7) as subparagraphs (A)
 20 through (E), (G), and (N), respectively, and in-
 21 denting appropriately;

22 (D) by inserting after subparagraph (E)
 23 (as so redesignated) the following:

1 “(F) the effect on air quality from all ac-
2 tivities related to operation and construction of
3 the deepwater port;”;

4 (E) by inserting after subparagraph (G)
5 (as so redesignated) the following:

6 “(H) the health and climate impact on—

7 “(i) impacted communities; and

8 “(ii) environmental justice commu-
9 nities nationwide;

10 “(I) the effect on—

11 “(i) national policy goals; and

12 “(ii) the commitment of the United
13 States to transition away from fossil fuels
14 to clean renewable energy;

15 “(J) the effect on threatened and endan-
16 gered species, their critical habitat, and their
17 ability to adapt to a changing environment;

18 “(K) compliance with the National Envi-
19 ronmental Policy Act of 1969 (42 U.S.C. 4321
20 et seq.), the Endangered Species Act of 1973
21 (16 U.S.C. 1531 et seq.), the Federal Water
22 Pollution Control Act (33 U.S.C. 1251 et seq.),
23 the Clean Air Act (42 U.S.C. 7401 et seq.), and
24 the Marine Mammal Protection Act of 1972 (16
25 U.S.C. 1361 et seq.);

1 “(L) the effect of all upstream and down-
 2 stream activities on all outcomes described in
 3 subparagraphs (A) through (K);

4 “(M) the cumulative effect, on all outcomes
 5 described in subparagraphs (A) through (K), of
 6 all activities relating to the deepwater port com-
 7 bined with the cumulative effect of all activities
 8 relating to all deepwater ports proposed, under
 9 construction, or operating in the same geo-
 10 graphic region; and”;

11 (F) in the matter preceding subparagraph
 12 (A) (as so redesignated), by striking “Act. Such
 13 criteria” and inserting the following: “Act of
 14 1969 (42 U.S.C. 4321 et seq.);

15 “(2) USE OF CRITERIA.—The criteria estab-
 16 lished pursuant to paragraph (1)”;

17 (G) in the matter preceding paragraph (2)
 18 (as so designated), by striking “The Secretary”
 19 and inserting the following:

20 “(1) IN GENERAL.—The Secretary”; and
 21 (2) in subsection (b)—

22 (A) by striking “The Secretary” and in-
 23 serting the following:

24 “(1) IN GENERAL.—The Secretary”; and

25 (B) by adding at the end the following:

1 “(2) REQUIREMENT.—Not later than 1 year
 2 after the date of enactment of the NO SPILLS Act
 3 of 2024, the Secretary, in consultation with the Ad-
 4 ministrator of the Environmental Protection Agency,
 5 the Administrator of the National Oceanic and At-
 6 mospheric Administration, and any other Federal
 7 departments or agencies having jurisdiction over any
 8 aspect of the construction or operation of a deep-
 9 water port, shall update the criteria established pur-
 10 suant to subsection (a).”.

11 **SEC. 7. PROGRAMMATIC ENVIRONMENTAL IMPACT STATE-**
 12 **MENT.**

13 The Deepwater Port Act of 1974 (33 U.S.C. 1501
 14 et seq.) is amended by inserting after section 6 the fol-
 15 lowing:

16 **“SEC. 7. PROGRAMMATIC ENVIRONMENTAL IMPACT STATE-**
 17 **MENT FOR PROJECTS IN THE GULF OF MEX-**
 18 **ICO.**

19 “(a) DEFINITION OF PROGRAMMATIC ENVIRON-
 20 MENTAL IMPACT STATEMENT.—The term ‘programmatic
 21 environmental impact statement’ means an environmental
 22 impact statement (as defined in section 111 of the Na-
 23 tional Environmental Policy Act of 1969 (42 U.S.C.
 24 4336e)) that is a programmatic environmental document
 25 (as defined in that section).

1 “(b) PROGRAMMATIC EIS FOR THE GULF OF MEX-
2 ICO.—Not later than 1 year after the date of enactment
3 of the NO SPILLS Act of 2024, the Secretary shall pre-
4 pare, in accordance with the National Environmental Pol-
5 icy Act of 1969 (42 U.S.C. 4321 et seq.) and this Act,
6 a programmatic environmental impact statement to assess
7 the impacts, including with respect to climate change, of
8 all deepwater port projects in the Gulf of Mexico proposed,
9 pending, or approved on or after the date of enactment
10 of the NO SPILLS Act of 2024.

11 “(c) PROHIBITION.—Notwithstanding any other pro-
12 vision of law, beginning on the date of enactment of this
13 Act, the Secretary may not issue a license or permit for
14 a new deepwater port under this or any other Act until
15 the date on which the programmatic environmental impact
16 statement required under subsection (b) is completed.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out this section.”.

20 **SEC. 8. PROHIBITION OF LIQUEFIED NATURAL GAS RE-**
21 **SEARCH IN MARITIME ENVIRONMENTAL AND**
22 **TECHNICAL ASSISTANCE PROGRAM.**

23 Section 50307 of title 46, United States Code, is
24 amended by adding at the end the following:

1 “(f) PROHIBITION OF LIQUEFIED NATURAL GAS RE-
2 SEARCH.—No funds made available under this section
3 may be used for liquefied natural gas research.”.

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