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OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM REAUTHORIZATION ACT OF 2010

JULY 21, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GORDON of Tennessee, from the Committee on Science and Technology, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2693]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science and Technology, to whom was referred the bill (H.R. 2693) to amend title VII of the Oil Pollution Act of 1990, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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I. BILL

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Pollution Research and Development Program Reauthorization Act of 2010".

SEC. 2. FEDERAL OIL POLLUTION RESEARCH COMMITTEE.

(a) PURPOSES.—Section 7001(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(a)(2)) is amended by striking "State" and inserting "State and tribal".

(b) MEMBERSHIP.—Section 7001(a)(3) of such Act (33 U.S.C. 2761(a)(3)) is amended to read as follows:

"(3) STRUCTURE.—

"(A) MEMBERS.—The Interagency Committee shall consist of representatives from the following:

"(i) The Coast Guard.

"(ii) The Department of Commerce, including the National Oceanic and Atmospheric Administration.

"(iii) The Department of the Interior.

"(iv) The Environmental Protection Agency.

"(B) COLLABORATING AGENCIES.—The Interagency Committee shall collaborate with the following:

"(i) The National Institute of Standards and Technology.

"(ii) The Department of Energy.

"(iii) The Department of Transportation, including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration.

"(iv) The Department of Defense, including the Army Corps of Engineers and the Navy.

"(v) The Department of Homeland Security, including the United States Fire Administration in the Federal Emergency Management Agency.

"(vi) The National Aeronautics and Space Administration.

"(vii) The National Science Foundation.

"(viii) Other Federal agencies, as appropriate.".

(c) ROLE OF THE CHAIR.—Section 7001(a)(4) of such Act (33. U.S.C. 2761(a)(4)) is amended to read as follows:

"(4) CHAIR.—

"(A) IN GENERAL.—A representative of the Coast Guard shall serve as Chair.

"(B) ROLE OF CHAIR.—The primary role of the Chair shall be to ensure that—

"(i) the activities of the Interagency Committee and the agencies listed in paragraph (3)(B) are coordinated;

"(ii) the implementation plans required under subsection (b)(1) are completed and submitted;

"(iii) the annual reports required under subsection (e) are completed and submitted;

"(iv) the Interagency Committee meets in accordance with the requirements of paragraph (5); and

"(v) the Oil Pollution Research Advisory Committee under subsection (f) is established and utilized.".

(d) ACTIVITIES.—Section 7001(a) of such Act (33 U.S.C. 2761(a)) is amended by adding at the end the following:

"(5) ACTIVITIES.—

"(A) ONGOING, COORDINATED EFFORTS.—The Interagency Committee shall ensure that the research, development, and demonstration efforts authorized by this section are coordinated and conducted on an ongoing basis.

"(B) MEETINGS.—

"(i) IN GENERAL.—The Interagency Committee shall meet, or otherwise communicate, as appropriate, to—

"(I) plan program-related activities; and

"(II) determine whether the program is resulting in the development of new or improved methods and technologies to prevent, detect, respond to, contain, and mitigate oil discharge.

"(ii) FREQUENCY.—In no event shall the Interagency Committee meet less than once per year.

"(C) INFORMATION EXCHANGE.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall develop a national information clearinghouse on oil discharge that—

"(i) includes scientific information and research on preparedness, response, and restoration; and

"(ii) serves as a single electronic access and input point for Federal agencies, emergency responders, the research community, and other interested parties for such information.".

SEC. 3. OIL POLLUTION RESEARCH AND TECHNOLOGY PLAN.

(a) IMPLEMENTATION PLAN.—Section 7001(b)(1) of such Act (33 U.S.C. 2761(b)(1)) is amended—

(1) by striking "180 days after the date of enactment of this Act" and inserting "180 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010 and periodically thereafter, as appropriate, but not less than once every 5 years";

(2) by striking subparagraph (A) and inserting the following:

"(A) identify the roles and responsibilities of each member agency of the Interagency Committee under subsection (a)(3)(A) and each of the collaborating agencies under subsection (a)(3)(B);";

(3) in subparagraph (B) by inserting "containment," after "response,";

(4) in subparagraph (D) by inserting "containment," after "response,";

(5) by striking "and" at the end of subparagraph (E);

(6) in subparagraph (F)—

(A) by striking "the States" through "research needs" and inserting "State and tribal governments, regional oil pollution research needs, including natural seeps and pollution resulting from importing oil from overseas,"; and

(B) by striking the period at the end and inserting a semicolon; and

(7) by adding at the end the following new subparagraphs:

"(G) identify the information needed to conduct risk assessment and risk analysis research to effectively prevent oil discharges, including information on human factors and decisionmaking, and to protect the environment; and

"(H) identify a methodology that—

"(i) provides for the solicitation, evaluation, preapproval, funding, and utilization of technologies and research projects developed by the public and private sector in advance of future oil discharges; and

"(ii) where appropriate, ensures that such technologies are readily available for rapid testing and potential deployment and that research projects can be implemented during an incident response.".

(b) ADVICE AND GUIDANCE.—Section 7001(b)(2) of such Act (33 U.S.C. 2761(b)(2)) is amended to read as follows:

"(2) ADVICE AND GUIDANCE.—

"(A) IN GENERAL.—The Chair shall solicit advice and guidance in the development of the research plan under paragraph (1) from—

"(i) the Oil Pollution Research Advisory Committee established under subsection (f);

"(ii) the National Institute of Standards and Technology on issues relating to quality assurance and standards measurements;

"(iii) third party standard-setting organizations on issues relating to voluntary consensus standards; and

"(iv) the public in accordance with subparagraph (B).

"(B) PUBLIC COMMENT.—Prior to the submission of the research plan to Congress under paragraph (1), the research plan shall be published in the Federal Register and subject to a public comment period of 30 days. The Chair shall review the public comments received and incorporate those comments into the plan, as appropriate.".

(c) REVIEW.—Section 7001(b) of such Act (33 U.S.C. 2761(b)) is amended by adding at the end the following:

"(3) REVIEW.—After the submission of each research plan to Congress under paragraph (1), the Chair shall contract with the National Academy of Sciences—

"(A) to review the research plan;

"(B) to assess the adequacy of the research plan; and

"(C) to submit a report to Congress on the conclusions of the assessment.

"(4) INCORPORATION OF RECOMMENDATIONS.—The Chair shall address any recommendations in the review conducted under paragraph (3) and shall incorporate such recommendations into the research plan, as appropriate.".

SEC. 4. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—Section 7001(c)(1) of such Act (33 U.S.C. 2761(c)(1)) is amended by striking "research and development, as provided in this subsection" and inserting "research, development, and demonstration, as provided in this subsection and subsection (a)(2)".

(b) INNOVATIVE OIL POLLUTION TECHNOLOGY.—Section 7001(c)(2) of such Act (33 U.S.C. 2761(c)(2)) is amended—

(1) in the matter before subparagraph (A), by striking "preventing or mitigating" and inserting "preventing, detecting, containing, recovering, or mitigating";

(2) by striking subparagraph (I);

(3) by redesignating subparagraph (J) as subparagraph (I);

(4) by striking the period at the end of subparagraph (I) (as so redesignated) and by inserting at the end a semicolon; and

(5) by adding at the end the following:

"(J) technologies and methods to address oil discharge on land and in inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas;

"(K) modeling and simulation capabilities, including tools and technologies, that can be used to facilitate effective recovery and containment of oil discharge during incident response; and

"(L) research conducted by the Environmental Protection Agency on the development and approval of technologies with maximum effectiveness, including application and delivery mechanisms, and minimum toxicity to natural resources, the public, and the environment in both the near and long-term.".

(c) OIL POLLUTION TECHNOLOGY EVALUATION.—Section 7001(c)(3) of such Act (33 U.S.C. 2761(c)(3)) is amended to read as follows:

"(3) OIL POLLUTION TECHNOLOGY EVALUATION.—The program established under this subsection shall provide for the evaluation of oil pollution prevention, containment, and mitigation technologies, including—

"(A) the evaluation of the performance and effectiveness of such technologies in preventing, detecting, containing, recovering, and mitigating oil discharges;

"(B) the evaluation of the environmental effects of the use of such technologies;

"(C) the evaluation and testing of technologies developed independently of the research and development program established under this subsection, including technologies developed by small businesses;

"(D) the establishment, with the advice and guidance of the National Institute of Standards and Technology, of standards and testing protocols traceable to national standards to measure the performance of oil pollution prevention, containment, or mitigation technologies;

"(E) an evaluation of the environmental effects and utility of controlled field testing;

"(F) the use, where appropriate, of controlled field testing to evaluate real-world application of new or improved oil discharge prevention, response, containment, recovery, or mitigation technologies; and

"(G) an evaluation of the effectiveness of oil pollution prevention technologies based on probabilistic risk analyses of the system.".

(d) OIL POLLUTION EFFECTS RESEARCH.—Section 7001(c)(4) of such Act (33 U.S.C. 2761(c)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ESTABLISHMENT.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall establish a research program to monitor and scientifically

evaluate the environmental effects, including long-term effects, of oil discharge.

"(ii) SPECIFICATIONS.—Such program shall include the following elements:

"(I) Research on and the development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of an oil discharge throughout the environment, including tools and models to accurately measure and predict the flow of oil discharged.

"(II) The development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges, including in economically disadvantaged communities and areas.

"(III) The identification of types of ecologically sensitive areas at particular risk from oil discharges, such as inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas.

"(IV) The preparation of scientific monitoring and evaluation plans for the areas identified under subclause (III) to be implemented in the event of major oil discharges in such areas.

"(V) The collection of environmental baseline data in the areas identified under subclause (III) if such data are insufficient.

"(VI) The use of both onshore and offshore air quality monitoring to study the effects of oil pollution and oil pollution cleanup technologies on air quality; and making the results, health, and safety warnings readily available to the public, including emergency responders, the research community, local residents, and other interested parties.

"(VII) Research on technologies, methods, and standards for protecting removal personnel and for volunteers that may participate in incident responses, including training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures.";

(2) in subparagraph (B)—

(A) by striking "(B) The Department of Commerce" and all that follows through "future oil discharges." and inserting the following:

"(B) CONDITIONS.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall conduct research activities under subparagraph (A) for areas in which—

"(i) the amount of oil discharged exceeds 250,000 gallons; and

"(ii) a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges.";

(B) by striking "ATHOS I, and" and inserting "ATHOS I;"; and

(C) by striking the period at the end and inserting "; Prince William Sound, where oil was discharged by the EXXON VALDEZ; and the Gulf of Mexico, where oil was discharged by the DEEPWATER HORIZON."; and

(3) in subparagraph (C) by striking "Research" and inserting "COORDINATION.—Research".

(e) DEMONSTRATION PROJECTS.—Section 7001(c)(6) of such Act (33 U.S.C. 2761(c)(6)) is amended—

(1) by striking the first sentence and inserting the following: "The United States Coast Guard, in conjunction with such agencies as the President may designate, shall conduct a total of 2 port oil pollution minimization demonstration projects, 1 with the Ports of Los Angeles and Long Beach, California, and 1 with a port on the Great Lakes, for the purpose of developing and demonstrating integrated port oil pollution prevention and cleanup systems that utilize the information and implement the improved practices and technologies developed from the research, development, and demonstration program established in this section."; and

(2) in the second sentence by striking "oil spill" and inserting "oil discharge".

(f) SIMULATED ENVIRONMENTAL TESTING.—Section 7001(c)(7) of such Act (33 U.S.C. 2761(c)(7)) is amended by inserting "Oil pollution technology testing and evaluations shall be given priority over all other activities performed at such Research Center." after "evaluations.".

(g) REGIONAL RESEARCH PROGRAM.—

(1) IN GENERAL.—Section 7001(c)(8) of such Act (33 U.S.C. 2761(c)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "program of competitive grants" and inserting "program of peer-reviewed, competitive grants"; and

(ii) by striking "(1989)" and inserting "(2009)";

(B) in subparagraph (C) by striking "the entity or entities which" and inserting "at least one entity that"; and

(C) by adding at the end the following new subparagraph:

"(H) In carrying out this paragraph, the Interagency Committee shall coordinate the program of peer-reviewed, competitive grants to universities or other research institutions, including Minority Serving Institutions as defined under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), and provide consideration to such institutions in the recommendations for awarding grants.".

(2) FUNDING.—Section 7001(c)(9) of such Act (33 U.S.C. 2741(c)(9)) is amended by striking "1991" and all that follows through "shall be available" and inserting "2011, 2012, 2013, 2014, and 2015, there are authorized to be appropriated from amounts in the Fund $12,000,000".

SEC. 5. INTERNATIONAL COOPERATION.

Section 7001(d) of such Act (33 U.S.C. 2761(d)) is amended to read as follows:

"(d) INTERNATIONAL COOPERATION.—In accordance with the research plan submitted under subsection (b), the Interagency Committee shall engage in international cooperation by harnessing global expertise through collaborative partnerships with foreign governments and research entities, and domestic and foreign private actors, including nongovernmental organizations and private sector companies, and by leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to conduct collaborative oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges, oil recovery, and cleanup standards.".

SEC. 6. ANNUAL REPORTS.

Section 7001(e) of such Act (33 U.S.C. 2761(e)) is amended to read as follows:

"(e) ANNUAL REPORT.—

"(1) Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chair of the Interagency Committee shall submit to Congress a report describing the—

"(A) activities carried out under this section in the preceding fiscal year, including—

"(i) a description of major research conducted on oil discharge prevention, detection, containment, recovery, and mitigation techniques in all environments by each agency described in subsection (a)(3)(A) and (B); and

"(ii) a summary of—

"(I) projects in which the agency contributed funding or other resources;

"(II) major projects undertaken by State and tribal governments, and foreign governments; and

"(III) major projects undertaken by the private sector and educational institutions;

"(B) activities being carried out under this section in the current fiscal year, including a description of major research and development activities on oil discharge prevention, detection, containment, recovery, and mitigation technologies and techniques in all environments that each agency will conduct or contribute to; and

"(C) activities proposed to be carried out under this section in the subsequent fiscal year, including an analysis of how these activities will further the purposes of the program authorized by this section.

"(2) If the National Academy of Sciences provides recommendations on the research plan under section 7001(b)(3), the Chair shall include, in the first annual report under paragraph (1) of this subsection, a description of those recommendations incorporated into the research plan, and a description of, and explanation for, any recommendations that are not included in such plan.".

SEC. 7. ADVISORY COMMITTEE.

Section 7001 of such Act (33 U.S.C. 2761) is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of

2010, the Chair of the Interagency Committee shall establish an advisory committee to be known as the Oil Pollution Research Advisory Committee (in this subsection referred to as the 'advisory committee').

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The advisory committee shall be composed of members appointed by the Chair, in consultation with the each member agency described in subsection (a)(3), including—

"(i) individuals with extensive knowledge and research experience or operational knowledge of prevention, detection, response, containment, and mitigation of oil discharges;

"(ii) individuals broadly representative of stakeholders affected by oil discharges; and

"(iii) other individuals, as determined by the Chair.

"(B) LIMITATIONS.—The Chair shall—

"(i) appoint no more than 25 members that shall not include representatives of the Federal Government, but may include representatives from State, tribal, and local governments; and

"(ii) ensure that no class of individuals described in clause (ii) or (iii) of subparagraph (A) comprises more than ⅓ of the membership of the advisory committee.

"(C) TERMS OF SERVICE.—

"(i) IN GENERAL.—Members shall be appointed for a 3-year term and may serve for not more than 2 terms, except as provided in clause (iii).

"(ii) VACANCIES.—Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

"(iii) SPECIAL RULE.—If a member is appointed to fill a vacancy and the remainder of the unexpired term is less than 1 year, the member may subsequently be appointed for 2 full terms.

"(D) COMPENSATION AND EXPENSES.—Members of the advisory committee shall not be compensated for service on the advisory committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

"(3) DUTIES.—The advisory committee shall review, advise, and comment on Interagency Committee activities, including the following:

"(A) Management and functioning of the Interagency Committee.

"(B) Collaboration of the Interagency Committee and the agencies listed in subsection (a)(3)(B).

"(C) The research and technology development of new or improved response capabilities.

"(D) The use of cost-effective research mechanisms.

"(E) Research, computation, and modeling needs and other resources needed to develop a comprehensive program of oil pollution research.

"(4) SUBCOMMITTEES.—The advisory committee may establish subcommittees of its members.

"(5) MEETINGS.—The advisory committee shall meet at least once per year and at other times at the call of the chairperson.

"(6) REPORT.—The advisory committee shall submit biennial reports to the Interagency Committee and Congress on the function, activities, and progress of the Interagency Committee and the programs established under this section.

"(7) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.".

SEC. 8. FUNDING.

(a) IN GENERAL.—Section 7001(g) of such Act, as redesignated by section 7 of this Act, is amended to read as follows:

"(g) FUNDING.—

"(1) IN GENERAL.—There are authorized to be appropriated from amounts in the Fund not more than $48,000,000 annually to carry out this section, except for subsection (c)(8).

"(2) SPECIFIC ALLOCATIONS.—From the amounts in paragraph (1), there are authorized to be appropriated—

"(A) $16,000,000 to the Administrator of the National Oceanic and Atmospheric Administration annually to carry out this section; and

"(B) $2,000,000 for each of fiscal years 2011, 2012, 2013, and 2014 to carry out the activities in subsection (c)(6).".

(b) AUTHORIZATION.—Section 1012(a)(5)(C) of such Act (33 U.S.C. 2712(a)(5)(C)) is amended to read as follows:

"(C) not more than $48,000,000 in each fiscal year shall be available to carry out title VII of this Act; and".

SEC. 9. ACCESS TO RESEARCH DURING AN EMERGENCY.

Section 7001 of such Act (33 U.S.C. 2761) is amended by adding at the end the following new subsection:

"(h) ACCESS TO RESEARCH DURING AN EMERGENCY.—Any entity that receives Federal funding for research, the methodologies or results of which may be useful for response activities in the event of an oil discharge incident described in sections 300.300-334 of title 40 of the Code of Federal Regulations, shall, upon request, make the methodologies or results of such research available to the Interagency Committee and the Federal On-Scene Coordinator (as defined in section 311(a)(21) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(21)), except to the extent that the information is protected from disclosure under section 552(b) of title 5, United States Code. Such information shall be for use in response activities in the event of an oil discharge, and shall not be included in information made publicly available pursuant to this Act.".

II. PURPOSE OF THE BILL

The purpose of H.R. 2693, *the Oil Pollution Research and Development Program Reauthorization Act of 2010* is to amend and reauthorize the Oil Pollution Act of 1990 (33 U.S.C. 2761) (Title VII (Section 7001) and Title I (Section 1012)). The bill authorizes the establishment of the Interagency Coordinating Committee on Oil Pollution Research and coordination of a comprehensive program of oil pollution research, technology development, and demonstration.

III. BACKGROUND AND NEED FOR THE LEGISLATION

Oil spills are reported every day in the United States. Few spills are environmental disasters of national or global significance; most of the three million gallons of oil and refined petroleum product spilled into U.S. waters each year goes unnoticed by the public. Regardless of the level of public awareness in each case, natural resources such as fish, corals, marine mammals, sea turtles, birds, beaches, coastal habitats, and water quality are often negatively affected, as are the businesses and industries which depend on the immediate and long-term health of these resources.

The United States has incorporated lessons learned from past spills into Federal law and relevant response readiness practices. We now have response tools and trained personnel at ports and aboard vessels across the nation. However, oil recovery and clean up techniques, including *in situ* burns, chemical dispersants, skimmers, and booms have changed little since the Exxon Valdez oil spill of 1989.

The Oil Pollution Act (OPA 90), P.L. 101–380 (8–18–1990), was signed into law in August 1990, largely in response to rising public concern following the Exxon Valdez oil spill. The intent of OPA 90 was to improve the nation's ability to prevent and respond to oil spills by establishing provisions that expand the Federal government's ability to respond to oil spills, and provide the funding and resources necessary for an adequate response.

Title VII of OPA 90 establishes an Interagency Coordinating Committee on Oil Pollution Research to coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, state governments, and other nations, as appropriate, and to foster cost-effective research mechanisms, including the joint funding of research. Fourteen Federal partners are named as members of the

Interagency Committee, and a representative of the Coast Guard serves as Chairman.

This program provides for research, development, and demonstration of new or improved technologies which are effective in preventing or mitigating oil discharges and which protect the environment, including oil pollution technology evaluation, oil pollution effects research, marine simulation research, demonstration projects, simulated environmental testing, and regional research programs.

Few legislative modifications to OPA 90's research and development program have been made since its enactment, and appropriations for these provisions have been small in comparison to the need. The response to the Deepwater Horizon disaster in the Gulf of Mexico has exposed the need for an effective and coordinated research program for oil spill response.

H.R. 2693, the *Oil Pollution Research and Development Program Reauthorization Act of 2010* modifies the research, development, and demonstration program authorized under OPA 90 to ensure the ongoing development of methods and technologies to prevent, detect, recover, and mitigate oil discharges.

IV. Summary of Hearings

On Thursday, June 4, 2009 the Subcommittee on Energy and Environment held a hearing entitled "A New Direction for Federal Oil Spill Research and Development" to examine the Federal research and development efforts to prevent, detect, or mitigate oil discharges and to receive testimony on H.R. 2693, the *Federal Oil Spill Research Program Act of 2009*.

The following witnesses provided testimony:

- Mr. Doug Helton, Incident Operations Coordinator, National Oceanic and Atmospheric Administration's (NOAA) Office of Response and Restoration (OR&R).
- Dr. Albert D. Venosa, Director of the Land Remediation and Pollution Control Division at the National Risk Management Research Laboratory, Environmental Protection Agency's Office of Research and Development (ORD).
- Rear Admiral James Watson, Director of Prevention Policy for Marine Safety, Security and Stewardship, United States Coast Guard (USCG).
- Mr. Stephen Edinger, Director of the Office of Spill Prevention and Response (OSPR), California Department of Fish and Game.

The hearing highlighted current Federal oil pollution research and development efforts at the U.S. Coast Guard (USCG), the Environmental Protection Agency (EPA), and the National Oceanic Atmospheric Administration (NOAA). Witnesses described a number of emerging challenges that require new research and development. The panel shared a variety of ways that the current program could be improved. This included research to address new challenges, improved response technologies, requirements for new blends of biofuels, and increased transportation.

On Wednesday, June 9, 2010 the Subcommittee on Energy and Environment held a hearing entitled "Deluge of Oil Highlights Research and Technology Needs for Oil Recovery and Effective Clean-up of Oil Spills" with the purpose of exploring the research, devel-

opment, and technology needs for the recovery of oil and effective cleanup of oil spills. The following witnesses provided testimony:

Panel I

- Mr. Douglas R. Helton, Incident Operations Coordinator, Office of Response and Restoration, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.
- Captain Anthony Lloyd, Chief, Office of Incident Management and Preparedness, United States Coast Guard.
- Ms. Sharon Buffington, Chief, Engineering and Research Branch, Offshore Energy and Minerals Management, Minerals Management Service (MMS), U.S. Department of the Interior.
- Dr. Albert Venosa, Director, Land Remediation and Pollution Control Division, National Risk Management Research Laboratory, Office of Research and Development (ORD), U.S. Environmental Protection Agency (EPA).

Panel II

- Dr. Jeffrey Short, Pacific Science Director for Oceana.
- Dr. Samantha Joye, Professor of Marine Sciences, University of Georgia.
- Dr. Richard Haut, Senior Research Scientist, Houston Advanced Research Center.
- Dr. Nancy Kinner, Professor of Civil and Environmental Engineering, University of New Hampshire and Co-Director of the Coastal Response Research Center (CRRC).
- Mr. Kevin Costner, Partner, Ocean Therapy Solutions (OTS).

Members and witnesses examined Federal agency roles in oil spill response research; the activities and programs Federal agencies have pursued since the passage of the Oil Pollution Act of 1990; the gaps in spill response research and technology development; ways to improve the coordinated Federal response going forward; and lessons learned from the Exxon Valdez oil spill of 1989. Additionally, an important topic of discussion was the interaction of oil with the natural environment, and how the structure and function of marine ecosystems, including food webs, are directly impacted by spilled oil or spill response efforts, such as dispersants. Finally, witnesses expressed concern about the effectiveness of currently deployed technologies such as booms, skimmers, and *in situ* burns. Members also consulted witnesses about the barriers to the development and use of transformational technologies for oil spill cleanup.

V. Committee Actions

On June 3, 2009, Representative Lynn Woolsey, for herself and Energy and Environment Subcommittee Chairman Brian Baird, introduced H.R. 2693—*the Federal Oil Spill Research Program Act of 2009*.

On June 16, 2009, the Energy and Environment Subcommittee met to consider H.R. 2693, the *Federal Oil Spill Research Program Act of 2009*. The Committee considered the following amendments:

1. Ms. Woolsey offered a manager's amendment. The amendment proposed replacing the term "Oil Spill" with "Oil Pollution" to better explain the scope of the program, which includes research into oil discharges both on water and on land. Section 2 of the bill is

amended to provide for more effective notification to the public about the activities of the program, including information on existing volunteer training opportunities in incident response. Section 3 of the bill is amended to clarify some of the elements of the Interagency Research Program. It also adds additional program elements, including research into: (1) the mechanical, chemical, and biological methods for the recovery, removal, and disposal of oil; (2) technologies, methods, and standards for protecting removal personnel and volunteers that may participate in incident response; (3) improved information systems to assist Federal response efforts; and (4) methods to restore and rehabilitate natural resources damaged by oil discharges. A new Section 4 of the bill is inserted to allow for the continuation of an existing technology evaluation program that will be supplemented with guidance from the National Institute of Standards and Technology. The manager's amendment also modifies the contents of the Interagency Coordinating Committee's research assessment. It specifically adds a new requirement to identify emerging technologies and the barriers to the utilization of those technologies by Federal response teams. In addition, the manager's amendment clarifies that the assessment will include an analysis of the effectiveness of current technologies to address oil pollution and an assessment and comparison of regional differences in response capabilities. Section 5 of the bill is amended to clarify the required contents of the Federal oil pollution research and development plan. Specifically, the amendment clarifies that the plan is to include research to improve: the rates of oil recovery, the effectiveness of the response to oil discharges, and the accessibility and utility of the information available to mariners, researchers, and responders. Section 6 of the bill is amended to clarify that each of the agencies in the interagency program, not just NOAA, may award grants or utilize other funding mechanisms to address the research priorities set forth in the research plan. Section 7 of the bill simplifies the reporting required by the National Academy of Sciences. Under the Manager's Amendment, the National Academy will be responsible for submitting to Congress and the Interagency Committee a report evaluating the oil pollution research and development program and identifying priority areas of research and technology development. Finally, the amendment includes a direct authorization for NOAA and EPA, each in the amount of $2 million dollars a year for Fiscal Year 2010 through Fiscal Year 2014. The amendment was agreed to by voice vote.

2. Mr. Inglis offered a second degree amendment to the manager's amendment. The amendment proposed amending the text to reinstate the Coast Guard as the chair of the Interagency Committee instead of changing the chair to NOAA as was written in H.R. 2693. The amendment was withdrawn.

3. Mr. Baird offered an amendment to expand the interagency program to include research related to economic incentives and barriers to technology development. In addition, Mr. Baird's amendment requires the program to conduct research to develop new technologies and methods to respond to oil pollution in artic regions. The amendment was agreed to by voice vote.

4. Mr. Luján offered an amendment to add new requirements to the program, assessment, and plan to consider and investigate

technologies and methods to address oil discharges on land and in inland waters. The amendment was agreed to by voice vote.

H.R. 2693, as amended, was agreed to by voice vote.

Mr. Baird moved that the Subcommittee favorably report H.R. 2693, as amended, to the full Committee with the recommendation to pass the bill. The motion was agreed to by voice vote.

On July 14, 2010, the Committee on Science and Technology met to consider H.R. 2693, the *Federal Oil Spill Research Program Act of 2009*. The Committee considered the following amendments:

1. Ms. Woolsey offered an amendment in the nature of a substitute (ANS). The amendment proposed striking and replacing the language of H.R. 2693. The ANS amends Section 7001(a)(3) of OPA 90 to designate the U.S. Coast Guard, the National Oceanic and Atmospheric Administration (NOAA), the Department of the Interior (DOI), and the Environmental Protection Agency (EPA) as the Interagency Coordinating Committee on Oil Pollution Research (hereafter, the "Interagency Committee"). The remaining agencies from Section 7001(a)(3) are designated as Collaborating Agencies. The ANS adds the National Science Foundation (NSF) to the list of Collaborating Agencies. The ANS adds a provision detailing the role of the Chair of the Interagency Committee, and directs the Interagency Committee to ensure that research, development, and demonstration efforts are coordinated and conducted on an ongoing basis. The ANS also requires that the Interagency Committee meet not less than once per year to plan program activities and to determine whether the program is meeting its objectives. Additionally, the ANS directs NOAA to develop an electronic information exchange on oil pollution scientific information and research.

The ANS amends Section 7001(b) of OPA 90 to direct the Interagency Committee to submit an implementation plan to Congress within 180 days of enactment. The plan will identify the roles and responsibilities of each of the Interagency Committee and Collaborating Agencies. In developing the plan, the Chair is directed to solicit advice and guidance from the Oil Pollution Research Advisory Committee, the National Institute of Standards and Technology (NIST), and through public comments. The Chair is further directed to contract with the National Academy of Sciences to review and assess the plan, and the National Academy of Sciences will submit a report to Congress on its findings.

The ANS amends Section 7001(c) of OPA 90 to authorize research, development, and demonstration of new or improved technologies that are effective in "preventing, detecting, recovering, or mitigating" oil discharges, including: technologies and methods to address oil pollution on land, in inland waters, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas; modeling and simulation capabilities, including tools and technologies that can be used to facilitate effective recovery and containment of oil pollution during an incident response; and research conducted by the EPA on the development and approval of technologies with maximum effectiveness and minimum toxicity to natural resources, the public, and the environment in both the near and long-term.

The ANS authorizes an oil pollution technology evaluation as part of the research program. Research elements include: the evaluation of the environmental effects of oil pollution prevention and

mitigation technologies; the evaluation and testing of technologies developed independently of the authorized research program; the establishment of standards and protocols to measure the performance of prevention or mitigation technologies; and research activities related to controlled field testing. The ANS directs the Interagency Committee to conduct a research program to monitor and scientifically evaluate the environmental effects, including long-term effects, of oil pollution. The research program includes the following elements: (1) research and development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of oil throughout the environment; (2) the development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges; (3) the identification of types of ecologically sensitive areas at particular risk to oil discharges, such as in inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas; (4) the preparation of scientific monitoring and evaluation plans to be implemented in the event of major oil discharges in such areas; and (5) the collection of environmental baseline data in ecologically sensitive areas at particular risk to oil discharges where there are insufficient data. Additionally, the ANS directs that the Interagency Committee, acting through NOAA, conduct research activities for cases where the amount of oil discharged exceeds 250,000 gallons and it is determined that a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges.

The ANS amends Section 7001(c)(8)(A) of OPA 90 by striking completed demonstration projects in the Port Authority of New York and New Jersey and the Port of New Orleans, Louisiana. The Interagency Committee is directed to coordinate a program of peer reviewed, competitive grants to universities or other research institutions or to groups of universities or research institutions, for the purposes of conducting a coordinated research program related to the regional aspects of oil pollution, such as prevention, removal, mitigation, and the effects of discharged oil in regional environments. At least one entity from a group application must be located in the region for which the project is proposed.

The ANS authorizes appropriations from the Oil Spill Liability Trust Fund (hereafter, "the Fund") in the amount of $12,000,000 for each fiscal year 2011 through 2015 for this Regional research program. The ANS directs the Interagency Committee, in accordance with the research plan, to coordinate and cooperate with other nations and foreign research entities in conducting oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges, oil recovery, and cleanup standards. The ANS requires the Interagency Committee Chair to annually submit to Congress a report describing the Interagency Committee activities, along with an analysis of how these activities further the purposes of the research program.

The ANS establishes an Oil Pollution Research Advisory Committee that consists of at least 25 representatives from non-governmental entities. The Advisory Committee is directed to review, advise, and comment on Interagency Committee activities. The Advi-

sory Committee will meet at least once per year and submit biennial reports on the function, activities, and progress of the Interagency Committee to both Congress and the Interagency Committee.

The ANS authorizes to be appropriated from amounts in the Fund not more than $48,000,000 annually. From this amount, $16,000,000 annually are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration and $2,000,000 annually for each of fiscal years 2011 through 2014 for the demonstration projects described in subsection (c)(6). Lastly, the ANS amends 1012(a)(5)(c) of OPA 90 to increase the authorization of appropriations to carry out Section 7001 to $48,000,000.

2. Ms. Woolsey offered an amendment to make a conforming change in several places to replace the word "pollution" with "discharge." The amendment was agreed to by voice vote.

3. Mr. Hall offered an amendment to add the word "containment" in several places to the list of activities at which oil pollution research is directed. The amendment was agreed to by voice vote.

4. Mr. Baird offered an amendment to direct that the Research Plan "identify the information needed to conduct risk assessment and risk analysis research to effectively prevent oil discharges, including information on human factors and decisionmaking, and to protect the environment." The amendment was agreed to by voice vote.

5. Mr. Tonko and Mr. Baird offered an amendment to direct that the research plan "identify a methodology that—(i) provides for the solicitation, evaluation, preapproval, funding, and utilization of technologies and research projects developed by the public and private sector in advance of future oil discharges; and (ii) where appropriate, ensures that such technologies are readily available for rapid testing and potential deployment and that research projects can be implemented during an incident response. The amendment was agreed to by voice vote.

6. Mr. Rohrabacher offered an amendment to direct that the research plan identify, in consultation with State and tribal governments, regional oil pollution research needs, "including seeps and pollution resulting from importing oil from overseas." The amendment was agreed to by voice vote.

7. Mr. Lamar Smith offered an amendment to require that the Chair solicit advice in the development of the research plan from "third party standard-setting organizations on issues relating to voluntary consensus standards" in addition to the other entities. The amendment was agreed to by voice vote.

8. Mr. Rohrabacher offered an amendment to change the paragraph on the Environmental Protection Agency research in the innovative oil pollution technology research elements by striking the EPA. The amendment was defeated by voice vote.

9. Mr. Diaz-Balart offered an amendment to add the evaluation of the performance and effectiveness of oil pollution prevention and mitigation technologies in preventing, detecting, containing, recovering, and mitigating oil discharges to the oil pollution technology evaluation. The amendment was agreed to by voice vote.

10. Mr. Tonko offered an amendment to add technologies developed by small businesses to the oil Pollution technology evaluation. The amendment was agreed to by voice vote.

11. Mr. Lipinski offered an amendment to add an evaluation of the effectiveness of oil pollution prevention technologies based on probabilistic risk analyses of the system to the oil pollution technology evaluation. The amendment was agreed to by voice vote.

12. Mr. Garamendi offered an amendment to add tools and models to accurately measure and predict the flow of oil discharged. The amendment was agreed to by voice vote.

13. Ms. Johnson offered an amendment to add "economically disadvantaged communities and areas" to the oil pollution effects research elements on assessing and predicting damages to natural resources resulting from oil discharges. The amendment was agreed to by voice vote.

14. Mrs. Dahlkemper and Mr. Grayson offered an amendment to add to the oil pollution effects research elements to include the "use of both onshore and offshore air quality monitoring to study the effects of oil pollution and oil pollution cleanup technologies on air quality; and making the results, health, and safety warnings readily available to the public, including emergency responders, the research community, local residents, and other interested parties." The amendment was agreed to by voice vote.

15. Mr. Grayson offered an amendment to add to the oil pollution effects research elements to include "research on technologies, methods, and standards for protecting removal personnel and for volunteers that may participate in incident responses, including training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures." The amendment was agreed to by voice vote.

16. Mr. Hall offered an amendment to state that "Oil pollution technology testing and evaluations shall be given priority over all other activities performed at the Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT) Research Center." The amendment was agreed to by voice vote.

17. Ms. Johnson offered an amendment to direct the Interagency Committee to include Minority Serving Institutions in the coordination of the Regional Research Program and provide consideration to such institutions in the recommendations for awarding grants. The amendment was agreed to by voice vote.

18. Mr. Baird offered an amendment to expand the international cooperation requirement to include harnessing global expertise through collaborative partnerships to conduct collaborative oil pollution research, development, and demonstration activities, including controlled field testing, oil recovery, and cleanup standards. The amendment was agreed to by voice vote.

19. Ms. Biggert offered an amendment to expand the annual reporting requirements. The amendment was agreed to by voice vote.

20. Mr. Broun offered an amendment to expand the membership requirements of the Oil Pollution Research Advisory Committee. The amendment was agreed to by voice vote.

21. Mr. Baird offered an amendment to add a new section to make federally-funded research accessible during an oil spill incident. The amendment was agreed to by voice vote.

H.R. 2693, as amended, was agreed to by voice vote.

Mr. Baird moved that the Committee favorably report H.R. 2693, as amended, to the House with the recommendation to pass the bill. The motion was agreed to by voice vote.

VI. Summary of Major Provisions of the Bill

H.R. 2693 amends Section 7001 of the Oil Pollution Act of 1990 to designate the U.S. Coast Guard, the National Oceanic and Atmospheric Administration (NOAA), the Department of the Interior, and the Environmental Protection Agency (EPA) as the Interagency Coordinating Committee on Oil Pollution research (hereafter, the "Interagency Committee"). The remaining agencies from Section 7001(a)(3) are designated as Collaborating Agencies. H.R. 2693 also adds the National Science Foundation (NSF) to the list of Collaborating Agencies.

H.R. 2693 adds a provision to Section 7001(a) detailing the role of the Chair of the Interagency Committee, and directs the Interagency Committee to ensure that research, development, and demonstration efforts are coordinated and conducted on an ongoing basis. The bill also requires that the Interagency Committee meet no less than once per year to plan program activities and to determine whether the program is meeting its objectives. Additionally, H.R. 2693 directs NOAA to develop an electronic information exchange on oil pollution scientific information and research.

H.R. 2693 amends Section 7001(b) of OPA 90 to direct the Interagency Committee to submit an implementation plan to Congress within 180 days of enactment. The plan will: (1) identify the roles and responsibilities of each of the Interagency Committee and Collaborating Agencies; (2) identify regional research needs, including natural seeps and pollution from importing oil from overseas; (3) identify information needed to conduct risk assessments and analyses, including information on human factors and decision-making, to prevent oil discharges; and (4) identify a methodology to solicit, evaluate, pre-approve, fund, make readily available, and utilize technologies and research in advance of a future oil discharge. In developing the plan, the Chair is directed to solicit advice and guidance from the Oil Pollution Research Advisory Committee (established in Section 7 of H.R. 2693), the National Institute of Standards and Technology (NIST), third-party standard setting organizations, and public comment. The Chair is further directed to contract with the National Academy of Sciences to review and assess the plan, and the National Academy will submit a report to Congress on its findings.

H.R. 2693 amends Section 7001(c) of OPA 90 to authorize research, development, and demonstration of new or improved technologies effective in "preventing, detecting, containing, recovering, or mitigating" oil discharges, including: (1) technologies and methods to address oil pollution on land, in inland waters, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas; (2) modeling and simulation capabilities, including tools and technologies that can be used to facilitate effective recovery and containment of oil pollution during incident response; and (3) research conducted by the Environmental Protection Agency on the development and approval of technologies with maximum effectiveness and minimum toxicity to natural resources, the public, and the environment in both the near and long-term.

H.R. 2693 also authorizes an oil pollution technology evaluation as part of the research program for prevention, containment, and mitigation of oil pollution. Research elements include: (1) the evaluation of the performance and effectiveness of technologies; (2) the evaluation of the environmental effects of oil pollution technologies; (3) the evaluation and testing of technologies developed independently of the authorized research program; (4) the establishment of standards and protocols to measure the performance of prevention or mitigation technologies; (5) the evaluation and use of controlled field testing; and (6) the evaluation of technology effectiveness based on probabilistic risk analyses.

H.R. 2693 directs the Interagency Committee to act through NOAA to conduct a research program to monitor and scientifically evaluate the environmental effects, including long-term effects, of oil pollution, that includes the following elements: (1) research and development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of oil throughout the environment, including tools to measure flow of oil discharged; (2) the development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges; including in economically disadvantaged communities; (3) the identification of types of ecologically sensitive areas at particular risk to oil discharges, such as in inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas; (4) the preparation of scientific monitoring and evaluation plans to be implemented in the event of major oil discharges in such areas; (5) the collection of environmental baseline data in ecologically sensitive areas at particular risk to oil discharges where there are insufficient data; (6) the use of onshore and offshore air quality monitoring; and (7) research on technologies and standards, including training, supervision, protective equipment, maximum exposure limits, and decontamination procedures for protecting removal personnel and volunteers. Additionally, the Interagency Committee, acting through NOAA, shall conduct research activities for cases where the amount of oil discharged exceeds 250,000 gallons and it is determined that a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges. H.R. 2693 also adds Prince William Sound and the Gulf of Mexico to the areas to be studied where oil discharges have occurred by Exxon Valdez and the Deepwater Horizon, respectively.

H.R. 2693 amends Section 7001(c)(8)(A) of OPA 90 by striking completed demonstration projects in the Port Authority of New York and New Jersey and the Port of New Orleans, Louisiana. H.R. 2693 also amends Section 7001(c)(7) to ensure the Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT) Research Center gives priority to oil pollution technology testing and evaluations.

The Interagency Committee is also directed in H.R. 2693 to coordinate a program of peer reviewed, competitive grants to universities or other research institutions, or groups of universities or research institutions, including Minority Serving Institutions, for the purposes of conducting a coordinated research program related to

the regional aspects of oil pollution, such as prevention, removal, mitigation, and the effects of discharged oil in regional environments. At least one entity from a group application must be located in the region for which the project is proposed. The Interagency is also directed to give consideration to Minority Serving Institutions in their recommendations for awarding grants. H.R. 2693 authorizes appropriations from the Oil Spill Liability Trust Fund (hereafter, the Fund) in the amount of $12,000,000 for each fiscal year 2011 through 2015 for this regional research program.

H.R. 2693 directs the Interagency Committee, in accordance with the research plan, to engage in international cooperation through collaborative partnerships with foreign governments, research entities, non-governmental organizations, and the private sector by harnessing global expertise and leveraging public and private capital, technology and services to conduct oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges, oil recovery, and cleanup standards.

H.R. 2693 requires the Interagency Committee Chair to annually submit to Congress a report describing the Interagency Committee activities, along with an analysis of how these activities further the purposes of the research program.

H.R. 2693 also establishes an Oil Pollution Research Advisory Committee consisting of no more than 25 representatives that do not include representatives of the Federal government, but may include representatives from State, tribal, and local governments and individuals with extensive knowledge and expertise in the prevention and mitigation of oil discharges. The Advisory Committee is directed to review, advise, and comment on Interagency Committee activities. The Advisory Committee will meet at least once per year and submit biennial reports on the function, activities, and progress of the Interagency Committee to both Congress and the Interagency Committee.

H.R. 2693 authorizes to be to be appropriated from amounts in the Fund not more than $48,000,000 annually. From this amount, $16,000,000 annually are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration and $2,000,000 annually for each of fiscal years 2011 through 2014 for the demonstration projects described in subsection (c)(6). H.R. 2693 also amends Section 1012(a)(5)(c) of OPA 90 to increase the authorization of appropriations to carry out Section 7001 to $48,000,000.

Lastly, H.R. 2693 includes a provision for the Interagency Committee and the Federal On-Scene Coordinator to be able to have access to federally-funded research data and methodologies that may be useful for response activities in the event of an oil discharge incident.

VII. Section-by-Section Analysis

The purpose of H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010 is to amend and reauthorize the Oil Pollution Act of 1990 (OPA 90) (33 U.S.C. 2761) (Title VII (Section 7001) and Title I (Section 1012).

Section 1. Short title

Oil Pollution Research and Development Program Reauthorization Act of 2010.

Section 2. Federal Oil Pollution Research Committee

PURPOSES.—Section 7001(a)(2) of the Oil Pollution Act of 1990 is amended to add tribal governments to the list of entities with which the Interagency Committee shall cooperate and coordinate.

MEMBERSHIP.—Section 7001(a)(3) is amended to designate the U.S. Coast Guard, the National Oceanic and Atmospheric Administration (NOAA), the Department of the Interior (DOI), and the Environmental Protection Agency (EPA) as the Interagency Committee; the remaining Federal agencies from Section 7001(a)(3) are designated as Collaborating Agencies; and the National Science Foundation (NSF) is added to the list of Collaborating Agencies.

ROLE OF THE CHAIR.—Section 7001(a)(4) is amended to include a paragraph on the roles of the Chair of the Interagency Committee.

ACTIVITIES.— Section 7001(a) is amended to insert a section of activities which directs the Interagency Committee: to ensure that research, development, and demonstration efforts are coordinated and conducted on an ongoing basis, to meet no less than once per year to plan the program's activities, and to determine whether the program is producing new or improved methods and technologies; and for the National Oceanic and Atmospheric Administration to develop an electronic information exchange on oil pollution scientific information and research.

Section 3. Oil Pollution Research and Technology Plan

IMPLEMENTATION PLAN.—Section 7001(b)(1) is amended to direct the Interagency Committee to submit a plan to Congress, as directed in OPA 90, within 180 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010 and periodically thereafter but not less than once every 5 years.

The plan will: (1) identify the roles and responsibilities of each of the Interagency Committee and Collaborating Agencies; (2) identify regional research needs, including natural seeps and pollution from importing oil from overseas; (3) identify information needed to conduct risk assessments and analysis, including information on human factors and decision-making, to prevent oil discharges; and (4) identify a methodology to solicit, evaluate, pre-approve, fund, make readily available, and utilize technologies and research in advance of a future oil discharge.

ADVICE AND GUIDANCE.—Section 7001(b)(2) is amended to direct the Chair of the Interagency Committee to solicit advice and guidance in the preparation and development of the plan from: the Oil Pollution Research Advisory Committee, the National Institute of Standards and Technology, third-party standard setting organizations, and through public comment prior to the submission of the research plan.

REVIEW.—Section 7001(b) is also amended to direct the Chair of the Interagency Committee to contract with the National Academy of Sciences to review and assess the adequacy of the Plan and to submit a report to Congress.

Section 4. Oil Pollution Research and Development Program

INNOVATIVE OIL POLLUTION TECHNOLOGY.—Section 7001(c)(2) is amended to include research, development, and demonstration of new or improved technologies that are effective in preventing, detecting, containing, recovering, or mitigating oil discharges; technologies and methods to address oil pollution on land, in inland waters, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas; modeling and simulation capabilities, including tools and technologies that can be used to facilitate effective recovery and containment of oil pollution during incident response; and research conducted by the Environmental Protection Agency on the development and approval of technologies with maximum effectiveness and minimum toxicity to natural resources, the public, and the environment in both the near and long-term.

OIL POLLUTION TECHNOLOGY EVALUATION.—Section 7001(c)(3) is amended to provide for: an oil pollution prevention, containment, and mitigation technology evaluation, with an evaluation of the performance and effectiveness of technologies; an evaluation of the environmental effects, including: the evaluation and testing of technologies developed independently of the research and development program; the establishment, with the advice and guidance of the National Institute of Standards and Technology, of standards and testing protocols traceable to national standards to measure the performance of oil pollution prevention or mitigation technologies; an evaluation of the environmental effects and utility of controlled field testing; the use, where appropriate, of controlled field testing to evaluate real-world application of oil discharge prevention or mitigation technologies; and the evaluation of technology effectiveness based on probabilistic risk analyses.

OIL POLLUTION EFFECTS RESEARCH.—Sections 7001(c)(4)(A) and (B) are amended to direct the Interagency Committee, acting through the Administrator of NOAA, to establish a research program to monitor and scientifically evaluate the environmental effects, including long-term effects, of oil pollution. The program includes: research and development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of oil throughout the environment, including tools to measure flow of oil discharged; the development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges, including in economically disadvantaged communities; the identification of types of ecologically sensitive areas at particular risk to oil discharges, such as in inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas; and the preparation of scientific monitoring and evaluation plans to be implemented in the event of major oil discharges in such areas; the collection of environmental baseline data in ecologically sensitive areas at particular risk to oil discharges where there are insufficient data; and the use of onshore and offshore air quality monitoring; and research on technologies and standards, including training, supervision, protective equipment, maximum exposure limits, and decontamination procedures for protecting removal personnel and volunteers. In addition, the Interagency Committee, through the NOAA shall con-

duct research activities for cases where the amount of oil discharged exceeds 250,000 gallons and it is determined that a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges.

DEMONSTRATION PROJECTS.—Section 7001(c)(6) is amended to strike the completed demonstration projects in the Port Authority of New York and New Jersey and the Port of New Orleans, Louisiana.

SIMULATED ENVIRONMENTAL TESTING.—Section 7001(c)(7) is amended by providing language to ensure that the Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT) Research Center gives priority to oil pollution technology testing and evaluations.

REGIONAL RESEARCH PROGRAM.—Section 7001(c)(8)(A) is amended to direct the Interagency Committee to coordinate a program of peer reviewed, competitive grants to universities or other research institutions, or groups of universities or research institutions, including Minority Serving Institutions, for the purposes of conducting a coordinated research program related to the regional aspects of oil pollution, such as prevention, removal, containment, mitigation, and the effects of discharged oil on regional environments. Section 7001(c)(8)(C) is also amended to specify that at least one entity from each group application must be affiliated with a university or research institution from the region for which the research project is proposed.

Section 7001(c)(9) is amended to authorize to be appropriated from amounts in the Fund $12,000,000 for fiscal years 2011, 2012, 2013, 2014 and 2015

Section 5. International cooperation

Section 7001(d) is amended to direct the Interagency Committee, in accordance with the research plan, to engage in international cooperation through collaborative partnerships with foreign governments, research entities, non-governmental organizations, and the private sector by harnessing global expertise and leveraging public and private capital, technology and services to conduct oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges, oil recovery, and cleanup standards.

Section 6. Annual reports

Section 7001(e) is amended to direct the Chair of the Interagency Committee to submit to Congress, concurrent with the President's annual budget request, a report describing the activities: carried out under this section in the preceding fiscal year with a description of major projects undertaken; being carried out under this section in the current fiscal year with a description of the research and development activities; and proposed to be carried out under this section in the subsequent fiscal year, including an analysis of how these activities will further the purposes of the program authorized by this section. Additionally, any recommendations for the Plan from the National Academy of Sciences must be included in the first annual report.

Section 7. Federal Advisory Committee

Section 7001 is further amended to direct the Interagency Chair to establish an Oil Pollution Research Advisory Committee consisting of no more than 25 representatives that do not include representatives of the Federal government, but may include representatives from State, tribal, and local governments and individuals with extensive knowledge and expertise in the prevention and mitigation of oil discharges. The Chair of the Interagency Committee shall designate a chairperson from among the members of the Advisory Committee. Members shall be appointed for 3-year terms, renewable once. The Advisory Committee is directed to review, advise, and comment on Interagency Committee activities, including: management and functioning of the Interagency Committee; collaboration of the Interagency Committee and the Collaborating Agencies; the research and technology development of new or improved response capabilities; the use of cost-effective research mechanisms; and research, computation, and modeling needs and other resources needed to develop a comprehensive program of oil pollution research. The Advisory Committee is directed to review, advise, and comment on Interagency Committee activities. The Advisory Committee will meet at least once per year and submit biennial reports on the function, activities, and progress of the Interagency Committee to both Congress and the Interagency Committee.

Section 8. Funding

Section 7001(f) is amended to authorize to be appropriated from amounts in the Fund not more than $48,000,000 annually to carry out this section. From this amount there are authorized to be appropriated to the Administrator of NOAA $16,000,000 annually to carry out this section and $2,000,000 for carrying out the activities in subsection (c)(6) for fiscal years 2011, 2012, 2013, and 2014.

In addition, Section 1012 (a)(5)(C) of OPA 90 is amended to read as follows: (C) not more than $48,000,000 in each fiscal year shall be available to carry out title VII of this Act.

Section 9. Access to research during an emergency

H.R. 2693 includes a provision for the Interagency Committee and the Federal On-Scene Coordinator to be able to have access to federally-funded research data and methodologies that may be useful for response activities in the event of an oil discharge incident.

VIII. COMMITTEE VIEWS

The purpose of H.R. 2693, the *Oil Pollution Research and Development Program Reauthorization Act of 2010,* is to protect the public and the environment from future oil spills through targeted and coordinated research, development and demonstration. The United States needs such a program to effectively enhance our preparedness and response for future oil spills. It is the intent of the Committee that the new structure of the Interagency Committee along with the authorized research activities, the extramural grant program, and the other provisions of this bill will better prioritize research needed for effective cleanup technologies and methodologies.

The streamlined structure of the Interagency Committee is key to providing better oversight, accountability, and effective research—across the Federal government and the extramural community. It is the intent of the Committee that the U.S. Coast Guard, the National Oceanic and Atmospheric Administration (NOAA), the Department of Interior (DOI), and the Environmental Protection Agency (EPA) be the primary agencies responsible for coordinating a comprehensive program of oil pollution research, development and demonstration of new, improved, or innovative technologies to prevent, detect, contain, recover, and mitigate oil discharges. The Committee intends for the four agencies of the Interagency Committee to create and actively maintain research programs and to collaborate on research with one another and with the Collaborating Agencies, which include the National Institute of Standards and Technology, the Department of Energy, the Department of Transportation, including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration, the Department of Defense, including the Army Corp of Engineers and the Navy, the Department of Homeland Security, including the United States Fire Administration in the Federal Emergency Management Agency, the National Aeronautics and Space Administration, the National Science Foundation, and other appropriate Federal agencies.

The intent of the Committee is that each of the Federal agencies, both the members of the Interagency Committee and the Collaborating Agencies, should conduct research to provide for new, improved, and innovative technologies for an effective cleanup response to oil discharges and to protect the environment. Each Federal agency and department named in the bill should actively participate in defining their roles and responsibilities to avoid unnecessary duplication of efforts and to better align research efforts for an effective research program.

It is the intent of the Committee that the streamlined Interagency Committee does not allow the research and development efforts to wane during times when the United States is not experiencing a significant oil discharge incident. Therefore, the Committee intends for the Interagency Committee to meet in person at least once a year and continually communicate via other methods to move this research agenda forward. The Committee intends for the Interagency Committee to meet in order to develop the research plan and to plan all of the research program's activities so that the United States is positioned to respond effectively to the next oil discharge incident. The Interagency Committee should periodically evaluate whether the program is resulting in new or improved methods and technologies to prevent, detect, respond to, contain, and mitigate oil discharge, and if not, find ways to improve upon these methods and technologies.

The Committee intends for the Chair of the Interagency Committee, the U.S. Coast Guard, to be responsible for several administrative functions which include the following: (1) administering the coordination of research activities of the Interagency Committee and the Collaborating Agencies so that the Interagency Committee functions properly and to avoid unnecessary duplication of activities among the Federal agencies; (2) implementing, completing, and submitting the research plans and annual reports to Congress as

required; (3) ensuring that the Interagency Committee meets as required; and (4) establishing, maintaining, and utilizing the Research Advisory Committee according to the Federal Advisory Committee Act (FACA). Additionally, the intent of the Committee is that the U.S. Coast Guard carry out research as a member of the Interagency Committee. It is not the intent of the Committee that the U.S. Coast Guard, as Chair, bears the burden of the entire research program; however, it is the intent that the U.S. Coast Guard leverage and strengthen the roles and research activities of NOAA, DOI, and EPA. In addition, the Chair should have appropriate expertise and position within the U.S. Coast Guard to chair the Interagency Committee.

The Committee intends for NOAA to be responsible for the development of the national information clearinghouse. The Committee intends for the clearinghouse to be an open portal for all scientific information and data, including raw data that are useful for preparedness, response or restoration. The national information clearinghouse is intended to not only be a point of access to retrieve information but an exchange for input from Federal agencies, emergency responders, the research community, and other interested parties. The Committee envisions the clearinghouse to be a shared virtual resource that serves as an open, virtual repository for vital scientific data and information, and would provide a cyber-infrastructure fostering innovation, improved scientific understanding, and encourage participation in research, education, planning and management for all aspects of oil discharge response and restoration. Therefore, the clearinghouse should also include baseline scientific information and data, data identifying important ecological areas, and other data related to the environmental effects of oil discharges and cleanup technologies.

It is the intent of the Committee that the additional research elements added to the Oil Pollution Research and Development Program were added to ensure that these new areas become a research priority in addition to the areas of research included in the underlying law (OPA 90). It is the intent of the Committee that the Interagency Committee ensures that these research activities are carried out by the appropriate agencies. The Committee intends that modeling and simulation capabilities be utilized to study various magnitudes of oil discharges to achieve effective recovery and containment tools and technologies at multiple scales, as needed. Without the ability to evaluate and test tools and technologies in various magnitudes of oil discharges in a real-world scenario, the Committee finds that the use of computer modeling and simulation technologies can be useful in testing and evaluating the effectiveness of technologies at various scales. Additionally, the Committee believes that research to evaluate the relative effectiveness of bioremediation technologies has shown their beneficial utility in mitigating oil discharges. As such, the Interagency Committee should consider these technologies on par with other technologies in the Research and Development Program.

The Committee's intent is that NOAA be responsible for the oil pollution effects research. The Committee also intends for NOAA to work with other appropriate agencies, as necessary, to ensure an effective and comprehensive program to scientifically evaluate the long and short-term environmental effects of oil discharges. The

Committee finds that the collection of environmental data is needed to form an adequate baseline of information on important ecosystem attributes to allow for the quantitative measurement of oil spill impacts. The Committee intends for the Interagency Committee to collect environmental baseline data for areas that are critical for the health of the ecosystem; sensitive and at high risk to oil discharges; and where knowledge gaps exist. It is the intent of the Committee that the effect of oil discharges be studied throughout the environment, including sediments, throughout the water column, on land, and in the air.

It is the intent of the Committee that the U.S Coast Guard completes the final two port oil pollution minimization demonstration projects with the Ports of Los Angeles and Long Beach, California, and with a port on the Great Lakes. The Committee intended to remove the two port demonstration projects that were completed with the Ports of New York and New Jersey and the port of New Orleans, Louisiana. The Committee finds that the remaining port demonstration projects will serve as invaluable sites to test real-world applications of recovery and cleanup technologies. Such exercises are essential to maintaining the nation's readiness to respond to oil discharges by providing practical experience for real world response.

The intent of the Committee is that the Interagency Committee coordinates a peer-reviewed, competitive regional research grants program for universities, Minority Serving Institutions, and other research institutions. At least one entity from each group application must be affiliated with a university or research institution from the region for which the research project is proposed. The Committee intends for this Regional Research Program to function as the extramural research arm of the Interagency Committee to ensure that the unique needs of each region are studied to ensure an effective response to an oil discharge. It is also the intent of the Committee that the regional research program is funded from the Oil Spill Liability Trust Fund.

The Committee intends for the Interagency Committee to go beyond coordination and cooperation with other nations to make use of global expertise by engaging in collaborative partnerships with foreign governments and research entities. The Committee finds that the United States should conduct world class research on oil pollution research, development, and demonstration, and learn from the successes and failures of these activities in other countries. The Committee finds that the Interagency Committee should engage internationally with foreign governments, research entities, and the private sector through partnerships to conduct collaborative oil pollution research, development, and demonstration activities. It is also the intent of the Committee that these international partnerships also include other activities designed to improve U.S. technologies and methods to improve oil recovery and cleanup such as the use of controlled field testing. It is the intent of the Committee that the United States engage in these international partnerships in an effort to advance global expertise and develop innovative models to address oil discharges.

During a Committee hearing on oil spills, it was expressed that greater access to research could be helpful during a response to an oil discharge. The Committee recognizes the proprietary nature of

research data. The Committee intends for the Interagency Committee and the Federal On-Scene Coordinator to have access, upon their request, to federally-funded research data and methodologies that are relevant and may be useful for response activities during an incident response. It is not the intent of the Committee that this information be made public, but would be exclusively used for oil spill response activities.

The Committee intends for the provisions of H.R. 2693 to build upon Title VII of the Oil Pollution Act of 1990. The Committee finds that the provisions of H.R. 2693 will better prepare the U.S. for future responses to oil discharges, no matter the size, through increased funding and strengthening of research, development, and demonstration of innovative tools, methods, and technologies.

IX. Cost Estimate

A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted to the Committee on Science and Technology prior to the filing of this report and is included in Section X of this report pursuant to House Rule XIII, clause 3(c)(3).

H.R. 2693 does not contain new budget authority, credit authority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 2693 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in Section X of this report.

X. Congressional Budget Office Cost Estimate

H.R. 2693—Oil Pollution Research and Development Program Reauthorization Act of 2010

Summary: H.R. 2693 would authorize appropriations totaling $240 million through 2015 for an interagency program to research and develop technologies to prevent, mitigate, and clean up oil spills. Of that amount, $136 million is already authorized under existing law.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost $93 million over the 2011–2015 period and $11 million after 2015. (Those amounts are in addition to the sums authorized to be appropriated under current law.) Enacting H.R. 2693 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 2693 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2693 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2011	2012	2013	2014	2015	2011–2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Authorization Level	27	27	27	27	27	136
Estimated Outlays	16	25	27	27	27	123
Proposed Changes:						
Authorization Level	21	21	21	21	21	104
Estimated Outlays	12	19	21	21	21	93
Spending Under H.R. 2693:						
Authorization Level	48	48	48	48	48	240
Estimated Outlays	29	43	48	48	48	216

Note: Amounts may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted in 2010 and that the amounts authorized by the bill will be appropriated each year. Estimated outlays are based on historical spending patterns for similar programs.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 2693 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on State, Local, and Tribal Governments: Ryan Miller; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

XI. Compliance With Public Law 104–4

H.R. 2693 contains no unfunded mandates.

XII. Committee Oversight Findings and Recommendations

The Committee on Science and Technology's oversight findings and recommendations are reflected in the body of this report.

XIII. Statement on General Performance Goals and Objectives

Pursuant to clause (3)(c) of House Rule XIII, the goal of H.R. 2693 is to authorize the establishment of the Interagency Coordinating Committee on Oil Pollution Research and coordination of a comprehensive program of oil pollution research, technology development, and demonstration.

XIV. Constitutional Authority Statement

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 2693.

XV. Federal Advisory Committee Statement

The functions of the advisory committee authorized in H.R. 2693 are not currently being nor could they be performed by one or more agencies or by enlarging the mandate of another existing advisory committee.

XVI. CONGRESSIONAL ACCOUNTABILITY ACT

The Committee finds that H.R. 2693 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

XVII. EARMARK IDENTIFICATION

H.R. 2693 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in House Rule XXI, clause 9(d), 9(e), or 9(f).

XVIII. STATEMENT ON PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any state, local, or tribal law.

XIX. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

OIL POLLUTION ACT OF 1990

* * * * * * *

TITLE I—OIL POLLUTION LIABILITY AND COMPENSATION

* * * * * * *

SEC. 1012. USES OF THE FUND.

(a) USES GENERALLY.—The Fund shall be available to the President for—

(1) * * *

* * * * * * *

(5) the payment of Federal administrative, operational, and personnel costs and expenses reasonably necessary for and incidental to the implementation, administration, and enforcement of this Act (including, but not limited to, sections 1004(d)(2), 1006(e), 4107, 4110, 4111, 4112, 4117, 5006, 8103, and title VII) and subsections (b), (c), (d), (j), and (l) of section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by this Act, with respect to prevention, removal, and enforcement related to oil discharges, provided that—

(A) * * *

* * * * * * *

[(C) not more than $27,250,000 in each fiscal year shall be available to carry out title VII of this Act; and]

(C) not more than $48,000,000 in each fiscal year shall be available to carry out title VII of this Act; and

* * * * * * *

TITLE VII—OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM

SEC. 7001. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

(a) INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—

(1) * * *

(2) PURPOSES.—The Interagency Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, [State] *State and tribal* governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

[(3) MEMBERSHIP.—The Interagency Committee shall include representatives from the Coast Guard, the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, the National Aeronautics and Space Administration, and such other Federal agencies the President may designate.

[(4) CHAIRMAN.—A representative of the Coast Guard shall serve as Chairman.]

(3) STRUCTURE.—

(A) MEMBERS.—The Interagency Committee shall consist of representatives from the following:

(i) The Coast Guard.

(ii) The Department of Commerce, including the National Oceanic and Atmospheric Administration.

(iii) The Department of the Interior.

(iv) The Environmental Protection Agency.

(B) COLLABORATING AGENCIES.—The Interagency Committee shall collaborate with the following:

(i) The National Institute of Standards and Technology.

(ii) The Department of Energy.

(iii) The Department of Transportation, including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration.

(iv) The Department of Defense, including the Army Corps of Engineers and the Navy.

(v) The Department of Homeland Security, including the United States Fire Administration in the Federal Emergency Management Agency.

(vi) The National Aeronautics and Space Administration.

(vii) The National Science Foundation.

(viii) Other Federal agencies, as appropriate.

(4) CHAIR.—

(A) IN GENERAL.—A representative of the Coast Guard shall serve as Chair.

(B) ROLE OF CHAIR.—The primary role of the Chair shall be to ensure that—

(i) the activities of the Interagency Committee and the agencies listed in paragraph (3)(B) are coordinated;

(ii) the implementation plans required under subsection (b)(1) are completed and submitted;

(iii) the annual reports required under subsection (e) are completed and submitted;

(iv) the Interagency Committee meets in accordance with the requirements of paragraph (5); and

(v) the Oil Pollution Research Advisory Committee under subsection (f) is established and utilized.

(5) ACTIVITIES.—

(A) ONGOING, COORDINATED EFFORTS.—The Interagency Committee shall ensure that the research, development, and demonstration efforts authorized by this section are coordinated and conducted on an ongoing basis.

(B) MEETINGS.—

(i) IN GENERAL.—The Interagency Committee shall meet, or otherwise communicate, as appropriate, to—

(I) plan program-related activities; and

(II) determine whether the program is resulting in the development of new or improved methods and technologies to prevent, detect, respond to, contain, and mitigate oil discharge.

(ii) FREQUENCY.—In no event shall the Interagency Committee meet less than once per year.

(C) INFORMATION EXCHANGE.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall develop a national information clearinghouse on oil discharge that—

(i) includes scientific information and research on preparedness, response, and restoration; and

(ii) serves as a single electronic access and input point for Federal agencies, emergency responders, the research community, and other interested parties for such information.

(b) OIL POLLUTION RESEARCH AND TECHNOLOGY PLAN.—

(1) IMPLEMENTATION PLAN.—Within ⟦180 days after the date of enactment of this Act⟧ *180 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010 and periodically thereafter, as appropriate, but not less than once every 5 years*, the Interagency

Committee shall submit to Congress a plan for the implementation of the oil pollution research, development, and demonstration program established pursuant to subsection (c). The research plan shall—

[(A) identify agency roles and responsibilities;]

(A) identify the roles and responsibilities of each member agency of the Interagency Committee under subsection (a)(3)(A) and each of the collaborating agencies under subsection (a)(3)(B);

(B) assess the current status of knowledge on oil pollution prevention, response, *containment,* and mitigation technologies and effects of oil pollution on the environment;

* * * * * * *

(D) establish research priorities and goals for oil pollution technology development related to prevention, response, *containment,* mitigation, and environmental effects;

(E) estimate the resources needed to conduct the oil pollution research and development program established pursuant to subsection (c), and timetables for completing research tasks; [and]

(F) identify, in consultation with [the States, regional oil pollution research needs] *State and tribal governments, regional oil pollution research needs, including natural seeps and pollution resulting from importing oil from overseas,* and priorities for a coordinated, multidisciplinary program of research at the regional level[.]*;*

(G) identify the information needed to conduct risk assessment and risk analysis research to effectively prevent oil discharges, including information on human factors and decisionmaking, and to protect the environment; and

(H) identify a methodology that—

(i) provides for the solicitation, evaluation, preapproval, funding, and utilization of technologies and research projects developed by the public and private sector in advance of future oil discharges; and

(ii) where appropriate, ensures that such technologies are readily available for rapid testing and potential deployment and that research projects can be implemented during an incident response.

[(2) ADVICE AND GUIDANCE.—The Chairman, through the Department of Transportation, shall contract with the National Academy of Sciences to—

[(A) provide advice and guidance in the preparation and development of the research plan; and

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

The National Institute of Standards and Technology shall provide the Interagency Committee with advice and guidance on issues relating to quality assurance and standards measurements relating to its activities under this section.]

(2) ADVICE AND GUIDANCE.—

(A) IN GENERAL.—The Chair shall solicit advice and guidance in the development of the research plan under paragraph (1) from—

(i) the Oil Pollution Research Advisory Committee established under subsection (f);

(ii) the National Institute of Standards and Technology on issues relating to quality assurance and standards measurements;

(iii) third party standard-setting organizations on issues relating to voluntary consensus standards; and

(iv) the public in accordance with subparagraph (B).

(B) PUBLIC COMMENT.—Prior to the submission of the research plan to Congress under paragraph (1), the research plan shall be published in the Federal Register and subject to a public comment period of 30 days. The Chair shall review the public comments received and incorporate those comments into the plan, as appropriate.

(3) REVIEW.—After the submission of each research plan to Congress under paragraph (1), the Chair shall contract with the National Academy of Sciences—

(A) to review the research plan;

(B) to assess the adequacy of the research plan; and

(C) to submit a report to Congress on the conclusions of the assessment.

(4) INCORPORATION OF RECOMMENDATIONS.—The Chair shall address any recommendations in the review conducted under paragraph (3) and shall incorporate such recommendations into the research plan, as appropriate.

(c) OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.—

(1) ESTABLISHMENT.—The Interagency Committee shall coordinate the establishment, by the agencies represented on the Interagency Committee, of a program for conducting oil pollution **[**research and development, as provided in this subsection**]** *research, development, and demonstration, as provided in this subsection and subsection (a)(2).*

(2) INNOVATIVE OIL POLLUTION TECHNOLOGY.—The program established under this subsection shall provide for research, development, and demonstration of new or improved technologies which are effective in **[**preventing or mitigating**]** *preventing, detecting, containing, recovering, or mitigating* oil discharges and which protect the environment, including—

(A) * * *

* * * * * * *

[(I) research to evaluate the relative effectiveness and environmental impacts of bioremediation technologies; and**]**

[(J)**]** *(I)* the demonstration of a satellite-based, dependent surveillance vessel traffic system in Narragansett Bay to evaluate the utility of such system in reducing the risk of oil discharges from vessel collisions and groundings in confined waters**[**.**]***;*

(J) technologies and methods to address oil discharge on land and in inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas;

(K) modeling and simulation capabilities, including tools and technologies, that can be used to facilitate effective recovery and containment of oil discharge during incident response; and

(L) research conducted by the Environmental Protection Agency on the development and approval of technologies with maximum effectiveness, including application and delivery mechanisms, and minimum toxicity to natural resources, the public, and the environment in both the near and long-term.

[(3) OIL POLLUTION TECHNOLOGY EVALUATION.—The program established under this subsection shall provide for oil pollution prevention and mitigation technology evaluation including—

[(A) the evaluation and testing of technologies developed independently of the research and development program established under this subsection;

[(B) the establishment, where appropriate, of standards and testing protocols traceable to national standards to measure the performance of oil pollution prevention or mitigation technologies; and

[(C) the use, where appropriate, of controlled field testing to evaluate real-world application of oil discharge prevention or mitigation technologies.]

(3) OIL POLLUTION TECHNOLOGY EVALUATION.—The program established under this subsection shall provide for the evaluation of oil pollution prevention, containment, and mitigation technologies, including—

(A) the evaluation of the performance and effectiveness of such technologies in preventing, detecting, containing, recovering, and mitigating oil discharges;

(B) the evaluation of the environmental effects of the use of such technologies;

(C) the evaluation and testing of technologies developed independently of the research and development program established under this subsection, including technologies developed by small businesses;

(D) the establishment, with the advice and guidance of the National Institute of Standards and Technology, of standards and testing protocols traceable to national standards to measure the performance of oil pollution prevention, containment, or mitigation technologies;

(E) an evaluation of the environmental effects and utility of controlled field testing;

(F) the use, where appropriate, of controlled field testing to evaluate real-world application of new or improved oil discharge prevention, response, containment, recovery, or mitigation technologies; and

(G) an evaluation of the effectiveness of oil pollution prevention technologies based on probabilistic risk analyses of the system.

(4) OIL POLLUTION EFFECTS RESEARCH.—[(A) The Committee shall establish a research program to monitor and evaluate the environmental effects of oil discharges. Such program shall include the following elements:

[(i) The development of improved models and capabilities for predicting the environmental fate, transport, and effects of oil discharges.

[(ii) The development of methods, including economic methods, to assess damages to natural resources resulting from oil discharges.

[(iii) The identification of types of ecologically sensitive areas at particular risk to oil discharges and the preparation of scientific monitoring and evaluation plans, one for each of several types of ecological conditions, to be implemented in the event of major oil discharges in such areas.

[(iv) The collection of environmental baseline data in ecologically sensitive areas at particular risk to oil discharges where such data are insufficient.]

(A) IN GENERAL.—

(i) ESTABLISHMENT.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall establish a research program to monitor and scientifically evaluate the environmental effects, including long-term effects, of oil discharge.

(ii) SPECIFICATIONS.—Such program shall include the following elements:

(I) Research on and the development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of an oil discharge throughout the environment, including tools and models to accurately measure and predict the flow of oil discharged.

(II) The development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges, including in economically disadvantaged communities and areas.

(III) The identification of types of ecologically sensitive areas at particular risk from oil discharges, such as inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas.

(IV) The preparation of scientific monitoring and evaluation plans for the areas identified under subclause (III) to be implemented in the event of major oil discharges in such areas.

(V) The collection of environmental baseline data in the areas identified under subclause (III) if such data are insufficient.

(VI) The use of both onshore and offshore air quality monitoring to study the effects of oil pollution and oil pollution cleanup technologies on air quality; and making the results, health, and safety warnings readily available to the public, including emergency responders, the research community, local residents, and other interested parties.

(VII) Research on technologies, methods, and standards for protecting removal personnel and for volunteers that may participate in incident responses, in-

cluding training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures.

[(B) The Department of Commerce in consultation with the Environmental Protection Agency shall monitor and scientifically evaluate the long-term environmental effects of oil discharges if—

[(i) the amount of oil discharged exceeds 250,000 gallons;

[(ii) the oil discharge has occurred on or after January 1, 1989; and

[(iii) the Interagency Committee determines that a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges.]

(B) CONDITIONS.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall conduct research activities under subparagraph (A) for areas in which—

(i) the amount of oil discharged exceeds 250,000 gallons; and

(ii) a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges.

Areas for study may include the following sites where oil discharges have occurred: the New York/New Jersey Harbor area, where oil was discharged by an Exxon underwater pipeline, the T/B CIBRO SAVANNAH, and the M/V BT NAUTILUS; Narragansett Bay where oil was discharged by the WORLD PRODIGY; the Houston Ship Channel where oil was discharged by the RACHEL B; the Delaware River, where oil was discharged by the PRESIDENTE RIVERA and the T/V [ATHOS I, and] *ATHOS I;* Huntington Beach, California, where oil was discharged by the AMERICAN TRADER[.]*; Prince William Sound, where oil was discharged by the EXXON VALDEZ; and the Gulf of Mexico, where oil was discharged by the DEEPWATER HORIZON.*

(C) [Research] *COORDINATION.—Research* conducted under this paragraph by, or through, the United States Fish and Wildlife Service shall be directed and coordinated by the National Wetland Research Center.

* * * * * * *

(6) DEMONSTRATION PROJECTS.—[The United States Coast Guard, in conjunction with such agencies as the President may designate, shall conduct 4 port oil pollution minimization demonstration projects, one each with (A) the Port Authority of New York and New Jersey, (B) the Ports of Los Angeles and Long Beach, California, (C) the Port of New Orleans, Louisiana, and (D) a port on the Great Lakes for the purpose of developing and demonstrating integrated port oil pollution prevention and cleanup systems which utilize the information and implement the improved practices and technologies developed from the research, development, and demonstration program established in this section.] *The United States Coast Guard, in conjunction with such agencies as the President may designate,*

shall conduct a total of 2 port oil pollution minimization demonstration projects, 1 with the Ports of Los Angeles and Long Beach, California, and 1 with a port on the Great Lakes, for the purpose of developing and demonstrating integrated port oil pollution prevention and cleanup systems that utilize the information and implement the improved practices and technologies developed from the research, development, and demonstration program established in this section. Such systems shall utilize improved technologies and management practices for reducing the risk of oil discharges, including, as appropriate, improved data access, computerized tracking of oil shipments, improved vessel tracking and navigation systems, advanced technology to monitor pipeline and tank conditions, improved **[**oil spill**]** *oil discharge* response capability, improved capability to predict the flow and effects of oil discharges in both the inner and outer harbor areas for the purposes of making infrastructure decisions, and such other activities necessary to achieve the purposes of this section.

(7) SIMULATED ENVIRONMENTAL TESTING.—Agencies represented on the Interagency Committee shall ensure the long-term use and operation of the Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT) Research Center in New Jersey for oil pollution technology testing and evaluations. *Oil pollution technology testing and evaluations shall be given priority over all other activities performed at such Research Center.*

(8) REGIONAL RESEARCH PROGRAM.—(A) Consistent with the research plan in subsection (b), the Interagency Committee shall coordinate a **[**program of competitive grants**]** *program of peer-reviewed, competitive grants* to universities or other research institutions, or groups of universities or research institutions, for the purposes of conducting a coordinated research program related to the regional aspects of oil pollution, such as prevention, removal, mitigation, and the effects of discharged oil on regional environments. For the purposes of this paragraph, a region means a Coast Guard district as set out in part 3 of title 33, Code of Federal Regulations **[**(1989)**]** *(2009)*.

* * * * * * *

(C) Any university or other research institution, or group of universities or research institutions, may apply for a grant for the regional research program established by this paragraph. The applicant must be located in the region, or in a State a part of which is in the region, for which the project is proposed as part of the regional research program. With respect to a group application, **[**the entity or entities which**]** *at least one entity that* will carry out the substantial portion of the proposed research must be located in the region, or in a State a part of which is in the region, for which the project is proposed as part of the regional research program.

* * * * * * *

(H) In carrying out this paragraph, the Interagency Committee shall coordinate the program of peer-reviewed, competitive grants to universities or other research institutions, including Minority Serving Institutions as defined under section

371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), and provide consideration to such institutions in the recommendations for awarding grants.

(9) FUNDING.—For each of the fiscal years [1991, 1992, 1993, 1994, and 1995, $6,000,000 of amounts in the Fund shall be available] *2011, 2012, 2013, 2014, and 2015, there are authorized to be appropriated from amounts in the Fund $12,000,000* to carry out the regional research program in paragraph (8), such amounts to be available in equal amounts for the regional research program in each region; except that if the agencies represented on the Interagency Committee determine that regional research needs exist which cannot be addressed within such funding limits, such agencies may use their authority under paragraph (10) to make additional grants to meet such needs. For the purposes of this paragraph, the research program carried out by the Prince William Sound Oil Spill Recovery Institute established under section 5001, shall not be eligible to receive grants under this paragraph until the authorization for funding under section 5006(b) expires.

* * * * * * *

[(d) INTERNATIONAL COOPERATION.—In accordance with the research plan submitted under subsection (b), the Interagency Committee shall coordinate and cooperate with other nations and foreign research entities in conducting oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges.

[(e) BIENNIAL REPORTS.—The Chairman of the Interagency Committee shall submit to Congress every 2 years on October 30 a report on the activities carried out under this section in the preceding 2 fiscal years, and on activities proposed to be carried out under this section in the current 2 fiscal year period.]

(d) INTERNATIONAL COOPERATION.—In accordance with the research plan submitted under subsection (b), the Interagency Committee shall engage in international cooperation by harnessing global expertise through collaborative partnerships with foreign governments and research entities, and domestic and foreign private actors, including nongovernmental organizations and private sector companies, and by leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to conduct collaborative oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges, oil recovery, and cleanup standards.

(e) ANNUAL REPORT.—

(1) Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chair of the Interagency Committee shall submit to Congress a report describing the—

(A) activities carried out under this section in the preceding fiscal year, including—

(i) a description of major research conducted on oil discharge prevention, detection, containment, recovery, and mitigation techniques in all environments by each agency described in subsection (a)(3)(A) and (B); and

(ii) a summary of—

(I) projects in which the agency contributed funding or other resources;

(II) major projects undertaken by State and tribal governments, and foreign governments; and

(III) major projects undertaken by the private sector and educational institutions;

(B) activities being carried out under this section in the current fiscal year, including a description of major research and development activities on oil discharge prevention, detection, containment, recovery, and mitigation technologies and techniques in all environments that each agency will conduct or contribute to; and

(C) activities proposed to be carried out under this section in the subsequent fiscal year, including an analysis of how these activities will further the purposes of the program authorized by this section.

(2) If the National Academy of Sciences provides recommendations on the research plan under section 7001(b)(3), the Chair shall include, in the first annual report under paragraph (1) of this subsection, a description of those recommendations incorporated into the research plan, and a description of, and explanation for, any recommendations that are not included in such plan.

(f) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chair of the Interagency Committee shall establish an advisory committee to be known as the Oil Pollution Research Advisory Committee (in this subsection referred to as the "advisory committee").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The advisory committee shall be composed of members appointed by the Chair, in consultation with the each member agency described in subsection (a)(3), including—

(i) individuals with extensive knowledge and research experience or operational knowledge of prevention, detection, response, containment, and mitigation of oil discharges;

(ii) individuals broadly representative of stakeholders affected by oil discharges; and

(iii) other individuals, as determined by the Chair.

(B) LIMITATIONS.—The Chair shall—

(i) appoint no more than 25 members that shall not include representatives of the Federal Government, but may include representatives from State, tribal, and local governments; and

(ii) ensure that no class of individuals described in clause (ii) or (iii) of subparagraph (A) comprises more than 1/3 of the membership of the advisory committee.

(C) TERMS OF SERVICE.—

(i) IN GENERAL.—Members shall be appointed for a 3-year term and may serve for not more than 2 terms, except as provided in clause (iii).

(ii) VACANCIES.—Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

(iii) SPECIAL RULE.—If a member is appointed to fill a vacancy and the remainder of the unexpired term is less than 1 year, the member may subsequently be appointed for 2 full terms.

(D) COMPENSATION AND EXPENSES.—Members of the advisory committee shall not be compensated for service on the advisory committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(3) DUTIES.—The advisory committee shall review, advise, and comment on Interagency Committee activities, including the following:

(A) Management and functioning of the Interagency Committee.

(B) Collaboration of the Interagency Committee and the agencies listed in subsection (a)(3)(B).

(C) The research and technology development of new or improved response capabilities.

(D) The use of cost-effective research mechanisms.

(E) Research, computation, and modeling needs and other resources needed to develop a comprehensive program of oil pollution research.

(4) SUBCOMMITTEES.—The advisory committee may establish subcommittees of its members.

(5) MEETINGS.—The advisory committee shall meet at least once per year and at other times at the call of the chairperson.

(6) REPORT.—The advisory committee shall submit biennial reports to the Interagency Committee and Congress on the function, activities, and progress of the Interagency Committee and the programs established under this section.

(7) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.

[(f) FUNDING.—Not to exceed $22,000,000 of amounts in the Fund shall be available annually to carry out this section except for subsection (c)(8). Of such sums—

[(1) funds authorized to be appropriated to carry out the activities under subsection (c)(4) shall not exceed $5,000,000 for fiscal year 1991 or $3,500,000 for any subsequent fiscal year; and

[(2) not less than $3,000,000 shall be available for carrying out the activities in subsection (c)(6) for fiscal years 1992, 1993, 1994, and 1995.

All activities authorized in this section, including subsection (c)(8), are subject to appropriations.]

(g) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated from amounts in the Fund not more than $48,000,000 annually to carry out this section, except for subsection (c)(8).

(2) SPECIFIC ALLOCATIONS.—From the amounts in paragraph (1), there are authorized to be appropriated—

(A) $16,000,000 to the Administrator of the National Oceanic and Atmospheric Administration annually to carry out this section; and

(B) $2,000,000 for each of fiscal years 2011, 2012, 2013, and 2014 to carry out the activities in subsection (c)(6).

(h) ACCESS TO RESEARCH DURING AN EMERGENCY.—Any entity that receives Federal funding for research, the methodologies or results of which may be useful for response activities in the event of an oil discharge incident described in sections 300.300-334 of title 40 of the Code of Federal Regulations, shall, upon request, make the methodologies or results of such research available to the Interagency Committee and the Federal On-Scene Coordinator (as defined in section 311(a)(21) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(21)), except to the extent that the information is protected from disclosure under section 552(b) of title 5, United States Code. Such information shall be for use in response activities in the event of an oil discharge, and shall not be included in information made publicly available pursuant to this Act.

* * * * * * *

XX. COMMITTEE RECOMMENDATIONS

On July 14, 2010, the Committee on Science and Technology favorably reported the Oil Pollution Research and Development Program Reauthorization Act of 2010 by voice vote, and recommended its enactment.

XXI. Exchange of Committee Correspondence

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

PETER T. KING, NEW YORK
RANKING MEMBER

One Hundred Eleventh Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

July 20, 2010

The Honorable Bart Gordon
Chairman
Committee on Science and Technology
2321 Rayburn Bldg.
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Gordon:

I write to you regarding H.R. 2693, the "Federal Oil Spill Research Program Act."

H.R. 2693 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 2693 or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 2693 and in the *Congressional Record* during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

Bennie G. Thompson
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Peter T. King, Ranking Member
The Honorable John Sullivan, Parliamentarian

BART GORDON, TENNESSEE
CHAIRMAN

RALPH M. HALL, TEXAS
RANKING MEMBER

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY
SUITE 2321 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6301
(202) 225–6375
http://science.house.gov

July 20, 2010

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman Thompson:

Thank you for your letter regarding H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Homeland Security. I acknowledge that by waiving rights to a referral of H.R. 2693, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 2693. A copy of our letters will be placed in the legislative report on H.R. 2693 and in the *Congressional Record* during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Ralph M. Hall, Ranking Member
The Honorable Peter T. King, Ranking Member,
Committee on Homeland Security

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

July 20, 2010

The Honorable Bart Gordon
Chairman
Committee on Science and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Gordon:

I write to you regarding H.R. 2693, the "Federal Oil Spill Research Program Act".

H.R. 2693 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 2693.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 2693 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 2693 and in the *Congressional Record* during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

James L. Oberstar, M.C.
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable John L. Mica, Ranking Member
The Honorable Ralph M. Hall, Ranking Member, Committee on Science and Technology
The Honorable John Sullivan, Parliamentarian

BART GORDON, TENNESSEE
CHAIRMAN

RALPH M. HALL, TEXAS
RANKING MEMBER

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY
SUITE 2321 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6301
(202) 225–6375
http://science.house.gov

July 20, 2010

The Honorable James L. Oberstar
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

Thank you for your letter regarding H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Transportation and Infrastructure. I acknowledge that by waiving rights to a referral of H.R. 2693, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Transportation and Infrastructure has jurisdiction in H.R. 2693. A copy of our letters will be placed in the legislative report on H.R. 2693 and in the *Congressional Record* during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Ralph M. Hall, Ranking Member
The Honorable John L. Mica, Ranking Member,
Committee on Transportation and Infrastructure

XXII. ADDITIONAL VIEWS

In the wake of the Deepwater Horizon tragedy, the Committee has taken a renewed interest in H.R. 2693, a bill to reauthorize and amend Title VII, the research and development program, of the Oil Pollution Act of 1990. The Amendment in the Nature of a Substitute (ANS) that was offered at the Full Committee markup was a good effort to address many of the reservations that Members on both sides had previously expressed; however, we continue to have some concerns with the bill as reported.

Although we understand that the apparent lack of progress of the Interagency Committee in research was the motivation behind streamlining the Committee to include only the Coast Guard, the Department of Interior, the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, we are concerned that the removal of the other agencies from direct involvement in the research program will be a signal to these agencies to no longer make this research a priority and we will lose the benefit of the cross-cutting expertise of different federal agencies.

The ANS to H.R. 2693 shifts the focus of the underlying statute to concentrate much more on the environmental effects of the cleanup technologies rather than the effectiveness of the technologies themselves. While we support the research and understanding of the environmental effects of technology use as part of the program, we are alarmed that the development and performance of these technologies is now a secondary mission instead of the primary one. We seek additional balance between the goals of technology effectiveness and performance and environmental effects of the utilized technology. The environmental effects of these technologies are meaningless unless we are first assured of their effectiveness in preventing, containing, responding to, and mitigating oil discharges.

We are also concerned about the inclusion of an amendment that substantially modifies current law regarding International Cooperation on oil pollution research, development and demonstration activities. The Interagency Committee's primary task is to conduct a research and development program for technology development and effects of discharges on the environment. H.R. 2693 as reported would alter this program by requiring a greater amount of diplomacy and international interaction in the research and development program. While the intent of this expansion is laudable, it could easily utilize much of the program's resources.

While we believe expanded international interaction in the area of research and development of oil pollution prevention, response, and mitigation technologies is a good thing, the inclusion of the concept of laying the foundation for cleanup "standards" shifts the focus in a direction not necessarily suitable to this program. Additionally, the inclusion of the development of cleanup "standards"

may prove to be a futile exercise if the technology does not exist to reach such goals. Delegating to the Interagency Committee a substantial international outreach role will distract them from the very research and development activities H.R. 2693 attempts to strengthen.

Finally, we are concerned with language included in the reported version that would require any entity receiving federal research funds to divulge the results of such research. While we support greater transparency with the use of taxpayers' dollars, we are concerned that this provision is overly broad and, as currently drafted, may not provide enough statutory protections to alleviate concerns regarding release of confidential work product to the general public.

We are committed to oil pollution research, technology development, and demonstration and remain hopeful that the concerns expressed here and during the full committee markup will be addressed as we move forward in the legislative process.

RALPH M. HALL.
PAUL C. BROUN.
VERNON J. EHLERS.
W. TODD AKIN.
MICHAEL T. MCCAUL.
ADRIAN SMITH.
PETE OLSON.
RANDY NEUGEBAUER.
JUDY BIGGERT.
DANA ROHRABACHER.
LAMAR SMITH.

XXIII: PROCEEDINGS OF THE MARKUP BY THE SUBCOMMITTEE ON ENERGY AND ENVIRONMENT ON H.R. 2693, THE FEDERAL OIL SPILL RESEARCH PROGRAM ACT

TUESDAY, JUNE 16, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ENERGY AND ENVIRONMENT,
COMMITTEE ON SCIENCE,
Washington, DC.

The Subcommittee met, pursuant to call, at 10:00 a.m., in Room 2318 of the Rayburn House Office Building, Hon. Brian Baird [Chair of the Subcommittee] presiding.

Chair BAIRD. Good morning to everyone. Our committee will now come to order.

Pursuant to notice, the Subcommittee on Energy and Environment meets to consider the following measures: H.R. 2693, the *Federal Oil Pollution Research Program Act;* H.R. 2729, *To authorize the designation of National Environment Research Parks by the Secretary of Energy and for other purposes;* and H.R. 1622, *To provide for a program of research, development and demonstration on natural gas vehicles.* We will now proceed with the markup.

This morning the Energy and Environment Subcommittee meets to consider, as mentioned, three pieces of legislation: the *Federal Oil Pollution Research Program Act,* which is H.R. 2693; also H.R. 2729, the bill to authorize the Department of Energy's National Environment Research Parks; and H.R. 1622, a bill to provide for a program of research and development of vehicles that operate using natural gas as a fuel.

First, the Subcommittee will consider H.R. 2693 authorized by Ms. Woolsey from California, which amends the federal interagency research and development program created in the *Oil Pollution Act of 1990.* This bill would improve the Federal Government's research and development efforts to prevent, detect or mitigate oil discharges. Through this reauthorization, federal agencies will be better equipped to respond to oil discharges wherever they occur.

We will also mark up H.R. 2729, the bill introduced by Mr. Luján from New Mexico to authorize the Department of Energy's seven National Environmental Research Parks. These parks are truly a national treasure, providing large tracts of land that represent nearly all of the major eco-regions in the United States and are a valuable resource for examining the transport of DOE-related contaminants, the long-term impacts of climate change and the various ways carbon is captured and released within the ecosystem. I

am pleased to be a co-sponsor of both H.R. 2693 and H.R. 2729, and I encourage colleagues on both sides of the aisle to join in supporting those important bills.

Finally, the Subcommittee will consider H.R. 1622, a bill introduced by Mr. Sullivan of Oklahoma and co-sponsored by Full Committee Ranking Member Mr. Hall. This bill reauthorizes the Department of Energy's research, development and demonstration program in natural gas-powered vehicles and related infrastructure. To transform our nation's energy sector, we must explore a diverse range of fuels and vehicle technologies. While only a piece in a very complex puzzle, natural gas can potentially provide us with an option that is both cleaner than petroleum and more domestically available. I look forward to the discussion on the bill and moving it towards a Full Committee markup.

I thank the Members for their participation this morning and look forward to a productive markup.

I now recognize Mr. Inglis to present opening remarks.

[The prepared statement of Chair Baird follows:]

PREPARED STATEMENT OF CHAIR BRIAN BAIRD

This morning the Energy and Environment Subcommittee meets to consider three pieces of legislation: H.R. 2693, the *Federal Oil Pollution Research Program Act;* H.R. 2729, *A bill to authorize the Department of Energy's National Environmental Research Parks;* and H.R. 1622, *A bill to provide for a program of research and development of vehicles that operate using natural gas as a fuel.*

First, the Subcommittee will consider H.R. 2693, authored by Ms. Woolsey, which amends the federal interagency research and development program created in the *Oil Pollution Act of 1990.* This bill would improve the Federal Government's research and development efforts to prevent, detect, or mitigate oil discharges. Through this reauthorization, federal agencies will be better equipped to respond to oil discharges wherever they occur.

We will also be marking up H.R. 2729, a bill introduced by Mr. Luján to authorize the Department of Energy's seven National Environmental Research Parks. These parks are truly a national treasure, providing large tracts of land that represent nearly all of the major eco-regions in the United States. They are a valuable resource for examining the transport of DOE-related contaminants, long-term impacts of climate change, and the various ways carbon is captured and released within ecosystems.

I am pleased to be a co-sponsor of both H.R. 2693 and H.R. 2729, and I encourage my colleagues on both sides of the aisle to join me in supporting these important bills.

Finally, the Subcommittee will consider H.R. 1622, a bill introduced by Mr. Sullivan of Oklahoma and co-sponsored by the Full Committee Ranking Member, Mr. Hall. This bill reauthorizes the Department of Energy's research, development, and demonstration program in natural gas powered vehicles and related infrastructure.

To transform our nation's energy sector we must explore a diverse range of fuels and vehicle technologies. While only a piece in very complex puzzle, natural gas can potentially provide us with an option that is both cleaner than petroleum and domestically available. I look forward to the discussion on the bill and moving it towards a Full Committee markup.

I thank the Members for their participation this morning, and I look forward to a productive markup.

Mr. INGLIS. Good morning, and thank you, Mr. Chair, for this hearing today. We will address several pieces of legislation that highlight the diversity of federal research initiatives into pressing environmental and energy-related problems. It is an opportunity to reflect on our broad jurisdiction and to ensure that federal research dollars are focused and well spent.

The first bill before us, the *Federal Oil Spill Research Program Act,* will revitalize the federal research efforts focused on the pre-

vention, detection and mitigation of oil spills. While this is critical research and I commend Ms. Woolsey's dedication to this important issue, I am not confident that H.R. 2693 is necessary to improve the interagency commitment to oil spill research. The testimony we heard on this topic two weeks ago indicated that the interagency process seems to be working. The witnesses indicated that the most significant problems were related to limited funding and poor communication with the states. Further, this bill makes NOAA the Chair of the interagency research committee though other federal agencies seem better geared toward leading this particular research effort.

The second bill is H.R. 2729, a bill to permanently authorize the National Environmental Research Parks. I appreciate Mr. Luján's leadership in this area. These facilities are a unique environmental research asset. The Environmental Research Park at the Savannah River site, for example, has provided South Carolina and Georgia students with the opportunity to engage in research in our local ecologies. Especially as we develop new energy alternatives, our Environmental Research Parks will help us understand how our energy choices impact our distinct ecosystems.

I would also like to speak in support of H.R. 1622 and commend Mr. Sullivan for his leadership in promoting the development of natural gas vehicles. As long as we rely on oil to power our transportation sector, the U.S. will be dependent on hostile foreign nations and will continue to fund both sides of the War on Terror. H.R. 1622 will utilize American ingenuity to increase competition and fuel choices in the transportation sector and spur innovation economy and increasing our national security.

Thank you again, Mr. Chair. I look forward to developing legislation that truly improves our diverse federal research efforts.

[The prepared statement of Mr. Inglis follows:]

PREPARED STATEMENT OF REPRESENTATIVE BOB INGLIS

Good morning and thank you for holding this hearing, Mr. Chairman.

Today we will address several pieces of legislation that highlight the diversity of federal research initiatives into pressing environmental and energy related problems. It's an opportunity to reflect on our broad jurisdiction and to ensure that federal research dollars are focused and well spent.

The first bill before us, the *Federal Oil Spill Research Program Act* will revitalize the federal research effort focused on the prevention, detection, and mitigation of oil spills. While this is critical research and I commend Ms. Woolsey's dedication to this important issue, I am not confident that H.R. 2693 is necessary to improve the interagency commitment to oil spill research. The testimony we heard on this topic two weeks ago indicated that the interagency process seems to be working. The witnesses indicated that the most significant problems were related to limited funding and poor communication with the states. Further, this bill makes NOAA the Chair of the interagency research committee, though other federal agencies are better geared toward leading this particular research effort.

The second bill is H.R. 2729, a bill to permanently authorize National Environmental Research Parks. I appreciate Mr. Luján's leadership in this area. These facilities are a unique environmental research asset. The environmental research park at the Savannah River Site has provided South Carolina's research universities and students with the unique opportunity to engage in research on our local ecology. Especially as we develop new energy alternatives, our National Environmental Research Parks will help us understand how our energy choices impact our distinct ecosystems.

I'd also like to speak in support of H.R. 1622 and commend Mr. Sullivan for his leadership in promoting the development of natural gas vehicles. So long as we rely on oil to power our transportation sector, the U.S. will be dependent on hostile for-

eign nations and we will continue to fund both sides of the war on terror. H.R. 1622 will utilize American ingenuity to increase competition and fuel choice in the transportation sector, spurring our innovation economy and increasing our national security.

Thank you again, Mr. Chairman, and I look forward to developing legislation that truly improves our diverse federal research efforts.

Chair BAIRD. Thank you, Mr. Inglis. Members may place any statements for the record at this point.

We will now consider H.R. 2693, the *Federal Oil Spill Research Program Act,* and I am pleased to recognize Ms. Woolsey to prevent—present any additional remarks on her legislation.

Ms. WOOLSEY. To prevent?

Chair BAIRD. Present.

Ms. WOOLSEY. Thank you very much, Mr. Chair, and thank you for holding this markup today.

As some of you remember on November 7, 2007, the container ship Cosco Busan collided with the San Francisco Bay Bridge and released 58,000 gallons of oil into the San Francisco Bay. Although this was considered a minor spill by comparison, the impact to my District was widespread. The pristine beaches of Marin County were soiled, waters off our federal parklands were sullied and important restoration projects in Richardson and San Pablo Bay were threatened. All in all, about 200 miles of coastline were affected. In addition, the spill killed thousands of birds, maimed marine mammals, and no one knows how many fish.

That is why I have introduced H.R. 2693, the *Federal Oil Spill Research Program Act.* This bill reorganizes the agencies responsible for federal research and development of oil spill prevention, detection, recovery and mitigation to ensure that the three agencies with the most expertise in this area are working together for common solutions in the most effective and efficient way possible. Although under current law there are 14 separate agencies tasked with oil spill research, when the Committee held a hearing on this bill it became clear that the Coast Guard, the EPA and NOAA are in fact the most engaged. As a result, H.R. 2693 creates the Federal Oil Spill Research Committee to give these three agencies the primary responsibility for our federal oil spill prevention activities.

In the aftermath of the Cosco Busan spill, one thing that I heard again and again from the people who are tasked with cleaning up our mess was that the technology they were using wasn't adequate to get the job done, and the Committee heard similar testimonies from experts who testified on H.R. 2693. That is why this bill also provides grants to institutions of higher learning and research centers to improve technologies used to prevent, combat and clean up oil spills. It is clear that current technology is inadequate to prevent and protect us from oil spills, as the average recovery is only between 10 and 15 percent, and I know with a lot of focus and the effort that we need, we can do much, much better.

H.R. 2693 will help to ensure that the Federal Government is taking an active role to prevent oil spills, and that when they do occur, we have the best possible technology to minimize negative impacts to ourselves and to our environment.

Mr. Chair, again, I thank you for holding this markup. I urge my colleagues to support H.R. 2693.

[The prepared statement of Ms. Woolsey follows:]

PREPARED STATEMENT OF REPRESENTATIVE LYNN WOOLSEY

Mr. Chairman, thank you for holding this markup today.

As some of you remember, on November 7, 2007, the container ship Cosco Busan collided with the San Francisco Bay Bridge, and released 58,000 gallons of oil into San Francisco Bay.

Although this was considered a minor spill by comparison, the impact to my District was widespread. The pristine beaches of Marin County were soiled, waters off of our federal parklands were sullied, and important restoration projects in Richardson and San Pablo Bay were threatened. All in all, about 200 miles of coastline were affected.

In addition, the spill killed thousands of birds, many marine mammals, and no one knows how many fish.

That's why I have introduced the H.R. 2693, the "Federal Oil Spill Research Program Act." This bill reorganizes the agencies responsible for federal research and development of oil spill prevention, detection, recovery, and mitigation to ensure that the three agencies with the most expertise in this area are all working together for common solutions, in the most effective and efficient way possible.

Although under current law there are 14 separate agencies tasked with oil spill research, when the Committee held a hearing on this bill, we heard from the Coast Guard, EPA, and NOAA that they are in fact the ones that are most engaged in this field. As a result, H.R. 2693 creates the federal oil spill research committee to give these three agencies the primary responsibility for our federal oil spill prevention activities.

In the aftermath of the Cosco Busan spill, one thing that I heard again and again from the people who were tasked with cleaning up our mess was that the technology they were using just wasn't adequate to get the job done . . . and, the Committee heard similar testimony from the experts who testified on H.R. 2693.

That's why this bill also provides grants to institutes of higher learning and research centers to improve technologies used to prevent, combat, and clean up oil spills.

It's clear that current technology is inadequate to prevent and protect us from oils spills . . . as the average recovery is only between 10–15 percent. and, I know with the right focus and effort, we can do much, much better.

H.R. 2693 will help to ensure that the Federal Government is taking an active role to prevent oil spills, and that when they do occur, we have the best possible technology to minimize negative impacts to ourselves and the environment.

Mr. Chairman, again, I thank you for holding this markup, and I urge my colleagues to support this bill.

Chair BAIRD. Thank you, Ms. Woolsey. I commend you for your passion and clearly you have such dedication, you always have for many years in the Congress and I applaud you for that and for addressing it so vigorously with this legislation. Thank you for your work on this.

The Chair now recognizes Mr. Inglis for opening remarks on the bill.

Mr. INGLIS. Thank you, Mr. Chair, and we will have several questions about this bill and in fact have got an amendment I will offer. The main question really has to do with why are we choosing NOAA as the Chair for the interagency committee. Currently it is the Coast Guard. NOAA receives no funding from the Oil Spill Liability Trust Fund. They do not act as an on-scene coordinator for either land-based or marine-based oil discharges. Their research and development is heavily focused on restoration and habitat recovery for the long-term instead of prevention and response in oil recovery immediately after a spill. And so as we proceed here, that will be a question I will be asking, in the form of an amendment really, to ask whether really the Coast Guard is better equipped to handle these functions than NOAA. But in the interest of time, why don't we proceed on to the amendments and I will be happy to yield back.

Chair BAIRD. I thank the gentleman. Is there anyone else wishing to be recognized on this legislation? I would ask unanimous consent that the bill is considered as read and open to amendment at any point and that Members proceed with the amendments in order of the roster. Without objection, so ordered.

The first amendment on the roster is a manager's amendment offered by the gentlelady from California, Ms. Woolsey. Are you ready to proceed, Ms. Woolsey?

Ms. WOOLSEY. Mr. Chair, I am. I have an amendment at the desk.

Chair BAIRD. The Clerk will report the amendment.

The CLERK. Amendment to H.R. 2693, amendment number 141, offered by Ms. Woolsey of California.

Chair BAIRD. I ask unanimous consent to dispense with the reading. Without objection, so ordered. I recognize the gentlelady for five minutes to explain the amendment.

Ms. WOOLSEY. Mr. Chair, I offer this manager's amendment to make a series of changes throughout H.R. 2693 to clarify the intent of the legislation and to incorporate recommendations from the legislative hearing held on June 4.

To start, this amendment replaces the term "oil spill" with "oil pollution" to better explain the scope of the program which includes research into oil discharges both on water and on land. Section 2 of the bill is amended to provide for more effective notification to the public about the activities of the program, including information on existing volunteer training opportunities in incident response.

Section 3 of the bill is the amended to clarify some of the elements of the interagency research program. It also adds additional program elements, including research into the mechanical, chemical and biological methods for the recovery, removal and disposal of oil, technologies, methods and standards for protecting removal personnel and volunteers that participate in incident response, improved information systems to assist federal response efforts and methods to restore and rehabilitate natural resources damaged by oil discharges.

A new section 4 of the bill is inserted to allow for the continuation of an existing technology evaluation program that will be supplemented with guidance from the National Institute of Standards and Technology, NIST. The manager's amendment also modifies the contents of the interagency committee's research assessment. It specifically adds a new requirement to identify emerging technologies and the barriers to the utilization of those technologies by federal response teams. In addition, the manager's amendment clarifies that the assessment will include an analysis of the effectiveness of current technologies to address oil pollution and an assessment and comparison of regional differences in response capabilities.

Section 5 of the bill is amended to clarify the required contents of the Federal Oil Pollution Research and Development Plan. Specifically, the amendment clarifies that the plan is to include research to improve the rates of oil recovery, the effectiveness of the response to oil discharges and the accessibility and utility of the information available to mariners, researchers and responders.

Section 6 of the bill is amended to make clear that each of the agencies in the interagency program, not just NOAA, may award grants to utilize other funding mechanisms to address research priorities set forth in the research plan.

Section 7 of the bill is modified to simplify the reporting requirement of the National Academy of Sciences. Under the manager's amendment, the National Academy will be responsible for submitting to Congress and the interagency committee a report evaluating the oil pollution research and development program and identifying priority areas of needed research and technology development.

Finally, the amendment includes a direct authorization for NOAA and EPA, each in the amount of $2 million a year for fiscal year 2010 to fiscal year 2014. Mr. Chair, this amendment is based on witness recommendations from the hearing and follow-up conversations with related federal agencies.

I ask my colleagues to please support the manager's amendment. I yield back.

Chair BAIRD. I thank the gentlelady. In a moment Mr. Inglis will have a second-degree amendment to offer, but before we turn to him, does anyone else have comments they wish to offer on Ms. Woolsey's amendment? If not, then we will turn to Mr. Inglis to offer his second-degree amendment. Are you ready to proceed with your amendment, Mr. Inglis?

Mr. INGLIS. Yes, Mr. Chair.

Chair BAIRD. The Clerk will report the amendment.

The CLERK. Amendment offered by Mr. Inglis of South Carolina. This is a second-degree amendment to the amendment offered by Ms. Woolsey to H.R. 2693. This is amendment number 007.

Chair BAIRD. I ask unanimous consent to dispense with the reading. Without objection, so ordered. I recognize the gentleman for five minutes to explain his amendment.

Mr. INGLIS. Thank you, Mr. Chair. This manager's amendment makes substantial improvements to the underlying bill. There are many aspects of the amendment that I agree with and think are worthy. However, as I mentioned earlier, I have significant concern with NOAA being named as the Chair of the interagency committee. Since the *Oil Pollution Act of 1990* was passed almost 20 years ago, the U.S. Coast Guard has led the interagency committee for research and development. The Coast Guard has a proven record of being Chair of this committee, encouraging coordination and cooperation, and still continues today with annual conferences and monthly conference calls with other participating agencies. All three federal witnesses at our hearing two weeks ago stated that the current structure works. While there is always room for improvement, it should not require tossing the existing structure that works in favor of something new. NOAA provides strategic and important information to the on-scene coordinator, either the Coast Guard or EPA, as a science coordinator. They provide information to help track where the oil is moving to. They are in charge of restoration efforts after cleanup has occurred. However, NOAA's focus is not on the response in oil recovery but on restoration and habitat recovery. NOAA does not even receive R&D funding from the Oil Spill Liability Trust Fund. I believe the R&D program originally envisioned by Congress after the terrible Valdez spill was to pro-

vide better technologies to prevent the oil from causing so much devastation. That means being able to collect it, burn it or disperse it. The Coast Guard and the Mineral Management Service are the two agencies that conduct the most research in these areas. Although NOAA's scientific contribution to clean-up after oil discharges is world class, I do not believe being Chair of this interagency committee is an appropriate role for them. So I urge the Committee to consider the amendment, changing NOAA to Coast Guard, and I would be happy to yield to the gentlelady for any response to those observations. I would be interested in what she——

[The prepared statement of Mr. Inglis follows:]

PREPARED STATEMENT OF REPRESENTATIVE BOB INGLIS

Thank you Mr. Chairman.

Mr. Chairman, this manager's amendment makes vast improvements to the underlying bill. There are many aspects of the amendment I agree with and I think are worthy. However, I have a significant concern with NOAA being named as Chair of the interagency committee. Since the *Oil Pollution Act of 1990* was passed almost 20 years ago, the U.S. Coast Guard has led the interagency committee for research and development. The Coast Guard has a proven record for being Chair of this committee, encouraging coordination and cooperation that still continues today with annual conferences and monthly conference phone calls with other participating agencies. All three federal witnesses at our hearing two weeks ago stated that the current structure works. While there is always room for improvement, it should not require tossing the existing structure that works in favor of something new.

NOAA provides strategic and important information to the on-scene coordinator, either the Coast Guard or EPA, as the Science Coordinator. They provide information to help track where the oil is moving to. They are in charge of restoration efforts after spill clean up has occurred. However, NOAA's focus is not on response and oil recovery, but on restoration and habitat recovery. NOAA does not even receive R&D funding from the Oil Spill Liability Trust Fund.

I believe the R&D program originally envisioned by Congress after that awful Valdez spill was to provide better technologies to prevent the oil from causing so much devastation. That means being able to collect it, burn it or disperse it. The Coast Guard and the Mineral Management Service are the two agencies that conduct the most research in these areas. Although NOAA's scientific contribution to clean-up after oil discharges is world-class, I do not believe being Chair of this interagency committee is an appropriate role for them.

I urge this committee to support passage of this amendment.

Chair BAIRD. The gentlelady is recognized.

Ms. WOOLSEY. Do I have time or should I take my own time? Are you going to give us——

Mr. INGLIS. Well, actually——

Chair BAIRD. You will have five minutes if you seek it after Mr. Inglis is done.

Ms. WOOLSEY. Okay.

Mr. INGLIS. Well, let me reclaim my time then and ask another question so that you can think about this. So the question number one is NOAA as the Chair as opposed to Coast Guard. The second one is that there is an interesting provision you have got about field testing. It sounds like it may be a good idea. It is different than what we have done before. As I understand it, U.S. agencies have had to participate with other countries in field testing because it is so difficult for us to get field-testing permits. So it may be a good idea to do some field tests, which, as I understand it, means dumping some oil in the ocean and seeing what happens, and so it may be a good idea. I am sort of curious about the process by which you came to that conclusion. Like I say, I am not necessarily

doubting that concept. It is just a fairly new approach for the United States.

So with those two questions, I yield back the balance of my time. Thank you, Mr. Chair.

Chair BAIRD. Does anyone else wish to be recognized on the amendment?

Ms. WOOLSEY. Mr. Chair.

Chair BAIRD. The gentlelady is recognized for five minutes.

Ms. WOOLSEY. Thank you very much.

In response to field testing, that language is in the 1990 Act, so I don't think we changed anything in that. It was just brought forward. Maybe they haven't been doing enough with it and maybe we should be doing more, but at least we want to recognize that it is part of what was, and we thought it was a good idea then.

Mr. INGLIS. If the gentlelady would yield, it is just interesting that apparently the permitting for such a field test is very difficult to accomplish because you really are—you are dumping oil in the ocean. But if there is a way to streamline it, it sounds like it may be worth pursuing, you know, try it out.

Ms. WOOLSEY. And possibly using computer models instead of our oceans to show what could happen.

Now, I would like to go on. Thank you. Reclaiming my time. My concern, Mr. Inglis, and certainly Mr. Chair, with the Inglis amendment is that it preserves the status quo. Now, there is nobody that respects and supports the United States Coast Guard more than I. I serve two Coast Guard bases—well, I serve one Coast Guard base twice in my district, the Two Rock Coast Guard facility. They are the best partners any community could have. But their focus now is homeland security, and because of that, I believe we should be looking elsewhere. I want them to be part of the triad that is going to be running this show but I believe that NOAA is the answer to be the Chair of it.

Part of what we are trying to do in this bill is to restructure our federal oil spill research and prevention and frankly breathe some new life into this area. Unfortunately, as it stands, the Coast Guard, who are currently in charge of these efforts under the interagency coordinating committee on oil pollution research, seems to be focused more on homeland security. So under the leadership of the Coast Guard, the coordinating committee hasn't produced an oil pollution research and technology plan since 1997. That was 12 years ago, and the plan has been in place for 20 years and they have only put that plan together once. They really—this really is not their focus, and we need them desperately but we don't need them to be doing the nitty gritty, and NOAA is a nitty-gritty kind of agency as far as I can tell when they work with me.

That is why I put NOAA at the head of the Committee in H.R. 2693 because their science and their expertise is absolutely world class and I have—as I said, I not only don't have anything against the Coast Guard, I actually absolutely support them and think they are wonderful but I believe NOAA is better suited to lead this effort at this time.

So Mr. Chair, because of this, I oppose the Inglis amendment.

Chair BAIRD. I thank the gentlelady. I appreciate the question raised by the gentleman from South Carolina and I appreciate the

response from the sponsor of the legislation, and this is an issue that I think merits perhaps further discussion between now and final markup and I would be happy to recognize the gentleman from South Carolina.

Mr. INGLIS. Thank you, Mr. Chair. I am going to withdraw the amendment at this point and hope that we can continue the discussion as we move toward the Full Committee with just this thought, that, you know, it seems to me that when you have got a spill, the thing you need is boats and booms and containment devices and pumps, and my experience is, that is what the Coast Guard knows how to do. They do boats, they do pumps, they do booms, they do collection things, and that is what they are good at. NOAA seems to be good at other things and so they don't really have the resources, a little bit like the situation we have had. The opposite argument I guess has been in Antarctica about who pays for the boats down there and who does the boats, and NOAA is not so great at boats, it seems to me. NSF in that case is not so great at boats.

Ms. WOOLSEY. Would the gentleman yield?

Mr. INGLIS. Sure, I would be happy to.

Ms. WOOLSEY. With the Cosco Busan spill, the Coast Guard was there doing exactly what they were supposed to do. What was missing was the equipment and the strategies for what NOAA knows what the tides will be doing, where the oil will be going and that is—and I don't think—I am sure that the Coast Guard will continue to do what the Coast Guard does with its big equipment, but we need new clean-up equipment. We need new ways of training volunteers, for one thing also. The Coast Guard is not going to do that, I am sure. But when we watched it, we were absolutely proud of our Coast Guard but we weren't proud that a lot of what they needed to be working with wasn't even available and hadn't even been thought about. And we wouldn't expect them to be doing that when they are so focused on homeland security. And certainly their boats are always available but we think the committee could be led by more scientific leadership.

Mr. INGLIS. Reclaiming my time. I think the gentlelady makes two important points. One is with training volunteers. You are trying to clean up a spill or contain a spill. It is sort of how to hard to see how volunteers exactly do that.

Ms. WOOLSEY. Well, it wouldn't be all volunteers. May I—will you yield back? I am sorry.

Mr. INGLIS. I will just make sure I am getting the point across, is that when you are getting out there to try to contain a spill and get around it with containment vessels, there may be a role for people in speedboats helping out, but on the other hand, it is probably a matter of really heavy equipment getting out there to get in place. Now, once the spill has happened and there is some remediation and we need birds cleaned up and things like that, certainly there is an opportunity for volunteers. But again, I am not real sure that—the Coast Guard is a place that has big boats and they are moving in with a lot of power and heavy metal. They don't exactly have time for volunteers to be jumping in with their johnboats.

Chair BAIRD. If the gentleman——

Ms. WOOLSEY. Would you yield?

Mr. INGLIS. Sure, I would be happy to yield.

Ms. WOOLSEY. Mr. Chair?

Chair BAIRD. Go ahead.

Ms. WOOLSEY. It wasn't—yes, the birds of course and the beaches, but the fisherman, they weren't speedboats. These are our big trawling, you know, fishing vessels that were out there with the booms on each, you know. They weren't adequate. They had no way to—they could have been much more helpful and useful had there been a way to do it.

Mr. INGLIS. Reclaiming my time. I would just point out that in that moment, what I would be looking for is somebody who really knows how to operate a boat, which seems to me the Coast Guard. I am not sure that NOAA scientists really know how to operate a boat.

Chair BAIRD. Would the gentleman yield?

Mr. INGLIS. Yes.

Chair BAIRD. I think your point is well taken about the on-scene response. Remember that this bill has to do with the research side of it, and I think what we can do is—I appreciate the gentleman's offer to withdraw the amendment. I think what happens in a positive sense is, both of you are making very good points but I think they are a bit orthogonal in terms of what the issue before us is, and so what we can try to do in discussion before final markup is find a way to address your concern about the on-the-scene jurisdiction management of the hardware, et cetera, and Ms. Woolsey's concern about the need for ongoing research and the apparent limited application of that kind of research, and that is what I would hope we could discuss before the next markup.

Mr. INGLIS. Yes. So Mr. Chair, I am happy to withdraw the amendment at this point and to continue the discussion as we go to markup.

Chair BAIRD. I appreciate that, and we will work together, the three of us, and anyone else who is interested to do that. I appreciate that very much.

With the second-degree amendment having been withdrawn, the vote occurs on the manager's amendment offered by Ms. Woolsey. All in favor, say aye. Those opposed, no. The ayes have it and the amendment is agreed to.

The third amendment on the roster is an amendment offered by the Chair. The Clerk will report the amendment.

The CLERK. Amendment to H.R. 2693 offered by Mr. Baird of Washington, amendment number 017.

Chair BAIRD. I ask unanimous consent to dispense with the reading. Without objection, so ordered. I recognize myself for five minutes to explain the amendment.

This amendment is intended to expand the current interagency program and related assessments in two ways. First, the amendment ensures the program will involve research and development into new technologies and methods to respond to oil pollution in arctic regions. As polar ice continues to melt, the new channels are emerging that allow for increased vessel traffic and also expanded oil exploration in the region. As arctic transportation increases, we

need to have technologies in place to deal with oil spills in these unique environments.

Second, this amendment inserts a new requirement into the assessment section of the bill. The assessment should include an investigation into the economic incentives and barriers to the development of new technologies for oil pollution response. Because large oil spills happen infrequently but carry the possibility of an environmental disaster, it is important that we are creating the correct incentive structure for the development of technologies to mitigate and prevent such an accident. This is a commonsense amendment. I urge its adoption.

[The prepared statement of Chair Baird follows:]

PREPARED STATEMENT OF CHAIR BRIAN BAIRD

My amendment is intended to expand the current Interagency Program and related Assessment in two ways. First, the amendment ensures that the Program will involve research and development in to new technologies and methods to respond to oil pollution in arctic regions. As the polar ice continues to melt, new channels are emerging that allow for increased vessel travel. As arctic transportation increases, we need to have technologies in place to deal with oil spills in these unique environments.

Second, my amendment inserts a new requirement into the Assessment section of the bill. The Assessment should include an investigation into the economic incentives and barriers to the development of new technologies for oil pollution response. Since large oil spills happen infrequently but carry the possibility of an environmental disaster, it is important that we are creating the correct incentive structure for the development of technologies to mitigate such an accident.

This is a commonsense amendment, and I urge its adoption.

Chair BAIRD. Is there further discussion on the amendment? If no, the vote occurs on the amendment. All in favor, say aye. Those opposed, no. The ayes have it and the amendment is agreed to.

The fourth amendment on the roster is an amendment offered by the gentleman from New Mexico, Mr. Luján. Mr. Luján, are you ready to proceed with your amendment?

Mr. LUJÁN. Yes, Mr. Chair, I have an amendment at the desk.

Chair BAIRD. The Clerk will report the amendment.

The CLERK. Amendment to H.R. 2693, amendment number 018, offered by Mr. Luján of New Mexico.

Chair BAIRD. I ask unanimous consent to dispense with the reading. Without objection, so ordered. I recognize the gentleman from New Mexico for five minutes to explain the amendment.

Mr. LUJÁN. Thank you, Mr. Chair, and thank you, Congresswoman Woolsey, for your work on the bill. It is important that the federal oil pollution research and development efforts consider incidents that occur in locations across the country, coastal waters, inland waters and on land. Since the original interagency program focused primarily on coastal oil spills, my amendment adds new requirements to the program assessment and plan to consider and investigate technologies and methods to address oil discharges on land and inland waters. This amendment is based on comments from witnesses at the June 4th Energy and Environment hearing and conversations with related federal agencies involved in the interagency program.

I ask my colleagues to support this amendment, and I thank you for your consideration. I yield back my time.

Chair BAIRD. Is there further discussion of the amendment?

Ms. WOOLSEY. Mr. Chair.

Chair BAIRD. Yes, Ms. Woolsey is recognized.

Ms. WOOLSEY. I would just like to thank Congressman Luján for his addition to this legislation.

Chair BAIRD. Thank you, Ms. Woolsey. I concur with that. I think it is an important addition and I appreciate his insights and contribution.

Any further comments on the amendment? If no, the vote occurs on the amendment. All in favor, say aye. Those opposed, no. The ayes have it. The amendment is agreed to.

The fifth amendment on the roster is an amendment offered by the gentleman from South Carolina, Mr. Inglis. Are you ready to proceed with your amendment, Mr. Inglis?

Mr. INGLIS. Yes, Mr. Chair.

Chair BAIRD. The Clerk will report the amendment.

The CLERK. Amendment to H.R. 2693, amendment number 157, offered by Mr. Inglis of South Carolina.

Chair BAIRD. I ask unanimous consent to dispense with the reading. Without objection, so ordered. I recognize the gentleman from South Carolina for five minutes to explain his amendment.

Mr. INGLIS. Thank you, Mr. Chair. This amendment will ensure that the technologies and techniques that emerge from the oil spill research program are helpful to non-federal oil pollution response agencies. At our hearing two weeks ago, we learned that the California Office of Spill Prevention and Response felt that there were several deficiencies in oil spill research. We also learned that there was work at the federal level that could meet those deficiencies. This amendment will push federal agencies to communicate significant research advancements to State and local oil spill teams and improve their ability to respond to spills. So I would urge the adoption of the amendment.

[The prepared statement of Mr. Inglis follows:]

PREPARED STATEMENT OF REPRESENTATIVE BOB INGLIS

Thank you Mr. Chairman.

This amendment will ensure that the technologies and techniques that emerge from the oil spill research program are helpful to non-federal oil pollution response agencies. At our hearing two weeks ago, we learned that the California Office of Spill Prevention and Response felt there were several deficiencies in oil spill research. We also learned that there was work at the federal level that could meet those deficiencies. This amendment will push federal agencies to communicate significant research advancements to State and local oil spill teams and improve their ability to respond to spills.

Chair BAIRD. I commend the gentleman for his amendment. I think it is very constructive.

Any other comments from additional Members of the panel on this amendment? I would urge support myself with no additional comments. All in favor will say aye. Those opposed, no. The ayes have it and the amendment is agreed to. I thank the gentleman for his amendment.

Are there any other amendments? If no, the vote is on the bill, H.R. 2693, as amended. All those in favor will say aye. All those opposed will say no. In the opinion of the Chair, the ayes have it.

I recognize myself to offer a motion. I move that the Subcommittee favorably report H.R. 2693 as amended to the Full Com-

mittee. Furthermore, I move that staff be instructed to prepare the necessary Committee report and make any technical changes and conforming—technical and conforming changes to the bill in accordance with the recommendation of the Subcommittee.

The question is on the motion to report the bill favorably. Those in favor of the motion will signify by saying aye. Opposed, no. The ayes have it, and the bill is favorably reported. Without objection, the motion to reconsider is laid upon the table. Members will have two subsequent calendar days in which to submit supplemental Minority or additional views on the measure.

I want to thank Members for their attendance. This concludes our Subcommittee markup.

[Whereupon, at 10:58 a.m., the Subcommittee was adjourned.]

Appendix:

H.R. 2693, SECTION-BY-SECTION ANALYSIS, AMENDMENT ROSTER

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I

111TH CONGRESS
1ST SESSION

H. R. 2693

To amend title VII of the Oil Pollution Act of 1990, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2009

Ms. WOOLSEY (for herself and Mr. BAIRD) introduced the following bill; which was referred to the Committee on Science and Technology

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A BILL

To amend title VII of the Oil Pollution Act of 1990, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Oil Spill Research Program Act".

SEC. 2. FEDERAL OIL SPILL RESEARCH COMMITTEE.

Title VII of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended—

(1) by redesignating section 7002 as section 7007; and

(2) by amending section 7001 to read as follows:

"SEC. 7001. FEDERAL OIL SPILL RESEARCH COMMITTEE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The President shall establish an interagency committee to be known as the Federal oil spill research committee (in this title referred to as the 'Committee').

''(2) CHAIR.—The President shall designate a representative of the National Oceanic and Atmospheric Administration to serve as chairperson.

''(b) COMPOSITION.—The members of the Committee shall include representatives from the National Oceanic and Atmospheric Administration, the United States Coast Guard, the Environmental Protection Agency, and such other Federal agencies as the President may designate.

''(c) FUNCTION OF THE COMMITTEE.—The Committee shall—

''(1) coordinate a comprehensive Federal oil spill research program (in this title referred to as the 'program') in accordance with section 7002 to coordinate oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, institutions of higher education, research institu-

tions, State and tribal governments, and other relevant stakeholders;

"(2) complete a research assessment (in this title referred to as the 'assessment') on the status of the oil spill prevention and response capabilities in accordance with section 7003; and

"(3) develop a Federal oil spill research plan (in this title referred to as the 'plan') in accordance with section 7004.".

SEC. 3. FEDERAL OIL SPILL RESEARCH PROGRAM.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7001 (as amended by section 2 of this Act) the following new section:

"SEC. 7002. FEDERAL OIL SPILL RESEARCH PROGRAM.

"(a) IN GENERAL.—The Committee shall establish a program for conducting oil pollution research, development, and demonstration.

"(b) PROGRAM ELEMENTS.—The program established under subsection (a) shall provide for research, development, and demonstration technologies, practices, and procedures that provide for effective and direct response to prevent, detect, recover, or mitigate oil discharges and include—

"(1) new technologies to detect accidental or intentional overboard oil discharges;

"(2) transport and fate of oil, including trajectory and behavior predictions due to location, weather patterns, hydrographic data, and water conditions;

"(3) response capabilities, such as improved booms, oil skimmers, and storage capacity;

"(4) research and training, in coordination with the National Response Team, to improve the removal of oil discharge quickly and effectively;

"(5) decision support systems for contingency planning and response; and

"(6) improvement of options for oily/oiled waste dispersal.".

SEC. 4. FEDERAL RESEARCH ASSESSMENT.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7002 (as added by section 3 of this Act) the following new section:

"SEC. 7003. FEDERAL RESEARCH ASSESSMENT.

"Not later than 1 year after the date of enactment of this section, the Committee shall submit to Congress an assessment of the status of oil spill prevention and response capabilities that—

"(1) identifies research programs conducted and technologies developed by governments, institutions of higher education, and industry;

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

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

"(4) assesses the status of spill response equipment and determines areas in need of improvement, including amount, age, quality, effectiveness, or necessary technological improvements;

"(5) assesses the status of real-time data available to mariners, researchers, and responders, including weather, hydrographic data, and water conditions, and the impact of incomplete and inaccessible data on preventing, detecting, or mitigating oil discharges; and

"(6) is subject to a 90-day public comment period and shall address suggestions received and incorporate public input received, as appropriate.".

SEC. 5. FEDERAL RESEARCH INTERAGENCY PLAN.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7003 (as added by section 4 of this Act) the following new section:

"SEC. 7004. FEDERAL RESEARCH INTERAGENCY PLAN.

"(a) IN GENERAL.—

"(1) PLAN.—Not later than 1 year after the submission of the assessment required under section 7003, the Committee shall submit to Congress the plan that shall establish the priorities for Federal oil spill research and development.

"(2) RECOMMENDATIONS.—In the development of the plan, the Committee shall consider and utilize recommendations by the National Academy of Sciences and information from State, local, and tribal governments.

"(b) PLAN REQUIREMENTS.—The plan shall—

"(1) suggest changes to the program to improve the rates of oil recovery and spill mitigation;

"(2) make recommendations to improve technologies, practices, and procedures to provide for effective and direct response to oil spills;

"(3) make recommendations to improve the quality of real-time data available to mariners, researchers, and responders; and

"(4) be subject to a 90-day public comment period and address suggestions received and incorporate public input received, as appropriate.".

SEC. 6. EXTRAMURAL GRANTS.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7004 (as added by section 5 of this Act) the following new section:

"SEC. 7005. EXTRAMURAL GRANTS.

''In the execution of the program, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall—

''(1) award competitive grants to institutions of higher education or other research institutions to carry out projects to advance research and development and to demonstrate technologies for preventing, detecting, or mitigating oil discharges that are relevant to the goals and priorities of the plan; and

''(2) incorporate a competitive, merit-based process for awarding grants that may be conducted jointly with other participating agencies.''.

SEC. 7. ANNUAL REPORT.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7005 (as added by section 6 of this Act) the following new section:

"SEC. 7006. ANNUAL REPORT.

''Concurrent with the annual submission of the President's budget to Congress, the Committee shall submit an annual report to Congress that describes the activities and

results of the program during the previous fiscal year and outlines the objectives for the next fiscal year.''.

SEC. 8. NATIONAL ACADEMY OF SCIENCE PARTICIPATION.

The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall contract with the National Academy of Sciences to—

(1) assess and evaluate, not later than 1 year after the date of enactment of this Act, the status of Federal oil spill research and development as of the day before the date of enactment of this Act;

(2) submit a report to the Federal oil spill research committee established under section 7001(a)(1) of the Oil Pollution Act of 1990 and to Congress evaluating the conclusions and recommendations from the Federal research assessment under section 7003 of such Act to be utilized in the creation of the Federal oil spill research plan under section 7004 of such Act; and

(3) submit a report to Congress, not later than 1 year after the Federal oil spill research committee's submission of such plan, evaluating the plan required by section 7004 of such Act.

SEC. 9. TECHNICAL AND CONFORMING CHANGES.

(a) USE OF FUNDS.—Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) in subparagraph (A), by adding "and" after the semicolon; and

(2) by striking subparagraph (C).

(b) NATIONAL ACADEMY.—Section 5001(c) of such Act (33 U.S.C. 2731(c)) is amended by striking paragraph (4).

(c) TABLE OF CONTENTS.—Section 2 of such Act is amended by striking the items in the table of contents related to sections 7001 and 7002 and inserting the following:

Sec. 7001. Federal oil spill research committee.
Sec. 7002. Federal oil spill research program.
Sec. 7003. Federal research assessment.
Sec. 7004. Federal research interagency plan.
Sec. 7005. Extramural grants.
Sec. 7006. Annual report.
Sec. 7007. Submerged oil program.

○

SECTION-BY-SECTION ANALYSIS OF
H.R. 2693: THE FEDERAL OIL SPILL RESEARCH PROGRAM ACT

Title: Federal Oil Spill Research Program Act

Purpose: To amend Title VII of the *Oil Pollution Act of 1990* and for other purposes.

Section 1: Short Title

Federal Oil Spill Research Program Act

Section 2: Federal Oil Spill Research Committee

Section 2 directs the President to establish an interagency committee to be known as the Federal Oil Spill Research Committee ('Committee'). The President shall designate a representative of the National Oceanic and Atmospheric Administration to serve as Chairperson of the Committee, and the members of the Committee shall include representatives from NOAA, the United States Coast Guard, the Environmental Protection Agency, and such other federal agencies as the President may designate.

Section 2 requires the Committee to: 1) coordinate a federal oil spill research program ('Program') to coordinate oil pollution research, technology development, and demonstration among the federal agencies, in cooperation and coordination with industry, institutions of higher education, research institutions, State and tribal governments, and other relevant stakeholders; 2) complete a research assessment ('Assessment') on the status of oil spill prevention and response capabilities; and 3) develop a federal oil spill research plan ('Plan'). The Assessment will provide the Committee with the information necessary to create the Plan.

Section 3: Federal Oil Spill Research Program

Section 3 requires the Committee to establish a Program for conducting oil pollution research, development, and demonstration. The Program shall focus on new technologies, practices, and procedures that provide for effective and direct response to prevent, detect, recover, or mitigate oil discharges.

Section 4: Federal Research Assessment

Section 4 instructs the Committee to submit to Congress an Assessment of the status of oil spill prevention and response capabilities that identifies current oil pollution research and development programs, identifies regional oil pollution research needs and priorities, assesses the status of knowledge of oil pollution prevention, response, and mitigation technologies, and assesses the status of real-time data available to mariners, researchers, and responders. The Assessment shall be subject to a 90-day public comment period and shall incorporate public input as appropriate. The Committee is required submit the Assessment to Congress no later than one year after the enactment of Section 4.

Section 5: Federal Research Interagency Plan

Section 5 directs the Committee to develop a Plan to establish federal oil spill research and development priorities. In developing the Plan, the Committee shall consider and utilize recommendations from the National Academy of Sciences, as well as State, local, and tribal governments. The Plan will make recommendations for improving oil spill recovery, mitigation, technologies, practices, procedures, and the quality of real-time data available to mariners, researchers, and responders. The Assessment shall be subject to a 90-day public comment period and shall incorporate public input as appropriate. The Committee is required to submit the Plan to Congress no later than one year after the submission of the Assessment.

Section 6: Extramural Grants

Section 6 instructs the Secretary of Commerce, acting through the Administrator of NOAA, to award competitive grants to institutions of higher education and other research institutions to advance research, development, and demonstration of technologies for preventing, detecting, or mitigating oil discharges in accordance with the goals and priorities of the Plan. The Secretary shall incorporate a competitive, merit-based process for awarding grants under Section 6.

Section 7: Annual Report

Section 7 requires the Committee to submit an annual report to Congress, concurrent with the annual submission of the President's budget, describing the activities and results of the Program during the previous fiscal year and outlining objectives for the next fiscal year.

Section 8: National Academy of Science Participation

Section 8 instructs the Secretary of Commerce, acting through the Administrator of NOAA, to contract with the National Academy of Sciences to assess and evaluate the status of federal oil spill research and development prior to the enactment of the *Federal Oil Spill Research Program Act* and to submit: 1) an assessment of the program prior to enactment of the legislation; 2) a report to the Committee evaluating the conclusions and recommendations from the Assessment to be utilized in the creation of the Plan; and 3) a report to Congress evaluating the Committee's Plan, no later than one year after the Committee submits the Plan.

Section 9: Technical and Conforming Changes

Section 9 makes technical and conforming changes to the *Oil Pollution Act of 1990.*

COMMITTEE ON SCIENCE AND TECHNOLOGY
ENERGY AND ENVIRONMENT
SUBCOMMITTEE MARKUP
JUNE 16, 2009

AMENDMENT ROSTER

H.R. 2693, the Federal Oil Spill Research Program Act

No.	Sponsor	Description	Results
1	Ms. Woolsey	Manager's amendment makes several technical and clarifying changes, adds elements to the Research Program, adds technology evaluation to the program, authorizes $2 million for NOAA and EPA for each fiscal year from 2010 through 2014.	Agreed to by voice vote
2	Mr. Inglis	Second degree amendment to the Manager's amendment maintains the Coast Guard as the chair of the Interagency Committee.	Withdrawn
3	Mr. Baird	Amends Section 3 by adding "technologies and methods to prevent, detect, recover, and mitigate oil discharges in polar environments" to the elements of the Research Program, and amends Section 4 by adding "assesses the economic incentives and barriers to the development of new technologies to address preventing, detection, recovery, and mitigation of oil discharges" to the contents of the Federal Research Assessment.	Agreed to by voice vote
4	Mr. Luján	Amends sections 3, 4, and 5 to specifically add "discharges on land and inland waters" to various elements of the program.	Agreed to by voice vote
5	Mr. Inglis	Amends Section 3 by adding "assess the status of the deployment, during the previous 5-year period, to State and local oil pollution response agencies of oil pollution prevention, response, and mitigation technologies and techniques resulting from research and development" to the elements of the Research Program, and amends Section 4 by adding "make recommendations to improve the deployment of oil pollution prevention, response, and mitigation technologies to State and local oil pollution response agencies" to the requirements of the Federal Research Interagency Plan.	Agreed to by voice vote

AMENDMENT TO H.R. 2693

OFFERED BY MS. WOOLSEY OF CALIFORNIA

Page 1, line 4, strike "Spill" and insert "Pollution".

Page 1, line 6, strike "**SPILL**" and insert "**POLLUTION**".

Page 1, line 10, strike "7007" and insert "7008".

Page 2, line 3, strike "**SPILL**" and insert "**POLLUTION**".

Page 2, line 7, strike "oil spill research committee" and insert "Oil Pollution Research Committee".

Page 2, strike lines 9 through 11 and insert the following:

"(2) CHAIR.—The Committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

Page 2, line 20, strike "spill" and insert "pollution".

Page 3, line 5, strike "spill" and insert "pollution".

Page 3, line 6, strike "and" after the semicolon.

Page 3, line 7, strike "spill" and insert "pollution".

Page 3, line 9, strike the first period, closing quotation mark, and the second period and insert "; and".

Page 3, after line 9, insert the following:

"(4) publish web-based information for the purpose of informing the public about the activities of the program, including information on the existing training opportunities for individuals interested in volunteering to participate in incident response.".

Page 3, line 10, strike "**SPILL**" and insert "**POLLUTION**".

Page 3, line 14, strike "**SPILL**" and insert "**POLLUTION**".

Page 3, line 17, strike the period at the end and insert the following: "of technologies, practices, and procedures that provide for effective actions to prevent, detect, recover, or mitigate oil discharges."

Page 3, line 20, strike "technologies" and all that follows through "include" on line 23 and insert "that includes".

Page 3, strike lines 24 through 25 and insert the following:

"(1) new technologies to detect oil discharges;

Page 4, strike lines 1 through 6 and insert the following:

"(2) models and monitoring capabilities to predict the environmental fate, transport, and effects of oil discharges, including tools that can be used to facilitate effective recovery and containment of oil pollution during incident response;

"(3) new technologies and methods to improve response capabilities and recovery rates;

Page 4, line 11, strike "and" after the semicolon.

Page 4, strike lines 12 through 13 and insert the following:

"(6) mechanical, chemical, and biological methods for the recovery, removal, and disposal of oil, including evaluation of the environmental effects associated with the use of these methods;

"(7) technologies, methods, and standards for protecting removal personnel and for volunteers that may participate in incident responses, including training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures;

"(8) improved information systems for decision-making, including the use of coastal mapping data and real-time weather, hydrographic, and other geospatial information; and

"(9) methods to restore and rehabilitate natural resources damaged by oil discharges.

Page 4, after line 13, insert the following:

"(c) OIL POLLUTION TECHNOLOGY EVALUATION.—

"(1) IN GENERAL.—The program shall provide for oil pollution prevention, detection, recovery, response, and mitigation technology evaluation including—

"(A) the evaluation and testing of technologies developed independently of the research and development program established under this section;

"(B) the establishment, where appropriate, of standards and testing protocols traceable to national standards to measure the performance of oil discharge technologies; and

"(C) the use, where appropriate, of controlled field testing to evaluate the real-world application of oil discharge technologies.

"(2) GUIDANCE.—The National Institute of Standards and Technologies shall provide the Com-

mittee with advice and guidance on issues relating to quality assurance and standards measurements relating to activities under this Act.''.

Page 4, line 19, strike ''Not later than'' and insert the following:

''(a) IN GENERAL.—Not later than

Page 4, line 21, strike ''spill'' and insert ''pollution''.

Page 4, line 22, strike ''that—'' and insert the following:

''and the research activities directed to improving those capabilities.

''(b) CONTENTS.—The assessment shall—

Page 4, strike lines 23 through 25 and insert the following:

''(1) identify emerging technologies with potential to improve those capabilities and barriers to their utilization by federal response teams;

Page 5, strike lines 1 through 3 and insert the following:

''(2) assess the effectiveness of current technologies available to address oil pollution prevention, detection, recovery, response, and mitigation;

Page 5, strike lines 4 through 7 and insert the following:

"(3) assess and compare the oil pollution prevention, detection, recovery, response, and mitigation capabilities in different regions;

Page 5, line 8, strike "assesses" and insert "assess".

Page 5, strike lines 12 through 17 and insert the following:

"(5) assess the status of real-time information available to mariners, researchers, and responders and its utility for preventing, detecting, recovering, responding to, or mitigating oil discharges; and

Page 5, strike lines 18 through 20 and insert the following:

"(6) address comments received in the public comment period and incorporate comments as appropriate.

Page 5, after line 20, insert the following:

"(c) PUBLIC COMMENT.—The assessment shall be published in the Federal Register and subject to a public comment period of at least 30 days.".

Page 6, line 7, strike "spill" and insert "pollution".

Page 6, line 13, strike "shall" and insert "shall include".

Page 6, strike lines 14 through 21 and insert the following:

"(1) research to improve the rates of oil recovery;

"(2) research, development, and demonstration to improve technologies, practices, and procedures to provide for effective and direct response to oil discharges;

"(3) research, development, and demonstration to improve the accessibility and utility of real-time information available to mariners, researchers, and responders; and

Page 6, strike lines 22 through 24 and insert the following:

"(4) a summary of the comments received in the public comment period and incorporation of comments, as appropriate.

"(c) PUBLIC COMMENT.—The plan shall be published in the Federal Register and subject to a public comment period of at least 30 days.".

Page 7, line 1, strike "**EXTRAMURAL**".

Page 7, strike lines 5 through 18 and insert the following:

"SEC. 7005. GRANTS.

"In carrying out the program under section 7002, the agencies represented on the Committee may enter into contracts and cooperative agreements and award grants to institutions of higher education or non-governmental research organizations. Such contracts, cooperative agreements, and grants shall address research, development, and demonstration priorities set forth in the plan under section 7004.".

Page 8, strike lines 3 through 23 and insert the following:

SEC. 8. NATIONAL ACADEMY OF SCIENCES PARTICIPATION.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7006 (as added by section 7 of this Act) the following new section:

"SEC. 7007. NATIONAL ACADEMY OF SCIENCES EVALUATION.

"(a) IN GENERAL.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall enter into a contract with the National Academy of Sciences to evaluate the Federal oil pollution research and development pro-

gram and to identify priority areas of needed research and technology development to improve capabilities to prevent, detect, recover, and mitigate oil discharges.

''(b) REPORT.—Within 1 year after the date of enactment of this section, the National Academy of Sciences shall submit to Congress and to the Committee a report on the results of the evaluation carried out under subsection (a) and their recommendations.''.

Strike page 9 and insert the following:

SEC. 9. CONFORMING CHANGES.

Section 2 of such Act is amended by striking the items in the table of contents related to sections 7001 and 7002 and inserting the following:

''Sec. 7001. Federal oil pollution research committee.
''Sec. 7002. Federal oil pollution research program.
''Sec. 7003. Federal research assessment.
''Sec. 7004. Federal research interagency plan.
''Sec. 7005. Grants.
''Sec. 7006. Annual report.
''Sec. 7007. National Academy of Sciences evaluation.
''Sec. 7008. Submerged oil program.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Of the amount authorized in section 1012 (a)(5) of such Act (33 U.S.C. 2712(a)(5)), there are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration to carry out this Act $2,000,000 for each of fiscal years 2010 through 2014.

(b) ENVIRONMENTAL PROTECTION AGENCY.—Of the amount authorized in section 1012 (a)(5) of such Act (33 U.S.C. 2712(a)(5)), there are authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out this Act $2,000,000 for each of fiscal years 2010 through 2014.

☒

AMENDMENT TO H.R. 2693

OFFERED BY MR. BAIRD OF WASHINGTON

Page 4, line 11, strike "and" after the semicolon.

Page 4, line 13, strike the first period, the closing quotation mark, and the second period and insert "; and".

Page 4, after line 13, insert the following:

"(7) technologies and methods to prevent, detect, recover, and mitigate oil discharges in polar environments.".

Page 5, line 17, strike "and" after the semicolon.

Page 5, after line 17, insert the following (and redesignate subsequent provisions accordingly):

"(6) assesses the economic incentives and barriers to the development of new technologies to address prevention, detection, recovery, and mitigation of oil discharges; and".

AMENDMENT TO H.R. 2693

OFFERED BY MR. LUJAN OF NEW MEXICO

Page 4, line 11, strike "and" after the semicolon.

Page 4, line 13, strike the first period, the closing quotation mark, and the second period and insert "; and".

Page 4, after line 13, insert the following:

"(7) technologies and methods to address oil discharges on land and inland waters.".

Page 5, strike lines 8 through 11 and insert the following:

"(4) assess oil pollution prevention and response capabilities for addressing oil discharges on land and inland waters;

Page 6, line 21, strike "and" after the semicolon.

Page 6, after line 21, insert the following (and redesignate subsequent provisions accordingly):

"(4) research, development, and demonstration to address oil discharges on land and inland waters; and

AMENDMENT TO H.R. 2693

OFFERED BY MR. INGLIS

Page 5, line 17, strike "and" after the semicolon.

Page 5, after line 17, insert the following (and redesignate subsequent provisions accordingly):

"(6) assess the status of the deployment, during the previous 5-year period, to State and local oil pollution response agencies of oil pollution prevention, response, and mitigation technologies and techniques resulting from research and development; and

Page 6, line 21, strike "and" after the semicolon.

Page 6, after line 21, insert the following (and redesignate subsequent provisions accordingly):

"(4) make recommendations to improve the deployment of oil pollution prevention, response, and mitigation technologies to State and local oil pollution response agencies; and

XXIV. PROCEEDINGS OF THE FULL COMMITTEE MARKUP ON H.R. 2693, THE OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM REAUTHORIZATION ACT OF 2010

WEDNESDAY, JULY 14, 2010

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC.

The Committee met, pursuant to call, at 10:05 a.m., in Room 2318 of the Rayburn House Office Building, Hon. Bart Gordon [Chairman of the Committee] presiding.

Chairman GORDON. Good morning. The Committee will come to order.

Pursuant to notice, the Committee on Science and Technology meets to consider the following measures: H.R. 2693, the *Oil Pollution Research and Development Program Reauthorization Act of 2010*, and H.R. 5716, the *Safer Oil and Natural Gas Drilling Technology Research and Development Act*. We will now proceed with the markup.

Today the Committee will consider two bills that address oil spill cleanup technologies and response coordination, as well as research and development of safe drilling technologies.

First, we will consider H.R. 2693, authored by Ms. Woolsey of California. This bill was introduced and marked up in the Subcommittee on Energy and Environment last summer. Ms. Woolsey's foresight in introducing this legislation last year put us one step closer to advancing a robust Federal research and development program on oil spill response, and I thank Ms. Woolsey for her foresight.

At the time, Ms. Woolsey was responding to a spill in her district. But the Deepwater Horizon accident and the subsequent response effort have made the intent of this bill all the more relevant today. In light of that, the amendment in the nature of a substitute to be marked up today sets up a more efficient Federal management structure, reprioritizes the research and development activities, and provides for more robust oversight and accountability of the interagency R&D program.

Second, we will consider H.R. 5716, the *Safer Oil and Natural Gas Drilling Technology Research and Development Act*. This bill amends Section 999 of the Energy Policy Act of 2005, which authorized the Secretary of Energy to establish an Ultra-Deepwater and Unconventional Onshore Natural Gas and Other Petroleum Resources Research and Development program. As a long-time

champion of this program, Mr. Hall recognized its potential for developing technologies to prevent and mitigate oil spills, and worked closely with us in drafting this bill.

The bill makes a series of changes to the 999 program, including a shift in the focus and funding of the program to research and development of technologies for safety and accident prevention and mitigation. This bill will also streamline the operations of the program.

It is our hope that with passage of this bill, activities conducted under Section 999 will better serve the Nation's needs for the development of advanced and improved environmental and worker safety technologies and practices, while also providing a Federal resource for technical expertise in this field.

This bill is the product of significant bipartisan collaboration, and I want to thank Mr. Hall and his staff for their continued good work as we move this legislation out of Committee and to the Floor.

The two bills before us today help to ensure that all stakeholders, including the Federal Government, industry, and academia, are better equipped to prevent and respond to such accidents in the future.

Let me also bring up another point. As I think everyone on this Committee knows, it has been a long tradition of the Committee to request that amendments be presented by 10:00 the day before the bill is brought up. There is a good reason for this, and that is, particularly when we are at a Full Committee markup, that we want to send a bill to the Floor that doesn't have unintended consequences by a late amendment, and that is the reason that they need to be vetted. That doesn't mean that we are not going to hear an amendment that might be brought late. It just makes it a higher burden on the person who brings it. Our Committee staff—I mean our Members have been very good in that. We had a couple of amendments both Democrat and Republican this time that were a little late, although we did have notice on some of those. So again, let me—and I know part of the problem is just getting legislative counsel to get things through. So let me just say once again, everybody, to try to get those up on time.

Let me also give a quick overview of what our intentions are for the rest of this month. We have a nuclear energy research bill that we think is important and good that will move forward research in the fourth-generation design that could make nuclear energy safer and less expensive, also, less likely to proliferate and hopefully less waste to have to store. So that is in the works in a bipartisan way.

We also have a NASA reauthorization that we are struggling with and we hope that the first of next week that we can have a good discussion about where we think we are going on that. As I had mentioned to someone earlier, when you try to put two tons of canaries in a one-ton box, it makes it tough, but we are still trying to stuff them in there.

And finally, we hope to have a rare earth minerals bill. As you might remember from our testimony, 90 to 95 percent of the rare earth mineral production in the world is in the hands of the Chinese. There were some hints from them earlier that they might try to restrict those to the rest of the world. The reason that is impor-

tant is that those rare earth minerals in small amounts can significantly increase the efficiency of alternative energy and telecommunication, as well as a lot of other products. I just returned from a very quick, jet-lagged trip to Brussels to testify before our equivalent in the EU Parliament, and requested that they also take up rare earth minerals. I think we are going to see them do that so that hopefully there can be some joint research, as we are both in the same boat and can help each other in terms of that basic research where there really isn't a first-to-market advantage.

So I thank you all for your attendance and participation this morning. I look forward to a productive markup.

[The prepared statement of Chairman Gordon follows:]

PREPARED STATEMENT OF CHAIRMAN BART GORDON

Good morning, and welcome. Today the Committee will consider two bills that address oil spill cleanup technologies and response coordination, as well as research and development of safe drilling technologies.

First, we will consider H.R. 2693 authored by Ms. Woolsey of California. This bill was introduced and marked up in the Subcommittee on Energy and Environment last summer.

Ms. Woolsey's foresight in introducing this legislation last year put us one step closer to advancing a more robust Federal research and development program on oil spill response.

At the time, Ms. Woolsey was responding to the spill in her district. But the Deepwater Horizon accident and the subsequent response effort have made the intent of this bill all the more relevant today. In light of that, the Amendment in the Nature of a Substitute to be marked up today sets up a more efficient Federal management structure, reprioritizes the research and development activities, and provides for more robust oversight and accountability of the interagency R&D program.

Next, we will consider H.R. 5716, the *Safer Oil and Natural Gas Drilling Technology Research and Development Act*. This bill amends Section 999 of the Energy Policy Act of 2005 which authorized the Secretary of Energy to establish an Ultra-Deepwater and Unconventional Onshore Natural Gas and Other Petroleum Resources research and development program. As the long-time champion for this program, Mr. Hall recognized its potential for developing technologies to prevent and mitigate oil spills, and worked closely with us in drafting this bill.

The bill makes a series of changes to the 999 program, including a shift in the focus and funding of the program to research and development of technologies for safety and accident prevention and mitigation. This bill will also streamline the operations of the program.

It is our hope that with passage of this bill, activities conducted under Section 999 will better serve the nation's needs for development of advanced and improved environmental and worker safety technologies and practices, while also providing a Federal resource for technical expertise in this field.

H.R. 5716 is the product of significant bipartisan collaboration, and I want to thank Mr. Hall and his staff for their continued good work as we move this legislation out of Committee and to the floor.

The two bills before us today help to ensure that all stakeholders—including the Federal Government, industry, and academia—are better equipped to prevent and respond to such accidents in the future.

I thank you all for your attendance and participation this morning, and I look forward to a productive markup.

Chairman GORDON. I now recognize Mr. Hall to present his opening remarks.

Mr. HALL. I thank you, Mr. Chairman.

As the disaster in the Gulf nears now, what, about three months and we await the results of the latest attempt to cap the well and stop the leak, our understanding of the precise causes of the accident and the missteps in the days that followed remain unclear even now. These unanswered questions really should serve to advise against temptations to overreact, especially given the impor-

tance of the offshore oil and gas industry to the Gulf Coast economy and America's energy independence goals. Regardless of the ultimate causes of and best responses to the disaster, it makes sense to continue pursuing improvements to safe and environmentally responsible drilling operations as well as effective spill response systems.

The first bill we consider, H.R. 2693, amends the *Oil Pollution Act of 1990*. This bill was introduced last year and had gone through a subcommittee markup. The current bill illustrates the need to update certain aspects of the research and development title of the Oil Pollution Act since its passage 20 years ago. Further, it will be important for us to continue to exercise our Congressional duties and perform the necessary oversight to ensure that the laws we pass are being implemented and certainly carried out.

Today we mark up an amendment in the nature of a substitute that changes the bill in ways that seek to address members' concerns as well as concerns expressed by expert witnesses. I applaud the author's willingness to move her bill in a direction that alleviates these concerns, and while there are still some unresolved issues, the approach of the ANS in correcting the problem of insecure law is more in the line with what we heard from scientists, industry and we heard from stakeholders that it should be.

The second bill we consider amends the drilling technologies R&D program established by section 999 of the Energy Policy Act of 2005. I led and helped work with the creation of this program in 2005 and I believe it has contributed significantly to recent technological advances that are enabling recovery of energy supplies that we know existed but we were unable to access. The program relies on established program structure and network of worldwide private and public sector experts. The funding for the program is drawn from the taxes paid by the industry on oil leases, and that money is paid back with eventual royalties on oil and natural gas that is discovered and used as a result of the program. I have always said that this program is a win-win for taxpayers. Not only do Americans move in the direction of energy independence but the program pays for itself. Further, this is the only R&D program in the Federal Government capable of addressing drilling safety and accident prevention-related technology needs in a timely and effective manner.

As the present spill in the Gulf illustrates, we should encourage further research into this vital area so that we are best able to amend needed resources safety and effectively. Unfortunately, despite its clear growing in importance, this program along with most other fossil fuel R&D activities, remains targeted by the Administration and others in Congress for termination. I think this represents a clear misprioritization and I am glad that Chairman Gordon agrees and has worked very closely with us on the vehicle before us today. I may quibble with some of the details but I believe this vehicle represents a reasonable compromise that will preserve and strengthen this successful program.

Before I close, I do want to say a word about the process, as the chairman has. Many amendments including one of my own were filed well after the 10:00 a.m. deadline. However, the majority of the Republican colleagues worked hard and met or came very close

to meeting the submission deadline. I may have more to say about this as we move forward today but I do want to mention amendments introducing significant policy shift or additions should be, we wish they would be, filed earlier rather than later so members and staff might thoroughly review and prepare for their consideration. I know the chairman agrees with this as he stated in the past and stated today.

Again, I thank the chairman and the majority for working with Republicans on both bills and I look forward to continuing this result and find a good result, continue our effort as these vehicles move through the legislative process.

I thank you, Mr. Chairman, and I yield back.

[The prepared statement of Mr. Hall follows:]

PREPARED STATEMENT OF REPRESENTATIVE RALPH M. HALL

As the disaster in the Gulf nears three full months and we await the results of the latest attempt to cap the well and stop the leak, our understanding of the precise causes of the accident—and the missteps in the days that followed—remain unclear. These unanswered questions should serve to advise against temptations to overreact to the disaster, especially given the importance of the offshore oil and gas industry to the Gulf Coast economy and America's energy independence goals.

Regardless of the ultimate causes of and best rest responses to the disaster it makes sense to continue pursuing improvements to safe and environmentally responsible drilling operations, as well as effective spill response systems. This Committee will play a key role in this effort, and the legislation before us today will have a significant impact on future drilling and environmental response mitigation efforts.

The first bill we will consider, H.R. 2693, amends the *Federal Oil Spill Research Program Act*. This legislation was introduced last year and had gone through a subcommittee markup, demonstrating once again this Committee's foresight of the research and development needs of the nation. Today, we markup an Amendment in the Nature of a Substitute that changes the bill in ways that reflect the concerns of members on both sides of the aisle and testimony we received both last year and last month. . . .

The second bill we will consider amends the drilling technologies R&D program established by Section 999 of the *Energy Policy Act of 2005*. I led creation of this program in 2005, and I believe it has contributed significantly to recent technological advances that are enabling recovery of energy supplies that we knew existed but were unable to access. Further, with its established program structure and network of worldwide private and public sector experts, it is the *only* R&D program in the Federal Government capable of addressing priority drilling safety and accident prevention-related technology needs in a timely and effective manner.

Unfortunately, despite its clear and growing importance, the program remains targeted by the Administration and others in Congress for termination. I think this represents a clear mis-prioritization, and I am glad that Chairman Gordon agrees and worked closely with me on the bill before us today. I may quibble with some of the details, but I believe the committee print represents a reasonable compromise that will preserve and strengthen this successful program.

Again, I thank the Chairman and the majority for working with Republicans on both of these bills, and I look forward to continuing this effort as these vehicles move through the legislative process.

I yield back.

Chairman GORDON. Thank you, Mr. Hall. Members may place statements in the record at this point.

Chairman GORDON. We will now consider H.R. 2693, the *Oil Pollution Research and Development Program Reauthorization Act of 2010*. As I mentioned earlier, this is Ms. Woolsey's bill, but I understand that she is going to wait to talk more about it until her amendment. So I will now recognize Mr. Hall to present any remarks on the bill.

Mr. HALL. I thank you, Mr. Chairman.

In the wake of the Exxon Valdez accident, Congress enacted the *Oil Pollution Act of 1990*. This law addressed deficiencies in response activities, adjusted natural resource damage assessments, clarified issues related to liability concerns and encouraged a research and development program to help prepare us for any future spills. Twenty years later, Congress is responding to a major oil spill that will be the catalyst for major change in exploring and producing oil and natural gas. Members have asked many questions regarding the success of the research and development program spelled out in the Oil Pollution Act.

Last month the Energy and Environment Subcommittee held a hearing to discuss the state of cleanup technologies and what is actually needed moving forward to provide the necessary tools to those who respond to disasters. It was clear from this hearing that our Nation has made little progress in these cleanup technologies over the last 20 years.

The amendment in the nature of a substitute is a good effort to address the many concerns that members on both sides of the aisle had with the introduced version. The ANS maintains the Coast Guard as the chair of the Interagency Committee but whittles down the participants on the Committee to Coast Guard, NOAA, EPA and the Department of Interior. While I understand the concern that the Interagency Committee was too wieldy, we heard testimony that the current structure works. So I am left wondering if this is a case of a solution in search of a problem given that these agencies did not express a problem with the current structure. I am pleased to see that they are increasing reporting requirements and duties of the chair to ensure greater accountability and information for Congress. We must also do our due diligence and perform the necessary oversight so the lapses of the last 20 years are not repeated.

I am also a bit concerned that the direction of the ANS has shifted the focus of the underlying statute to concentrate much more on the environmental effects of the cleanup technologies rather than the effectiveness of the technologies themselves. While researching and understanding the environmental effects of technology use is important and should definitely be a part of this program, it should not be to the detriment of the overreaching focus of the law which reads "research, technology, development and demonstration." I understand that there will be an amendment offered today that will alleviate these concerns, so hopefully the bill that is reported out is more balanced between the two.

A provision in the ANS that amends the section of international cooperation has given me pause. Coordination and collaboration with other nations and foreign research entities on cleanup standards is a highly contentious issue, and all we need to do to see this is to read the reports of the last three months where foreign aid was offered in the cleanup of the Deepwater Horizon. Offers were made to the U.S. government, to BP and sometimes to both. There has been a lot of confusion as to who has the authority to accept the assistance, and there have been suggestions that assistance was rebuffed solely due to the cost of the equipment. Some international assistance could not be accepted because the technologies were not compatible with our own. It would be more helpful for the

international research coordination and collaboration to focus on developing ways to make these technologies work together before focusing on what cleanup standards should really be used.

I ask my colleagues on both sides of the aisle to consider each amendment carefully. When the country is in the midst of a crisis and Congress decides to act, it is possible for us to go too far to fix things and end up causing unintended consequences. Acting deliberatively and in a much more focused manner will help the current situation and ultimately prevent the necessity of having to go back and fix things that resulted unexpectedly.

Mr. Chairman, I thank you and I yield back.

Chairman GORDON. Thank you, Mr. Hall.

I ask unanimous consent that the bill is considered as read and open to amendment at any point and that the Members proceed with amendments in order of the roster. Without objection, so ordered.

Mr. HALL. Mr. Chairman, I reserve the right to object.

Chairman GORDON. Certainly. Do you want to address those questions now so we can——

Mr. HALL. I will.

Chairman GORDON. OK. Sure.

Mr. HALL. Sure. I would ask the Chairman to confirm for the Members a few matters in regard to the Full Committee markup process for H.R. 2693 and the accompanying amendment in the nature of a substitute.

First, Mr. Chairman, you are not asking unanimous consent that the amendment in the nature of a substitute be considered base text for the purposes of amendment?

Chairman GORDON. No, we are not.

Mr. HALL. And I thank you, Mr. Chairman. Historically, when considering an ANS, this Committee after unanimous consent request by the Chairman treated the ANS as base text for purposes of amendment, allowing for two degrees of amendment.

Mr. Chairman, at our last Full Committee markup in April, we discussed a matter of concern to both sides of the aisle and that is the policy that Members try their best to file amendments by 10 a.m. the day prior to a markup. Mr. Chairman, during the Technology and Innovation Subcommittee markup, you stated that the responsibility for getting things in on time was on the Democratic Members as well as on the Republican Members. For this markup, several amendments were not filed nor shared with the minority until quite some time past the deadline. I acknowledge that even one of my amendments was a bit tardy. It is my understanding for the purposes of this markup, Mr. Chairman, you are not going to be disinclined to support those amendments that were substituted or shared in a tardy fashion.

Chairman GORDON. As I stated in my earlier remarks, no, they will not automatically be blocked but there will be a higher burden placed on the person who has that amendment since they need to be fully vetted.

Mr. HALL. Mr. Chairman, I thank you for your comments on these issues and I thank you for the other many conferences that we have held that you have been kind and free with your time, and I thank you for that, and I withdraw my reservation.

Mr. SENSENBRENNER. Mr. Chairman, I have a parliamentary inquiry.

Chairman GORDON. Oh, Mr. Sensenbrenner is recognized.

Mr. SENSENBRENNER. Yes, I noticed that most of the amendments are drafted as amendments to the amendment in the nature of a substitute. Wouldn't it be proper that the amendment in the nature of a substitute be offered first so that we have something to amend?

Chairman GORDON. You are correct, and that is what we are trying to do.

Mr. SENSENBRENNER. Thank you.

Chairman GORDON. Well, thank you, Mr. Hall, and Mr. Sensenbrenner, I think it is good to get those things clarified. Now without objection, so ordered.

The first amendment on the roster is an amendment in the nature of a substitute offered by the gentlelady from California, Ms. Woolsey? Are you ready to proceed with your amendment?

Ms. WOOLSEY. Mr. Chairman, I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 296, amendment in the nature of a substitute to H.R. 2693 offered by Ms. Woolsey of California.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentlelady for five minutes to explain the amendment.

Ms. WOOLSEY. Thank you, Mr. Chairman, and just before I explain the amendment, I would like just to briefly say how we got to this amendment.

I think we all remember that a little over a year—well, two years ago there was an oil spill in the San Francisco Bay, and it was because of that experience that it became very clear to this Member of Congress that there is a big question of who is in charge of the prevention and the cleanup and taking care of the lasting impacts to our environment. So I introduced H.R. 2693. That was a good idea then but it is an even better idea now, and the amendment in the nature of a substitute is a much better fit since we have learned so much more since the Gulf oil and the BP spill. So that was my introduction to how we got here, and now I would like to explain the amendment.

The amendment in the nature of a substitute strikes and replaces the language of H.R. 2693 to amend Title VII of the Oil Pollution Act of 1990. Section 2 of the amendment in the nature of a substitute amends the membership structure of the Interagency Coordinating Committee on Oil Pollution Research to better align and streamline the Coordinating Committee to ensure that the research program is actually effective. This Interagency Coordinating Committee includes representatives from the Coast Guard, NOAA, the Department of the Interior and EPA. The Interagency Committee is also required to collaborate with the other Federal agencies listed in the *Oil Pollution Act of 1990*, with the inclusion of the National Science Foundation.

Section 2 also includes roles for the chair of the Interagency Committee, activities for the Committee to ensure an ongoing, sustained and coordinated research effort, and an information ex-

change to improve the accessibility and utility of information among the Federal agencies, the research community and emergency responders.

Section 3 includes a research and implementation plan to be submitted to Congress 180 days after the date of enactment, which shall be periodically updated. And the Interagency Committee shall solicit the advice and guidance on the plan from the Oil Pollution Research Advisory Committee, the National Institute of Standards and Technology, and a 30-day public comment period. The plan shall also be reviewed by the National Academy of Sciences to assess its adequacy.

Section 4 of the bill includes several changes to the Oil Pollution Research and Development Program. The amendment in the nature of a substitute adds research elements such as research, development and demonstration for new or improved response capabilities and modeling for the recovery, removal and disposal of oil. This includes mechanical capabilities for the recovery of oil and chemical and biological methods such as the use of dispersants, solvents and bioremediation technologies and methods to address oil discharges on land and in inland waters. And the EPA must focus on the development and approval of technologies with maximum effectiveness and minimum toxicity to the environment in both the near and long term. Section 4, Mr. Chairman, also bolsters the research role of NOAA by including language requiring NOAA to monitor and evaluate the environmental effects of oil discharges throughout the environment, including air quality and in sensitive and high-risk areas.

Section 5 provides a simple provision for the Interagency Committee to coordinate and cooperate with other nations and foreign research entities in conducting oil pollution research, development and demonstration activities including activities related to oil recovery and cleanup standards.

Section 6 adds another layer of accountability to ensure research and development activities by requiring the Interagency Committee to submit an annual report to Congress concurrent with the President's annual budget request.

Section 7 directs the chair of the Interagency Committee to establish an Oil Pollution Research Advisory Committee, in part to provide an additional layer of oversight. The Advisory Committee complies with the Federal Advisory Committee Act, FACA, with the exception that it will not expire. This exception has been invoked so that the Advisory Committee may provide advice and comment on an ongoing basis to ensure the program and activities are sustained.

Section 7 also requires that the Advisory Committee be compromised of representatives from non-governmental entities to review, advise and comment on the Interagency Committee's activities, including the management and functioning of the Interagency Committee and the collaborating agencies, the development of new or improved response capabilities and other research and resources needed to develop a comprehensive oil pollution research program.

Finally, Mr. Chairman, the amendment in the nature of a substitute alters the funding levels to carry out this section. It increases the authorized levels from $22 million to $30 million, with

an additional $16 million carved out for NOAA and $2 million for the demonstration projects which totals $48 million. This amendment is the product of a cooperative effort between both majority and minority Committee staff. They have worked really hard on this, and I so appreciate it. The amendment improves the *Oil Pollution Act of 1990* and ensures that we are moving the country toward a more effective and streamlined research program.

With that, Mr. Chairman, I urge my colleagues to support this very necessary amendment, and I yield back.

[The prepared statement of Ms. Woolsey follows:]

PREPARED STATEMENT OF REPRESENTATIVE LYNN C. WOOLSEY

I have an amendment at the desk.

The Amendment in the Nature of a Substitute strikes and replaces the language of H.R. 2693 to amend Title 7 of the Oil Pollution Act of 1990.

Section 2 of the ANS amends the membership structure of the Interagency Coordinating Committee on Oil Pollution Research to better align and streamline the coordinating committee to ensure that the research program is effective. This Interagency Coordinating Committee includes representatives from the Coast Guard, the National Oceanic and Atmospheric Administration (NOAA), the Department of Interior and the Environmental Protection Agency (EPA). The Interagency Committee is also required to collaborate with the other Federal agencies listed in the Oil Pollution Act of 1990 with the inclusion of the National Science Foundation.

Section 2 also includes roles for the Chair of the Interagency Committee; activities for the Committee to ensure an ongoing, sustained, and coordinated research effort; and an information exchange to improve the accessibility and utility of information among the Federal agencies, the research community, and emergency responders.

Section 3 includes a research and implementation plan to be submitted to Congress 180 days after the date of enactment, which shall be periodically updated. And the Interagency Committee shall solicit the advice and guidance on the plan from the Oil Pollution Research Advisory Committee, the National Institute of Standards and Technology, and a 30 day Public Comment period. The Plan shall also be reviewed by the National Academy of Sciences to assess the adequacy of the plan.

Section 4 of the bill includes several changes to the Oil Pollution Research and Development Program. The ANS adds research elements such as research, development and demonstration for new or improved response capabilities and modeling for the recovery, removal, and disposal of oil—this includes mechanical capabilities for the recovery of oil and chemical and biological methods such as the use of dispersants, solvents, and bioremediation; technologies and methods to address oil discharges on land and in inland waters; and the EPA must focus on the development and approval of technologies with maximum effectiveness and minimum toxicity to the environment in both near- and long-term. Section 4 also bolsters the research role of NOAA by including language requiring NOAA to monitor and evaluate the environmental effects of oil discharges throughout the environment, including air quality; and in sensitive and high risk areas.

Section 5 provides a simple provision for the Interagency Committee to coordinate and cooperate with other nations and foreign research entities in conducting oil pollution research, development and demonstration activities, including activities related to oil recovery and cleanup standards.

Section 6 adds another layer of accountability to ensure ongoing research and development activities by requiring the Interagency Committee to submit an annual report to Congress concurrent with the President's annual budget request.

Section 7 directs the Chair of the Interagency Committee to establish an Oil Pollution Research Advisory Committee, in part, to provide an additional layer of oversight. The Advisory Committee complies with the Federal Advisory Committee Act (FACA) with the exception that it will not expire. This exception has been invoked so that the Advisory Committee may provide advice and comment on an ongoing basis to ensure the program and activities are sustained.

Section 7 also requires that the Advisory Committee be comprised of representatives from non-governmental entities to review, advise, and comment on the Interagency Committee's activities, including the management and functioning of the Interagency Committee and the collaborating agencies; the development of new or improved response capabilities; and other research and resources needed to develop a comprehensive oil pollution research program.

Finally the ANS alters the funding levels to carry out this section. It increases the authorized levels from $22 million to $30 million, with an additional $16 million carved out for NOAA and $2 million for the demonstration projects. This is a total of $48 million dollars.

This amendment is the product of a cooperative effort between both majority and minority Committee staff. The amendment improves the Oil Pollution Act of 1990 and ensures we are moving the country towards a more effective and streamlined research program. I urge my colleagues to support the amendment.

Chairman GORDON. Thank you, Ms. Woolsey, for your leadership and good explanation.

Is there further discussion on the amendment? If not, the second amendment on the roster is an amendment offered by the gentlelady from California, Ms. Woolsey. Are you ready to proceed with your amendment?

Ms. WOOLSEY. I am, Mr. Chairman. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment 162, amendment offered by Ms. Woolsey of California to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentlelady for five minutes to explain the amendment.

Ms. WOOLSEY. Mr. Chairman, this simple amendment makes a conforming correction to the word "pollution" and changes it to "discharge." The word "discharge" is defined in the underlying law, the *Oil Pollution Act of 1990*. I want to ensure that we align the amendment in the nature of a substitute with the use of the word "discharge."

With that, I urge my colleagues to support this amendment.

[The prepared statement of Ms. Woolsey follows:]

PREPARED STATEMENT OF REPRESENTATIVE LYNN C. WOOLSEY

I have an amendment at the desk.

This simple amendment makes a conforming correction to the word "pollution" and changes it to "discharge."

The word "discharge" is defined in the underlying law, the *Oil Pollution Act of 1990*. I want to ensure that we align the Amendment in the Nature of a Substitute with the use of the word "discharge."

I urge my colleagues to support this amendment.

Chairman GORDON. Is there further discussion on the amendment?

Mr. HALL. Mr. Chairman.

Chairman GORDON. Mr. Hall is recognized.

Mr. HALL. I thank you. We support the amendment offered by the author of the bill. The changes the amendment makes to the ANS are simply consistent with the underlying Act and improves the clarity of the Congressional intent. I urge passage of this amendment and I yield back the balance of my time.

Chairman GORDON. Thank you, Mr. Hall.

All in favor of the amendment, say aye. Opposed, no. The ayes have it. The amendment is agreed to.

The third amendment on the roster is an amendment offered by the gentleman from Texas, Mr. Hall. Are you ready to proceed with your amendment?

Mr. HALL. Mr. Chairman, I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 004, amendment offered by Mr. Hall of Texas to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain his amendment.

Mr. HALL. Mr. Chairman, my amendment would insert the word "containment" into the bill in various places to elevate containing oil as a concept on par with prevention, detection, responding to and mitigating oil damages and discharges.

One of the major flaws in many government and industry response plans seems to be the lack of focus on containment. Once an oil discharge occurs, the fastest way to minimize the impact is to contain the oil in as small a geographic area as possible so while people work to stop a leak from happening, others are making sure the oil doesn't spread so far within the environment that cleanup becomes a much larger task. Containment would allow the oil to be scooped up more easily and would also allow for removal by burning the oil when it is on the surface of the water. However, the oil has to be a certain thickness before it will ignite. Containment is a technique that could be applied at any time in the period from the immediate aftermath of a spill until the cleanup is done. By amending the ANS and the underlying statute to include the idea as part of the research and development program, it will help emphasize the utility of containment when industry submits incident response plans to the Federal Government and when government agencies accept those plans.

I urge my colleagues to support the amendment. I yield back.

[The prepared statement of Mr. Hall follows:]

PREPARED STATEMENT OF REPRESENTATIVE RALPH M. HALL

Thank you, Mr. Chairman. My amendment would insert the word "containment into the bill in various places to elevate containing oil as a concept on par with prevention, detection, responding to and mitigating oil discharges.

One of the major flaws in many government and industry response plans seems to be the lack of focus on containment. Once an oil discharge occurs, the fastest way to minimize the impact is to contain the oil in as small a geographic area as possible. So while people work to stop a leak from happening, others are making sure the oil doesn't spread so far within the environment that clean up becomes a much larger task. Containment would allow the oil to be scooped up more easily and would also allow for removal by burning the oil when it's on the surface of the water. However, the oil has to be a certain thickness before it will ignite.

Containment is a technique that could be applied at any time in the period from the immediate aftermath of a spill until the clean up is done. By amending the ANS and the underlying statute to include this idea as part of the research and development program, it will help emphasize the utility of containment when industry submits incident response plans to the Federal Government and when government agencies accept those plans.

I urge all my colleagues to support this amendment. I yield back.

Chairman GORDON. Thank you, Mr. Hall, for that timely amendment.

If there is no further discussion, then the vote occurs on the amendment. All in favor, say aye. Opposed, no. The ayes have it.

The fourth amendment on the roster is an amendment offered by the gentleman from Washington, Dr. Baird. Are you ready to proceed with your amendment?

Mr. BAIRD. I am indeed. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment 047, amendment offered by Mr. Baird of Washington to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain the amendment.

Mr. BAIRD. Thank you, Mr. Chairman. I will be very brief on this.

Analysis of the factors that led to the disaster in the Gulf have indicated that decision-making and communication and prioritization of responsibility all probably contributed to this tragedy, with the loss of 11 lives and all the pollution that has resulted. This amendment basically urges that we look at human factors, communication, decision-making, et cetera as part of the research agenda and it is a commonsense amendment. This kind of measure is engaged in with the FAA, nuclear power industry, defense department, et cetera. I think we ought to apply it to this industry as well.

Chairman GORDON. Thank you, Dr. Baird.

Is there further discussion on the amendment?

Mr. HALL. Mr. Chairman.

Chairman GORDON. Mr. Hall is recognized.

Mr. HALL. I thank you, Mr. Chairman.

Unfortunately, I am unable to support this type of amendment. The underlying Act outlines the focus area the research plan absolutely must address. The Interagency Committee is tasked with assessing the current state of knowledge, identifying significant gaps in research, establishing research priorities, estimating the resources needed to conduct this research and identifying in coordination with states the research needed for the regional research program. Within all these focus areas and with the individual research elements already laid out in the Act and in the ANS, I think it is safe to presume that risk assessment and risk analysis will be conducted on a continuous basis.

How would the identification of information needed to conduct risk assessment and risk analysis not be included in the main focus area that I just mentioned? What do we gain by identifying information in the research plan? If this was truly a research necessity, wouldn't it be covered by the Interagency Committee assessing the current status of knowledge and identifying the significant research gaps? I see no reason to include such a specific provision in a section of the bill that talks of generalities and I am concerned that such a provision would heavily shift the focus of the research from the purpose of the bill, which is "research, technology development and demonstration" to assessing the risk of human factors and decision-making of causing oil spills.

I yield back my time, sir.

Mr. BAIRD. Mr. Chairman.

Chairman GORDON. Dr. Baird is recognized.

Mr. BAIRD. I want to clarify. It is certainly not the intent of this to shift the major focus of this enterprise to human factors. However, I think it is absolutely evident that the lack of attention to

human factors in this industry very likely contributed to this spill, and I am very respectful of the gentleman's desire to support this industry but spills like this are very likely the biggest threat to the viability of the industry, let alone to the lives of the people who have been lost and to the environmental impacts, and if we are going to make this industry more safe, we absolutely have to attend to human factors, and the history of enterprises like this is that they tend not to address human factors until after a disaster. That was the case with Three Mile Island. It was the case with the airline that crashed in the Potomac River. And all those other entities have made human factors a central part, and I think it is the responsibility of this Congress to direct the agencies and entities to focus on this measure for the safety of the public.

Chairman GORDON. Will the gentleman yield?

Mr. BAIRD. I would be happy to.

Chairman GORDON. Did I understand you correctly in your opening statement that this was not a novel approach but rather the Nuclear Regulatory Commission and other regulatory agencies already take this into consideration?

Mr. BAIRD. Absolutely. The postmortem on Three Mile Island revealed that one of the reasons for that accident was human factors and the inadequacy of attending to human factors in the design of the plant and in the training of the staff technicians there. When that airplane crashed into the Potomac River some years ago, it had ice on the wings. The analysis of the cockpit communications revealed that the copilot had grave concerns about the ice on the wings. The pilot basically overrode the copilot's concerns with the result of the loss of multiple lives. FAA now has dramatically increased its attention to human factors and changed the cockpit communication rules.

We know the decisions along the line that led up to this disaster in the Gulf had to do with communication, with decision-making about a host of factors. We have scientific analysis that tells us how to do that better and it has apparently been largely neglected in this industry, and I think we have again, not just a right as Congress but a responsibility to direct the Committee at least to give some attention to this and best practices.

Finally, our witnesses in the hearing in our subcommittee repeatedly said, in fact, the minority's chosen witness, the minority's witness said that the technology is in place to prevent these spills, and it was human error that contributed to the failure. Well, if human error contributed to this failure and the minority witness so claimed, then it would seem to be in the minority's interest to prevent that human error.

[The prepared statement of Mr. Baird follows:]

PREPARED STATEMENT OF REPRESENTATIVE BRIAN BAIRD

- It was clear from our witnesses in our hearings that there is insufficient research available on the human factors involved in effectively preventing oil spills.
- The Interagency Committee and all collaborating agencies need to consider human components, like decision making, when developing plans to protect the environment from oil spills.

- My amendment would require the Oil Pollution Research and Technology Plan to identify information, including human factors and decision making, necessary for conducting risk assessment research to prevent oil spills.

Chairman GORDON. Is there further discussion on the amendment?

Mr. HALL. Mr. Chairman.

Chairman GORDON. Mr. Hall is recognized.

Mr. HALL. I am not opposed to research, just where this amendment puts it in the bill. This info would already be collected in the underlying Act. The Interagency Committee assesses the current status of knowledge and identifies the significant research gaps. This isn't a breaker of the bill or cause anyone to vote for or against the bill. I just thought I would want to get a question in the record, and I thank the gentleman for his answers.

[The prepared statement of Mr. Hall follows:]

PREPARED STATEMENT OF REPRESENTATIVE RALPH M. HALL

Thank you, Mr. Chairman. Unfortunately, I am unable to support this type of amendment. The underlying Act outlines the focus area the research plan must address. The Interagency Committee is tasked with assessing the current status of knowledge, identifying significant gaps in the research, establishing research priorities, estimating the resources needed to conduct this research and identifying, in coordination with States, the research needs for the regional research program.

Within all these focus areas, and with the individual research elements already laid out in the Act and in the ANS, I think it is safe to presume that risk assessment and risk analysis will be conducted on a continuous basis. How would the identification of information needed to conduct risk assessment and risk analysis not be included in the main focus areas I just mentioned? What do we gain by identifying this information in the research plan? If this was truly a research necessity, wouldn't it be covered by the Interagency Committee assessing the current status of knowledge and identifying the significant research gaps?

I see no reason to include such a specific provision in a section of the bill that talks of generalities, and I am concerned that such a provision would heavily shift the focus of the research from the purpose of the bill which is "research, technology development, and demonstration," to assessing the risks of human factors and decision making of causing oil spills.

Mr. BAIRD. I thank the gentleman from Texas.

Chairman GORDON. All right. I think that we now have a record on this, so if there further discussion? If no, those in favor of the amendment say aye. Opposed, say no. The ayes have it and the amendment is agreed to.

The fifth amendment on the roster is an amendment offered by the gentleman from New York, Mr. Tonko. Are you ready to proceed with your amendment?

Mr. TONKO. Yes, Mr. Chair.

Chairman GORDON. I assume you have an amendment at the desk?

Mr. TONKO. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 012, amendment offered by Mr. Tonko of New York and Mr. Baird of Washington.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain the amendment.

Mr. TONKO. Thank you, Mr. Chair.

Only hours after the news hit about the terrible disaster that was unfolding in the Gulf, the first thought of millions of Ameri-

cans was to try and help. For some, that meant offering up technologies and ideas with which they are familiar on the best way to recover and clean up the oil spill. In response to this interest, a website and telephone number were set up to take information on the public's suggestions. However, after thousands of calls and submissions to the website, no one seemed to know what happened to those ideas. As we watched millions of gallons of oil continue to spill into the open ocean, many ideas were still being evaluated. This kind of backup cannot happen again, Mr. Chair. We must take the opportunity through this legislation to correct the problem at hand.

The Tonko-Baird amendment will make certain that this doesn't happen again. Our amendment would make the research plan as it exists include a methodology that provides for the solicitation, the evaluation, pre-approval, the funding and utilization of technologies and research projects developed by the public and private sector in advance of future oil discharges so that such technologies can be implemented if such an incident for response is required again. It is my firm belief that the innovation spirit of the American people can solve any problem, but it is up to us in Congress to make certain that that spirit can be developed in a way that provides real outcomes. This channels that talent in a very fundamental sort of way. I believe this amendment can do that sort of improvement.

I want to thank Chairman Baird and his staff for working with me on this amendment, and I urge our colleagues to support the amendment and yield back the balance of my time, Mr. Chair, to Mr. Baird.

Mr. BAIRD. I thank Mr. Tonko and commend him for his leadership on this.

We certainly heard during our testimony from people who had products or innovative ideas that they wanted to deploy should there be a spill, and they had found it very, very difficult to do so. That really is an opportunity lost, and the same applies to researchers. Researchers often feel that they need to understand certain aspects of what happens when oil is in the water, but they don't have a mechanism to pre-stage that research so it is ready in the event an incident occurs. Having that pre-staged, ready to go, pre-approved and a mechanism by which it can be deployed can immeasurably help us gather information about real-world incidents, not just incidents in the lab. So that is what Mr. Tonko is trying to do with the technology element, and the research element that I have added is related to that. Certainly I have heard from a number of researchers and from incident commanders in the field who have said, we wish we had a mechanism to gather this data ready to go at our disposal but we just don't and there is just not time once the incident has happened to develop that in an expeditious manner. So that is the purpose of——

Chairman GORDON. Would the gentleman yield?

Mr. BAIRD. I would be happy to.

Chairman GORDON. Would this apply to Mr. Costner, the product that he put forth in his testimony before the Committee?

Mr. BAIRD. I think that is precisely what we are looking at on the technology side. But there are also research studies that have

the same kind of implication, and I think that is where Mr. Tonko is coming from. But I will yield back to Mr. Tonko to respond to that.

[The prepared statement of Mr. Baird follows:]

PREPARED STATEMENT OF REPRESENTATIVE BRIAN BAIRD

- During the Deepwater Horizon disaster, we have seen rapid response research through the NSF and real world testing of new oil recovery technologies. However, during the years since the Exxon Valdez spill, the amount of research on the effects oil and dispersants in the marine environment declined.
- We have learned from our hearings that we aren't prepared with field research to conduct in the event of an oil spill.
- We need a mechanism by which the appropriate agency can fund and pre-approve research and technologies to be implemented and tested in the field in the event of a sizable oil spill.
- Our amendment would direct the Interagency Committee to find the best mechanism by which to pre-approve and fund public and private sector research and technology projects related in order to expedite their implementation in the field during an oil spill event.

Mr. TONKO. I agree with Mr. Baird's comments. I think that there is a universe of talent that needs to have a better, more formal connection to a process that can certainly help us in response for incidents in the future.

Chairman GORDON. Thank you, Mr. Tonko.

Is there further discussion on the amendment? Mr. Hall is recognized.

Mr. HALL. Mr. Chairman, thank you, and although I am not necessarily opposed to the amendment, I am hoping the authors of the bill could explain how this language would work and how it differs from the National Contingency Plan, or the NCP. And I apologize to Mr. Tonko, who tried to get in touch with me earlier today. I didn't get a chance to call him back because I am sure he would have cleared up some of the problems that we had with it.

I have a question as to how this amendment would make the current system any better. That is not a killer either, but how does the language ensure that technologies that really do work will be deployed when needed and not held up by some bureaucratic red tape?

I will be offering an amendment later on that would ensure that the one oil pollution technology testing facility our Nation stays focused on its primary goal and not stray into other areas that have resources at their disposal. If adopted, would the language in this amendment strengthen the principle of the amendment that I will be offering? Would either Mr. Baird or Mr. Tonko answer that?

Mr. TONKO. I think what we are trying to accomplish with the amendment is to have yet another gateway that allows for product development or research opportunities to be exchanged with the people who will be governing the response to these situations. I think it just opens up the connection and the possibilities for areas of involvement that people believe just fit as a solution for the given situation. There were those who thought they could help tremendously with the oil spill and they need to have, I think, the sort of clustering opportunity, the gathering of information that proves very useful.

Mr. BAIRD. Mr. Hall, if——

Mr. HALL. I yield back my time. I intend to vote for the amendment.

Chairman GORDON. Since there is no further discussion, the vote occurs on the amendment. All those in favor, say aye. Opposed, no. The ayes have it and the amendment is agreed to.

The sixth amendment on the roster is an amendment offered by the gentleman California. Comrade Rohrabacher, are you ready to proceed with your amendment?

Mr. ROHRABACHER. Thank you, Mr. Chairman. Let me say something non-controversial first, and that is, I would like to thank the serious approach that Mr. Baird has taken to this issue. My understanding of the challenges we face has been enhanced by his leadership on this, and I appreciate that very much.

But again, now to the controversial aspect of what I have to say——

Chairman GORDON. And you do have an amendment at the desk?

Mr. ROHRABACHER. Yes, I do. I have an amendment at the desk.

Chairman GORDON. And the clerk will report that amendment.

The CLERK. Amendment number 005, amendment offered by Mr. Rohrabacher of California to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain the amendment.

Mr. ROHRABACHER. All right. So first let me preface my remarks on the amendment by saying once again that we are spending billions of dollars every year on global warming research and very little on oil and natural gas drilling and cleanup technology. In fact, the Department of Energy has funneled all of their research funds for fossil fuels, critical areas that account for a huge proportion of our Nation's annual energy needs. All of that money has been funneled instead of into making it safer to achieve the oil and gas we need and that we depend upon, instead we channeled all of it into carbon capture and sequestration. I am not sure there is any money that is spent by the United States government that is more foolish than that.

And what happens is, that leaves people in the private sector to pick up the load. Kevin Costner is an example of, he stepped up and put his own money into it, and then to add insult to injury, we are spending taxpayer dollars on foolishness, then we couldn't even get some sort of a stamp of approval to use that technology so it stood there on the shelf all of these years instead of being ready for a crisis moment that we are in today.

Likewise, British Petroleum, who has limited resources, channeled their resources into the politically correct considerations of alternative energy sources while their primary job was oil and gas development and they didn't spend their money developing the technologies that would have made that safer. So we need to make sure that that type of nonsense doesn't put us in a situation ten years from now that is similar to the one we are in.

So let me describe this amendment, which I believe will correct certain oversights of the bill. This amendment that I am proposing adds both natural seepage and pollution resulting from the impor-

tation of oil from overseas to the list of possible focus areas for research that needs to be looked at among the list of priorities for research at the regional level. In California, natural seepage is a major problem, a major problem, and we need to have research into that to see what can be done, what we should be doing to confront that problem, as well as we need to make sure that we are fully aware of the risks when we don't develop our offshore oil and natural gas, which we haven't been. If we import more natural gas and oil from overseas, there are risks that come with that, and tankers are much more liable to have an accident than an offshore oil rig.

One of the first things I voted for and I am proud to say that I did vote for this, was requiring the double hulling of oil tankers. That was 20 years ago. And there was a big debate on that. It was a controversial issue, and I will have to admit, some people in my own party were putting pressure on me not to vote for double hulling, but that made sense.

So our research when it comes to trying to look at oil spills and such, we should be taking in seepage and transportation risks, and that is what my amendment provides that we look at that as well. Thank you.

Chairman GORDON. I thank you, Mr. Rohrabacher. Despite your effort to try to make a bad argument for your amendment, it is a good amendment, and if there is no further discussion, all in favor, say aye.

Mr. HALL. Mr. Chairman.

Chairman GORDON. Opposed, no. Oh, excuse me. Mr. Hall?

Mr. HALL. I don't think I can improve on it nor do any damage to it. I yield back my time.

Chairman GORDON. So once again, all in favor, say aye. Opposed, no. The ayes have it. The amendment is agreed to.

The next amendment on the roster is an amendment offered by the gentleman from Texas, Mr. Smith. Are you ready to proceed with your amendment?

Mr. SMITH OF TEXAS. Yes, Mr. Chairman, I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 006, amendment offered by Mr. Lamar Smith of Texas to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain his amendment.

Mr. SMITH OF TEXAS. Mr. Chairman, this amendment requires the chairman of the interagency coordinating committee to solicit advice and guidance in the development of the research plan from third-party standard-setting organizations on issues related to voluntary consensus standards. This is a commonsense way of facilitating more industry involvement in the process above and beyond any input from the Oil Pollution Research Advisory Committee.

Industry is responsible for buying and commercializing the equipment being developed under this program. Furthermore, industry leaders have real-world operating experience and under-

stand the effectiveness of different types of technologies. Accordingly, it makes sense to give industry some input during the development of the research plan.

This amendment helps accomplish that goal, and I urge my colleagues to support it and I will yield back the balance of my time.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF REPRESENTATIVE LAMAR S. SMITH

This amendment requires the Chairman of the Inter-agency Coordinating Committee to solicit advice and guidance in the development of the research plan from "third party standard-setting organizations on issues related to voluntary consensus standards."

This is a common sense way of facilitating more industry involvement in the process, above and beyond any input from the Oil Pollution Research Advisory Committee.

Industry is responsible for buying and commercializing the equipment being developed under this program.

Furthermore, industry leaders have real-world operating experience and understand the effectiveness of different types of technologies.

Accordingly, it makes sense to give industry some input during the development of the research plan.

This amendment helps accomplish that goal. I urge my colleagues to support it.

Chairman GORDON. Mr. Smith, thank your for that excellent amendment. It makes a good bill better.

Is there further discussion on the amendment? Mr. Hall is recognized.

Mr. HALL. I thank you.

I support this amendment because it requires the Interagency Committee to seek advice from some of the outside experts who have been working for years in the field and have probably the best sense of what the best practices for industry have been and what they should be. Ultimately, industry is going to be responsible for commercializing and purchasing of the prevention and response technologies that will result from this research and development program. Their exclusion from the process in the underlying Act has allowed for a huge disconnect to occur in the research to operations transition, and while there is no way to tell if this contributed to the lack of progress in technology and development and commercialization for so long, I think it is prudent to ensure that the folks that have the practical experience in dealing with these issues to weigh in on the development of the research and develop the plan. I urge my colleagues to support this amendment.

[The prepared statement of Mr. Hall follows:]

PREPARED STATEMENT OF REPRESENTATIVE RALPH M. HALL

Thank you. I support this amendment because it requires the Interagency Committee to seek advice from some of the outside experts who have been working for years in the field and have the best sense of what the best practices for industry have been and should be.

Ultimately, industry will be responsible for commercializing and purchasing of the prevention and response technologies that result from this research and development program. Their exclusion from the process in the underlying act has allowed for a huge disconnect to occur in the research to operations transition.

While there is no way to tell if this contributed to the lack of progress in technology development and commercialization for so long, it is prudent to ensure that folks that have the practical experiences in dealing with these issues to weigh in on the development of the research and development plan. I urge my colleagues to adopt this amendment.

Chairman GORDON. If there is no further comments on the amendment, all in favor say aye. Opposed, no. The ayes have it. The amendment is agreed to.

The eighth amendment on the roster is an amendment offered by the gentleman from California. Again, Mr. Rohrabacher, are you ready to proceed with your amendment?

Mr. ROHRABACHER. Yes, I am. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 008, amendment offered by Mr. Rohrabacher of California to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain his amendment.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

As I had previously mentioned, it is our responsibility in the Science Committee and the responsibility of each of us individually to do everything we can to make certain that technologies are developed, tested and implemented to protect people and the environment from real harm that is posed by oil discharges. This amendment does that by removing the specific directive that the EPA must perform the research rather than all the members of the Interagency Committee. It clarifies the language to direct the research to focus on the effects to human health and the environment rather than simply toxicity of the technologies developed.

Let me just note that there is no reason that I think that just the EPA should be doing research and giving us their benefit of their work. The Department of Interior, the Coast Guard, NOAA, all of them have something to contribute as well as the EPA.

Yield back.

Chairman GORDON. And is there further discussion on the amendment? Dr. Baird is recognized.

Mr. BAIRD. Mr. Rohrabacher, I think there are a number of points that are worthwhile in the amendment. I just want to understand something and I may need to confer with counsel. The way I understand the way it is worded, EPA is taken out, but you are not saying—is it your intent to say EPA cannot do this research?

Mr. ROHRABACHER. No, that is not my intention. My intention is to have other agencies and their capabilities brought into play rather than just excluding all of them and making it just the EPA.

Mr. BAIRD. So in other words, if NOAA wanted to look at the toxicity or—I think your expansion of the definition is meritorious.

If I may, Mr. Chairman, may I inquire of counsel if that is the actual effect of this? In other words, I don't want to inadvertently exclude EPA. I also see Dr. Bartlett has a comment he may want to offer. But let me ask counsel, we are not excluding EPA from this by this language, we are just saying other agencies could do it as well versus exclusively EPA?

COUNSEL. Yes, and the underlying ANS is not "rather than" the Interagency Coordinating Committee but it does do a specific callout for EPA under the auspices of the Interagency Committee that has jurisdiction over this entire program.

Mr. BAIRD. When it gives a callout, does that de facto exclude—does the existing language exclude other entities or does it merely focus on EPA because of its known expertise in this?

COUNSEL. That is correct. It does not exclude the other agencies.

Mr. BAIRD. The existing language does not?

COUNSEL. Exactly.

Mr. ROHRABACHER. Basically what we are doing is clarifying the language to make sure that they know that these other agencies should be included in the research efforts rather than the possibility that they would think that it is just EPA.

Mr. BAIRD. I see the point. I support the intent, absolutely. I just——

Mr. ROHRABACHER. Let us just note that in the current law, none of them are specifically called out to do the research. This certainly makes it clear that we would think that they would be participating.

Mr. BAIRD. So you don't have opposition to EPA doing it, you just want to make sure the other entities——

Mr. ROHRABACHER. Right.

Mr. BAIRD. OK. Thank you. I yield back.

Mr. BARTLETT. Mr. Chairman.

Chairman GORDON. Mr. Bartlett is recognized.

Mr. BARTLETT. Mr. Chairman, I would like to comment on the suggestion that we ought to be looking at the effects on human health rather than toxicity.

Everything which is toxic does not have a negative effect on human health. The classic research of Hans Selier of a half a century ago in Montreal, Canada, indicated that we are better off with low levels of stimulation, and I think it is very appropriate that you look at the effects on human health rather than toxicity. Almost everything in our environment is toxic if you elevate it to an appropriate level. So looking at toxicity is not the appropriate way to look at the effects on human health, and very few people understand, EPA among them, that low levels of stimulation are advantageous because they exercise your immune system and make you better capable of resisting real levels of threat.

So I think it is very appropriate that we look at effects on human health rather than toxicity. Everything is toxic in enough concentration. So if you are simply looking at toxicity, you are going to put yourself in a little cocoon somewhere. Let us look at the effects on human health. Thank you.

Mr. ROHRABACHER. Mr. Chairman, just to clarify, it does focus on human health but it also does include the environmental effects, so we are not just focusing on human health. It would also be the effects on the environment. And I agree, and as usual, Dr. Bartlett has been very stimulative in his comments. But too much of a good thing, of course, could overwhelm us.

Chairman GORDON. Is there further discussion on the amendment? Mr. Luján.

Mr. LUJÁN. Mr. Chairman, thank you very much.

Just a little clarification, Mr. Chairman. The amendment changes the language to development and testing from development and approval, and I was just curious as to what the impact of the change from testing and approval would result?

Mr. ROHRABACHER. Well, approval has different standards than testing, so we would like the Interagency Committee to make sure that it can be involved with approving and testing of this type of research.

Mr. LUJÁN. Mr. Chairman, does the net effect have—does it lower standards or does it increase standards?

Chairman GORDON. And you yield to Mr. Rohrabacher to——

Mr. ROHRABACHER. Excuse me. Could you repeat the question?

Mr. LUJÁN. If the impact of changing the level of standards from testing and approval, does the net effect of the amendment increase standards or lower standards?

Mr. ROHRABACHER. I don't think it has an impact on that.

Mr. LUJÁN. Then Mr. Chairman, what is the need for the change from approval to testing?

Mr. ROHRABACHER. We are making this basically aimed at research rather than regulation, and this emphasizes that we are talking about research rather than regulation.

Mr. LUJÁN. Thank you, Mr. Chairman.

Ms. WOOLSEY. Mr. Chairman.

Chairman GORDON. I don't think we have authority for any regulation here anyway. Ms. Woolsey.

Ms. WOOLSEY. Well, thank you, Mr. Chairman.

I think everybody remembers during the Committee hearings that we heard from witnesses on the need to develop new responses and technologies that have minimum impact on the environment and human health and maximum effectiveness in responding to oil spills. That is clearly the basis for this legislation. So you have to know, I oppose this amendment because the EPA is clearly the best agency equipped to analyze, monitor and conduct research on the health and environmental effects of oil pollution technologies and specifically chemical dispersants. It is their mandate as an agency. That doesn't mean that other research universities or other agencies won't also be working on it. There is nothing in this legislation that says only EPA can do this. But they have kind of—they need, pardon the expression, a focus. I was going to say a kick in the butt, but they need a focus. We need to tell them that again they have to focus on this.

So I really urge my colleagues to oppose this amendment, and I yield back the—well, I would yield to Dr. Baird.

Mr. BAIRD. Thank you.

The spirit of allowing—of encouraging broad-spectrum research by the agencies makes a lot of sense. The fear I have, and I think one of the historical trends seems to be from our understanding is that if sort of everybody is in charge, then nobody may be in charge, and traditionally EPA has the most horsepower at its disposal and the most regulatory authority, though that is not our bailiwick, but it has the research horsepower to look at toxicity studies probably more than most of the other agencies involved. And the fear is, if we don't specifically call out EPA to do that, do we then sort of absolve them of the responsibility by so doing. So my question is, I think the gentleman's intent is right but I don't want to have an unintended consequence. I am wondering—I don't know. I am wondering if there is a way——

Chairman GORDON. If the gentleman would yield, I think the bottom line is this, that this is clearly not a mischievous or sort of a poison pill kind of amendment. It is an effort to try to move closer. I think that we would have to oppose the amendment as it is now, but if the gentleman would want to withdraw it, I think there is good faith on all sides to continue to work to move forward with that. And so I yield to Mr. Rohrabacher.

Mr. ROHRABACHER. Well, let me just note, I think that you can sort of nitpick things to death sometimes, and it is clear that what we are trying to put forward here is a team effort by mobilizing the various research capabilities of the Federal Government, which are not just incorporated in the EPA, although we have at the same time made sure that the EPA is still considered the lead sled dog in the whole effort. So I don't see what the problem is here. I would be happy to—let me consult with my leader here, my Ranking Member.

Mr. HALL. Will the gentleman yield?

Mr. ROHRABACHER. Yes, I would.

Mr. HALL. I think while I admire Mrs. Woolsey for upgrading the legislation that she launched some time ago on behalf of her own district, I differ with her on some of her statements just a few moments ago. I think EPA is the very worst entity to give any rights to, any additional rights, because I have gone through about 30 years here with them when they wouldn't give a decision, and when you don't give a decision, there is no appeal from it. It has caused us on a lot of bills where the EPA is involved in to place a provision in there that if they don't approve something within 30 days, that it is approved. Otherwise they wouldn't approve it, so the person asking for it may be a small businessman that wants some consideration for something that he is trying to bring to his district and has to wait until they decide to give him a no. You can't appeal from no action, and they rode that horse to the front line many, many times.

I think any time you can set out and really relay what EPA has to say about it, you ought to do it, and I think that is what this bill does.

Chairman GORDON. Mr. Rohrabacher still has time.

Mr. ROHRABACHER. And I will——

Chairman GORDON. Would the gentleman like to call for a vote?

Mr. ROHRABACHER. Yes, I will call for a vote.

Chairman GORDON. Then if there is no further discussion, the vote is on the amendment. All in favor of the amendment, say aye. Opposed, no. The no's have it. The amendment is not agreed to, but let me say that Mr. Rohrabacher in no way waives his right to continue to discuss this. It was a good-faith amendment.

The ninth amendment on the roster is an amendment offered by the gentleman from Florida. Mr. Diaz-Balart, are you ready to proceed with your amendment?

Mr. DIAZ-BALART. Yes, Mr. Chairman. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 010, amendment offered by Mr. Diaz-Balart of Florida, to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain the amendment.

Mr. DIAZ-BALART. Thank you, Mr. Chairman.

The amendment in the nature of a substitute before us contains standards for the evaluation of oil pollution prevention technology. Now, this technology can also include dispersants, skimmers, booms, et cetera. Currently, the bill includes the evaluation of the environmental effects of these technologies as it well needs to, as it well should. My amendment would just add a new standard to the evaluation. It states that this program should also evaluate the performance and effectiveness of oil pollution prevention technologies in detecting, you know, containing, recovering, et cetera, mitigating for the discharges. In other words, my amendment just says that we should evaluate the effectiveness of those technologies that are developed to get the oil out of the water or off the land or off the ice, et cetera. So I think it is a commonsense amendment.

I do want to, Mr. Chairman, also while I still have the floor also want to add to what Mr. Rohrabacher said. Mr. Baird has been exceedingly good to work with. He is one of those people that is serious, he is thoughtful, so it has been a pleasure to work for him and I just wanted to add those words as well.

Thank you, Mr. Chairman.

Chairman GORDON. You have also been serious and thoughtful, and I guess sensitive by virtue of being from Florida, and so if there is no further discussion, the vote occurs on the amendment. All in favor, say aye. Opposed, no. The ayes have it. The amendment is agreed to.

The tenth amendment on the roster is an amendment offered by the gentleman from New York. Mr. Tonko, are you ready to proceed with your amendment?

Mr. TONKO. Yes, Mr. Chair. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 032, amendment offered by Mr. Tonko of New York to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain his amendment.

Mr. TONKO. Thank you, Mr. Chair.

We all know the very important role that small business plays in our economy. There are thousands of businesses which have developed or are developing technologies to solve various problems and societal challenges. Most of these technologies will be created outside of the research and development program area that is set up by this legislation. So therefore, it is important, I believe, that when we set up standards and protocols for oil technology evaluation, that we consider these small businesses that are outside the program as a part of the response.

This amendment is a straightforward amendment that will make sure that small businesses are considered in the technology evaluation program. Including small businesses in the equation will not only help us find solutions to possible oil discharges but will also

give those businesses more opportunities, which will create then a stronger economic recovery for our small business community.

I urge my colleagues to support this amendment, and Mr. Chair, I yield back the balance of my time.

Chairman GORDON. Thank you, Mr. Tonko. We all know that small business is a major generator of jobs in this country, and we thank you for that amendment.

Is there further discussion? If no, the vote occurs on the amendment. All in favor say aye. Opposed, say no. The ayes have it. The amendment is agreed to.

The 11th amendment on the roster is an amendment offered by the gentleman from Illinois, Mr. Lipinski—Dr. Lipinski. Are you ready to proceed with your amendment?

Mr. LIPINSKI. Yes, I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 072, amendment offered by Mr. Lipinski of Illinois to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain the amendment.

Mr. LIPINSKI. Thank you, Chairman Gordon. I won't take 5 minutes.

I am very appreciative of the leadership that you have shown in response to the disaster in the Gulf, and I would also like to commend the work of Ms. Woolsey and Dr. Baird in crafting this bill.

Now, section 4 of the bill requires that the oil pollution research programs provide for the evaluation of prevention technologies. My amendment would simply add probabilistic research analysis to the list of techniques that can be used in these evaluations. From the perspective of a systems engineer, which I am trained in, this is common sense.

For those who are unfamiliar with the term "probabilistic risk analysis", or PRA, this is systematic and comprehensive methodology used to evaluate the risks associated with a complex engineered technological entity. To put it more simply, it looks at what can go wrong, what the consequences can be and how likely they are to occur. This approach was first used in the aerospace industry during the Apollo program and it has since spread to other industries, notably the nuclear power industry. The pollution prevention control systems on oil rigs are a complex technological system, and this is the right tool for evaluating their potential problems.

I urge my colleagues to support this amendment, and I yield back.

[The prepared statement of Mr. Lipinski follows:]

PREPARED STATEMENT OF REPRESENTATIVE DANIEL LIPINSKI

Thank you Chairman Gordon. I am very appreciative of your leadership in response to the disaster in the Gulf. I would also like to commend the work of Ms. Woolsey and Dr. Baird in crafting H.R. 2693.

Section 4 of this bill requires that the oil pollution research programs provide for the evaluation of prevention technologies. My amendment would add probabilistic risk analyses to the list of techniques that can be used in these evaluations. From the perspective of a systems engineer, this is simply common sense.

For those who are unfamiliar with the term, a probabilistic risk analysis, or PRA, is a systematic and comprehensive methodology used to evaluate the risks associ-

ated with a complex engineered technological entity. Simply put, it looks at what can go wrong, what the consequences can be, and how likely they are to occur. It's an approach that was first used in the aerospace industry during the Apollo program, and it's since spread to other industries, notably the nuclear power industry.

The pollution prevention control systems on an oil rig are a complex technological system, and this is the right tool to for evaluating potential problems. I urge my colleagues to support this amendment and yield back.

Chairman GORDON. Thank you, Dr. Lipinski, for your good amendment.

Is there further discussion on the amendment? If not, those in favor say aye. Opposed, no. The ayes have it. The amendment is agreed to.

The 12th amendment on the roster is an amendment offered by the gentleman from California. Mr. Garamendi, are you ready to proceed with your amendment?

Mr. GARAMENDI. I am. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 011, amendment offered by Mr. Garamendi of California to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain the amendment.

Mr. GARAMENDI. Thank you, Mr. Chairman, and to the authors of the bill, thank you for your good work.

This would simply add a little piece to the research about where the oil is and what it is doing and where it is going. I would add a half a sentence that says maybe we ought to understand how much there is. And so the specific language does just that. It says including tools and models to accurately measure and predict the flow of oil that is discharged. We know that from the issue that arose in San Francisco Bay, the genesis of this bill. There was not good information at the outset on how much oil would be there and therefore the response was initially insufficient. We know from the Gulf oil spill that how much oil is being discharged has been an ongoing issue from day one and continues to this day.

This would add to the research program a modeling program to understand and to be able to predict exactly how much is being discharged. I would ask for support.

Chairman GORDON. Is there further discussion on the amendment? Mr. Grayson is recognized.

Mr. GRAYSON. Thank you, Mr. Chairman. I just want to say how important I think this particular amendment is because we are in a situation now where oil companies have a built-in incentive to hide their spills because of the $4,000-a-barrel fine for oil spills, and we have seen the effect of that recently with the BP oil spill. When there has been somewhere between 5,000 and 100,000 barrels of oil spilled into the Gulf each day, we don't know how much by a factor of 20. So this is research that is definitely much needed, and we will have to make sure that in the future we have a better idea of what the extent of these spills really is.

So I support this amendment.

Chairman GORDON. Thank you, Mr. Garamendi. This clearly is an amendment that makes a good bill better.

If there is no further discussion, then the vote occurs on the amendment. All in favor, say aye. Opposed, no. The ayes have it and the amendment is agreed to.

Now, the 13th amendment on the roster is an amendment offered by the gentlelady from Texas, Ms. Johnson. Are you ready to proceed with your amendment?

Ms. JOHNSON. Yes, Mr. Chairman. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 122, amendment offered by Ms. Eddie Bernice Johnson of Texas to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentlelady for five minutes to explain the amendment.

Ms. JOHNSON. Thank you very much, Mr. Chairman and Ranking Member, for considering my amendment.

My amendment provides language to ensure economically disadvantaged communities are a strong focus in this legislation. My amendment is a simple reminder that groups that historically are hit the hardest by environmental disasters are not forgotten. I feel strongly that the immediate concerns must be the livelihoods of families who have lost their income due to this spill. A number of these families are having trouble putting food on their tables. The disproportionate burden from the environmental disasters on communities of color, low-income people and indigenous communities also need to be reduced as well. These communities are experiencing the highest rates of morbidity and/or death from asthma, cancer, learning disabilities, lead poisoning, lupus and several other diseases. It is my hope that my amendment will bring attention to the disproportionate burden of pollution on the most vulnerable members of our society.

Those along the coast who are elderly, children or have existing health conditions, especially respiratory diseases, are at the highest risk for adverse health impacts from this spill. A clear understanding, however, is missing about what the short- and long-term health impacts will be. When considering research on the effects of the spill, we must not forget those who are hurting the most. This is the intent of my amendment, and I encourage my colleagues to support it.

Mr. Chairman and Ranking Member, I appreciate your consideration of this straightforward amendment and yield back the balance of my time.

Chairman GORDON. Thank you, Ms. Johnson, for that good amendment.

Is there further discussion? If note, the vote occurs on the amendment. All in favor, say aye. Opposed, no. The ayes have it. The amendment is agreed to.

The 14th amendment on the roster is an amendment offered by the gentlelady from Pennsylvania. Ms. Dahlkemper, are you ready to proceed with your amendment?

Ms. DAHLKEMPER. Yes, I am, Mr. Chairman. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 045, amendment offered by Mrs. Dahlkemper of Pennsylvania and Mr. Grayson of Florida to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentlelady for five minutes to explain her amendment.

Ms. DAHLKEMPER. Thank you, Mr. Chairman, and thank you, Ranking Member Hall. I am speaking today in support of my amendment along with Mr. Grayson.

As you know, we have only begun to assess the damage of the BP oil spill in the Gulf Coast, damage to the environment, to the economy and to our people. As we meet here today, hundreds of brave men and women, including my daughter, who is in the Coast Guard, are on the Gulf Coast working to save our waters, beaches and the Gulf economy. Most of them have no idea what chemicals and pollutants they are being exposed to in the air while they work to clean the beaches and the water.

My amendment would direct research programs to monitor both the onshore and offshore air quality in these spill areas and ensure that this information is readily available to our emergency responders, to scientists, and most significantly, to the local residents. I urge all to support my amendment to protect these dedicated to cleaning up oil spills like the one in the Gulf Coast.

And thank you, Mr. Chairman. I yield back the remainder of my time.

[The prepared statement of Ms. Dahlkemper follows:]

PREPARED STATEMENT OF REPRESENTATIVE KATHLEEN DAHLKEMPER

I am speaking today in support of my amendment, along with Mr. Grayson, to the Oil Pollution Research Act. We have only begun to assess the damage of BP's oil spill in the Gulf Coast—damage to the environment, to the economy and to our people. Unimaginable harm has been done to an area of great natural beauty and national pride. As we speak, hundreds of brave men and women, including my daughter, who is in the Coast Guard, are in the Gulf Coast to save our waters, beaches and the Gulf economy. Many of them have no idea what chemicals and pollutants they are being exposed to in the air while they work to clean the beaches and the water. My amendment would direct research programs to monitor both the onshore *and offshore* air quality in these spill areas and ensure that this information is readily available to our emergency responders, like my daughter, to scientists, and significantly, to local residents. I urge you all to support my amendment to protect those dedicating to cleaning up oil spills like the one in the Gulf Coast.

Chairman GORDON. Thank you, and many thanks to your daughter for the good work that she is doing.

Ms. DAHLKEMPER. I am very proud of her.

Chairman GORDON. You should be.

Is there further discussion on the amendment? If no, the vote occurs on the amendment. All in favor, say aye. Opposed, no. The ayes have it. The amendment is agreed to.

The 15th amendment on the roster is an amendment offered by the gentleman from Florida, Mr. Grayson. Are you ready to proceed with your amendment?

Mr. GRAYSON. Yes, Mr. Chairman. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 078, amendment offered by Mr. Grayson of Florida to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain his amendment.

Mr. GRAYSON. Mr. Chairman, the fundamental purpose of this amendment is to extend and expand research on the effects of these spills on the human beings who are assigned to clean them up. It is interesting that after a century of exposure to hydrocarbons and intensive use of hydrocarbons throughout our economy to generate energy, to provide transportation and so on, we still don't know what is the effect of exposure of hydrocarbons to human beings in the context of a cleanup like this. Recently, some people who are involved in the cleanup of the spill in the Gulf were instructed not to wear respirators because that might imply that they needed them, and it is odd that at this point there is some doubt or even an open question about whether that is the case or not. We have many, many anecdotal reports at this point of people who are doing this kind of work who have been exposed to these fumes and to these toxic elements, and as a result of that have already gotten sick. We need to know with some specificity what the actual effect of the spill is on the people who are assigned to clean it up, and that is exactly what this amendment proposes to determine.

Therefore, I offer the amendment and I urge my colleagues to support it. Thank you. I yield the rest of my time.

Chairman GORDON. Is there further discussion on the amendment? If not, the vote is called on the amendment. All in favor, say aye. All opposed, say no. The ayes have it. The amendment is agreed to.

The 16th amendment on the roster is an amendment offered by the gentleman from Texas, Mr. Hall. Are you ready to proceed with your amendment?

Mr. HALL. I have an amendment at the desk, Mr. Chairman.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain the amendment.

Mr. HALL. I thank you, Mr. Chairman.

The Oil Pollution Act of 1990 authorized the operation of the Oil and Hazardous Materials Simulated Environmental Test Tank, pronounced OHMSETT, as the official facility to test and evaluate all oil pollution technologies. Since it has been impossible for government agencies to conduct controlled field testing due to a complex maze of bureaucratic red tape, OHMSETT is the only facility the United States has to evaluate the performance of cleanup technology. The only other options are to test them in other nations but their testing procedures are different from ours.

During the Energy and Environment Subcommittee hearing on oil spill research and development, the witness from the Minerals Management Service stated that "OHMSETT is critical to oil spill response technology development in the United States. It plays an essential role in developing the most effective response technology as well as preparing responders with the most realistic training

available before an actual spill." Despite being so critical to U.S. development of oil spill response technology, this facility has been redesignated as the National Oil Spill Response and Renewable Energy Test Facility.

This committee has been supportive of a wide range of renewable energy technologies and has authorized an enormous amount of resources for them. OHMSETT is the only place where oil spill technologies can be tested and then approved by Interior to be used during response incidences. It is vital that this single resource preserves its primary focus, which is the testing and evaluation of technologies that clean up oil discharges. These technologies should not have to compete for resources with renewable technologies.

My amendment would in no uncertain terms state that oil pollution technology testing and evaluation should be given priority over all over activities this facility is now used for. Diverting resources to test renewables will not help us clean up oil spills more effectively and could even become a detrimental practice if the approval of cleanup technologies is delayed in favor of renewable testing.

I urge my colleagues to support this amendment. I yield back.

[The prepared statement of Mr. Hall follows:]

PREPARED STATEMENT OF REPRESENTATIVE RALPH M. HALL

Thank you, Mr. Chairman. The Oil Pollution Act of 1990 authorized the operation of the Oil and Hazardous Materials Simulated Environmental Test Tank, or OHMSETT as the official facility to test and evaluate all oil pollution technologies. Since it has been impossible for government agencies to conduct controlled field testing due to a complex maze of bureaucratic red tape, OHMSETT is the only facility the U.S. has to evaluate the performance of cleanup technologies. The only other options are to test them in other nations, but their testing procedures are different then ours.

During the Energy and Environment subcommittee hearing on oil spill research and development, the witness from the Mineral Management Service stated that the OHMSETT is "critical to oil spill response technology development in the U.S. . . . it plays an essential role in developing the most effective response technologies, as well as preparing responders with the most realistic training available before an actual spill." Despite being so critical to U.S. development of oil spill response technology, this facility has been redesignated as the National Oil Spill Response and Renewable Energy Test Facility.

This Committee has been supportive of a wide range of renewable energy technologies and has authorized an enormous amount of resources for them. OHMSETT is the only place where oil spill technologies can be tested and then approved by Interior to be used during response incidences. It is vital that this single resource preserves its primary focus, which is the testing and, evaluation of technologies that cleanup oil discharges. These technologies should not have to compete for resources with renewable technologies.

My amendment would, in no uncertain terms, state that oil pollution technology testing and evaluation should be given priority over all other activities this facility is now used for. Diverting resources to test renewables will not help us cleanup oil spills more effectively, and could even become a detrimental practice if the approval of cleanup technologies is delayed in favor of renewable testing.

I urge all my colleagues to support this amendment. I yield back.

Chairman GORDON. Thank you, Mr. Hall, for the good amendment.

Is there further discussion? If not, the vote occurs on the amendment. All in favor, say aye. Opposed, no. The ayes have it. The amendment is agreed to.

The 20th amendment on the roster is an amendment offered by the gentleman from Georgia, Dr. Broun. At the risk of making a dangerous motion, I am going to ask unanimous consent that we—

oh, OK. I appreciate being corrected. We are now on the 17th amendment, and with Dr. Broun being noticed that he is 20.

The 17th amendment on the roster is an amendment offered by the gentlelady from Texas. Ms. Johnson, are you ready to proceed with your amendment?

Ms. JOHNSON. Yes, Mr. Chairman. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 121, amendment offered by Ms. Eddie Bernice Johnson of Texas to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentlelady for five minutes to explain the amendment.

Ms. JOHNSON. Thank you, Mr. Chairman and Ranking Member, for considering this amendment.

My amendment is pretty straightforward. It clarifies that competitive grants awarded through the regional research program shall award grants competitively to universities or other research institutions including minority-serving institutions. This language is basic. As you know, the bill authorizes grants to institutions of higher education and research centers to improve technologies used to prevent, combat and clean up oil pollution. Research at these centers will indeed advance the Nation's ability to prevent future oil spills and create groundbreaking technology to mitigate future disasters. These institutional grants will authorize research, development and technology transfer activities.

My amendment encourages partnerships with minority-serving institutions. We want to be sure to award grants to the best institutions of higher education and research centers to improve partnerships so Federal agencies can do their work even better. At the same time, we want to give the minority-serving institutions a realistic change to participate in the research.

As you know, the majority of students at the minority-serving institutions study at small two-year institutions. These students can come to the larger universities to engage in research and gain some important career experience. Undergraduate research experience is key to gaining admission to a graduate-degree program, so the more we encourage partnerships with the minority-serving institutions in these activities, the more diverse the workforce we cultivate for oil spill research. To me, this creates a win-win situation.

I want to say, Mr. Chairman, that in the structure of this amendment, the intent was for it to be handled with regional institutions and not nationwide, and I think there might be some confusion in the language, and if that is the case, I certainly would like to make sure it is corrected so it is clearly understood.

I appreciate you considering this amendment and I encourage the support of it, and I yield back the balance of my time.

Chairman GORDON. Thank you, Ms. Johnson, for your good amendment.

Is there further discussion?

Mr. HALL. Mr. Chairman.

Chairman GORDON. Mr. Hall is recognized.

Mr. HALL. I certainly support this amendment offered by Ms. Johnson. I urge the passage of the amendment and yield back my very valuable time.

Chairman GORDON. Thank you, Mr. Hall, and also I want to thank all the Members that are here. I know this is—we had a lot of good ideas that came in toward the last and we are making that good bill better, and I thank you for hanging in there as we try to proceed with this.

If there is no further discussion, then all in favor say aye. Opposed, no. The ayes have it. The amendment is agreed to.

The 18th amendment on the roster is an amendment offered by the gentleman from Washington, Dr. Baird. Are you ready to proceed with your amendment?

Mr. BAIRD. I am. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 048, amendment offered by Mr. Baird of Washington to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentleman for five minutes to explain the amendment.

Mr. BAIRD. Mr. Chairman, this is a commonsense amendment. Insofar as oil spills transcend national and international borders, and the expertise and knowledge for dealing with oil spills does as well, that expertise is also not limited to governmental entities. Basically what this amendment does is strengthen and expand the emphasis on international collaboration in two ways. It encourages domestic and foreign private actors, not just governmental and research entities, and it also encourages the leveraging of private and public capital because as we have discussed today and in our hearings, there is a lot of private expertise and knowledge and funding to conduct the research and develop the technologies we need, and that is the focus of the amendment and urge passage.

[The prepared statement of Mr. Baird follows:]

PREPARED STATEMENT OF REPRESENTATIVE BRIAN BAIRD

- As a Member of this Committee, I have traveled around the world and seen the real value in international collaboration on science.
- While we conduct world class research on oil pollution research, development, and demonstration, we can learn from the successes and failures of these activities in other countries.
- My amendment would strengthen the international cooperation language in OPA 90. The amendment directs the Interagency Committee to go beyond coordination and cooperation with other nations to make use of global expertise by creating collaborative partnerships with foreign governments and research entities. These partnerships would have the opportunity to collaborate on oil pollution research, development, and demonstration activities.

Chairman GORDON. Thank you, Dr. Baird, for the good amendment.

Is there further discussion? Ms. Biggert is recognized.

Ms. BIGGERT. Thank you, Mr. Chairman. I just have a question about this. I certainly agree that we need to work with foreign countries, but does this go too far when we start talking about cleanup standards with foreign governments? And does that mean

that, you know, those standards might be adopted and then the United States is not setting its own standards but really having an international standard? You know, we have had this problem with the financial services. We have had other areas where the adoption of standards might not be in our best interest.

Chairman GORDON. And I assume you yield to Dr. Baird?

Ms. BIGGERT. Dr. Baird.

Mr. BAIRD. It is an interesting question. I mean, the shoe can easily be on the other foot. You know, if there are spills in other national waters, they could say well, we are cleaning it up. I respect the gentlelady's point. The goal is certainly not to tie us—there is no treaty ratification function here but if there are international standards to be proposed, we ought to have a voice in that, I would think. I think it is in our best interest to have a voice in that, and that is the intent here. It is not in any way to say we are going to get ourselves—this amendment certainly has no authority to tie us nor does this Committee have the jurisdiction that would do that.

Ms. BIGGERT. Well, I guess just because it requires, it is almost like their function is going to get together and these standards, are we going to try and impose our standards on them, you know, when we have—getting towards a treaty I think would be a problem. Maybe just the way it is stated but——

Mr. BAIRD. Well, you know, it is funny. I respect the gentlelady's concern. I am trying to see where the language evokes that, so I want to be respectful of that and understand it.

Mr. ROHRABACHER. Would the gentleman——

Mr. BAIRD. We are talking controlled field tests of oil discharges. Go ahead.

Chairman GORDON. Is the gentleman saying very explicitly that he is not trying to set up any kind of international standards?

Mr. BAIRD. Exactly.

Chairman GORDON. Or require our country to be a part of any kind of international standards?

Mr. BAIRD. That is certainly not the intent. The intent would be, though, however, let us suppose some international body were to say you set a standard at one part per trillion or something. Well, if you don't have technologies that—you may need to test the applicability of that standard, would be the point. In other words, it is a research activity related to potential standards but not in any way to try to promulgate standards. This is not designated to promulgate standards.

Chairman GORDON. So would it be fair to say that if someone tried to create a standard, that this would give the United States the opportunity to test it and say that is not a good standard, it won't even work?

Mr. BAIRD. That is the premise, yes, if standards become an issue.

Mr. ROHRABACHER. Mr. Chairman.

Ms. BIGGERT. Reclaiming my time.

Chairman GORDON. Ms. Biggert.

Ms. BIGGERT. Well, there are a couple of things. You know, "shall engage" which means you have to engage in international cooperation by harnessing global expertise, et cetera, and you have to—

and you are going to leverage public and private capital and then you are going to—just the cleanup standards, maybe just taking that out, take out cleanup standards?

Mr. ROHRABACHER. Will the gentlelady yield——

Ms. BIGGERT. Or just standards——

Mr. ROHRABACHER. —for a suggestion?

Ms. BIGGERT. You can have cleanup but not standards.

Mr. ROHRABACHER. Will the gentlelady yield for a suggestion?

Ms. BIGGERT. Yes, I yield to you, Mr. Rohrabacher.

Mr. ROHRABACHER. Whereas I used to have lots of discussions about specific words that go in places, having been a speechwriter for President Reagan for seven years, might I suggest instead of "standards" that you say "procedures"? Yield back.

Mr. BILBRAY. Will the gentlelady yield?

Chairman GORDON. Well, I think the——

Mr. BAIRD. Pardon me. I am trying to evaluate the impacts of that in terms of the underlying base bill, so that is where it has taken me.

Ms. BIGGERT. OK. Then I——

Chairman GORDON. Why don't we——

Ms. BIGGERT. I yield to the gentleman from California.

Chairman GORDON. The gentleman from California, Mr. Bilbray, is recognized.

Mr. BILBRAY. Thank you. I strongly support the amendment. I think that the proposed wording change kind of fits into it. Let me point out, I think one of the things that we can point at the United States not cooperating in international strategies on one item, we didn't cooperate in the development of technologies and techniques and research in cleanup. A good example was, it was a great opportunity and continues to be a great opportunity in the Niger Delta. The largest oil spills in the world have not even been talked about. We talk about it because it is in our backyard but because it is out of sight and out of mind, we have got major oil problems in west Africa that have basically not been addressed by the western countries very much. That would be a perfect test platform to go in there and try those technologies, try everything from remediation, biological remediation, or if you wanted to talk about the centrifuge system that Kevin Costner brought up. All of those technologies and all those techniques could have been developed, could have been refined, could have been proven in an area that basically has been ignored for too long, and I think this motion fits into that capability of cooperation around the world will help us develop technologies and techniques and procedures that can defend our own shorelines, and I think this is being proactive and I strongly support it.

I think the gentleman's recommendation is compatible with that goal of not so much setting standards but actually setting procedures and minimum standards for operation rather than regulatory control. I think we want to find answers, not blame here. Even though the gentleman from California did throw in that evil empire every once in a while, I think that overall he is pretty good with words.

Yield back, Mr. Chairman.

Chairman GORDON. Is there further discussion on the discussion?

Mr. ROHRABACHER. Mr. Chairman.

Ms. BIGGERT. I was just wondering if Mr. Baird is ready to——

Chairman GORDON. Well, I think he will let us know when he is ready.

Mr. Rohrabacher.

Mr. ROHRABACHER. Yes. Let me just note that, well, first of all it seems a little bit of a disconnect here that we were kind of opposing my effort to promote cooperation among government agencies in our own government, and now we have an amendment that is proposing that we have cooperation on a global scale with other governments, so there is a little bit of a disconnect between what I had proposed earlier and the opposition to that and now a proposal that is going way beyond that scope and going internationally. I support international cooperation. I support international cooperation to develop new technologies and I think we all should with procedures. What are the procedures that are used that permit companies and other entities to do the very best job? What are those things that work? Yes, we should be doing it. We should not be, however, cooperating on trying to develop our standards here, our legal regulatory standards so that we will in some way be harmonizing with China, which may have no standards or very low standards or some other country that may have higher standards which would negate any type of development.

So that word actually opens up a Pandora's box here and again I would suggest that you look at just that one word change would alleviate these problems, and I yield back my time.

Mr. HALL. Mr. Chairman.

Chairman GORDON. I think Mr. Baird is recognized now.

Mr. BAIRD. I think the points are well taken. It is certainly not the intent to get us into the kind of dilemmas that you have described, but I can see the concern about that, and that is the last thing we would want to do, that I would want to do. It is certainly not the intent here.

But I do want to at some point, and this may not be the best place to do it, I think there is a need for some international standard-setting, not the least common denominator kind of standard setting but—and so my question is, I don't want to remove this. Remember, what I am trying to get at is, is there a way to clarify? We have no authority in this committee to mandate the nature of standards or the approval of a treaty or anything of that sort. We just don't have that authority. But it makes sense to me that our research entities would participate if there is direct research relevant to those standards, and I am not opposed to——

Mr. ROHRABACHER. Will the gentleman yield for a question?

Mr. BAIRD. Please.

Mr. ROHRABACHER. Do you really want to direct our various government agencies and people on these task forces that we are setting up to get together with foreign entities and discuss the standards or do you want them to discuss the technologies that we can work together and develop and the methodologies that can be used to prevent oil spills and to help in cleanup operations or do you want them to be discussing legalities and——

Mr. BAIRD. My intent would be the former, but I need to concur with——

Ms. BIGGERT. Will the gentleman yield?

Mr. BAIRD. Surely.

Ms. BIGGERT. I think there is one other issue by the use of the word "standards" and I am afraid that this might put the jurisdiction of this bill into Energy and Commerce.

Chairman GORDON. If I might interject here, since it appears that most folks are on the same page in terms of the objective and that Mr. Baird has said that is it not an effort to set standards, that we would accept that amendment and get the thesaurus out between now and the Floor and see if we can come up with a better word.

Mr. BAIRD. Mr. Chairman, I am wondering if it would be in order possibly while we confer on this to move to the next amendment, table this for one moment while I can discuss with counsel the implications of making this change and then resume this in just a moment? I don't know if that is in order or not, and I don't know if the subsequent amendment would affect this.

Chairman GORDON. Well, then, by unanimous consent, I will suggest that we move on to amendment #19.

Ms. BIGGERT. I object.

Chairman GORDON. Ms. Biggert objects, so I guess we will just wait a while.

Mr. HALL. Mr. Chairman.

Chairman GORDON. Mr. Hall is recognized.

Mr. HALL. Strike the last word.

I support Mrs. Biggert's change and I am concerned that the word "standards" is going to create a number of problems. You know, for weeks it has been mentioned that the use of the word "standards" in the section dealing with international cooperation was not something many of us could support. We have talked about that before. Language was offered that would have tamped down the language in the ANS while at the same preserving the original intent of the law, but this amendment really moves in the complete opposite direction and has only served to magnify the concerns that a lot of us on this side have. It expands the focus of the research program from coordinate and cooperate in conducting this research in the existing law to engaging in international cooperation by harassing—harnessing global expertise. Remember, I have had an operation on my eyes.

This requirement, though, to continuously interact with these international entities named in the amendment and could divert attention away from the purpose of the bill. The development of standards is a very lengthy and highly technical process and it is also a process that each nation does for itself, and we have joined many international treaties to attempt to align some of these standards. Sometimes these treaty negotiations take decades. Again, the direction of the program would be diverted from the main purpose of the existing law. The focus of international cooperation should remain on the research, development and demonstration activities including those addressing oil containment, recovery and control of field tests of oil discharges.

So I think this amendment presents a pretty significant challenge.

Chairman GORDON. Would the gentleman yield?

Mr. HALL. I think Dr. Baird is correct in suggesting a timeout and see what they can work out.

Chairman GORDON. Would the gentleman yield?

Mr. HALL. I do yield.

Chairman GORDON. I would like to just read the language, and this is how it concludes: "Oil pollution research, development and demonstration activities including controlled field tests of oil discharges, oil recovery and cleanup standards." What this sounds to me like is saying if there are some standards, if there are oil recovery, that we need to have the equipment here in this country to test them.

Mr. ROHRABACHER. Mr. Chairman, if I have your permission?

Chairman GORDON. OK. Sure.

Mr. ROHRABACHER. I think——

Chairman GORDON. Well, Mr. Hall controls the time.

Mr. ROHRABACHER. Would Mr. Hall yield?

Mr. HALL. I yield to Mr. Rohrabacher.

Mr. ROHRABACHER. I would just note that you started a little bit too late in your analysis of what that sentence really meant or what—or how to determine what it will mean if we leave it the same language. You have to start up towards innovative models, innovative models that can be instituted to conduct cleanup standards. I mean, that is very clear what you are looking for then. There are other things in between there but you are talking about people getting together and discussing innovative models that can be instituted to conduct cleanup standards, and we just asked Mr. Baird whether his intent was to have people coming together to talk about standards or talk about technologies and procedures, and he made it very clear his intent is international cooperation for that and not to come up with innovative models for standards, so——

Chairman GORDON. If the gentleman would yield, I think it is not to come up with models for standards, come up with models to test if there are standards, but I yield to——

Mr. ROHRABACHER. Innovative models that can be instituted to conduct, not——

Mr. BAIRD. Mr. Chairman.

Chairman GORDON. Mr. Hall has the time now, and Mr. Hall, do you want to yield to Mr. Baird?

Mr. HALL. I believe you want me to. I do yield to Dr. Baird, and I am pleased to.

Mr. BAIRD. I appreciate that.

My original intent was much more in line with the Chairman's description was that the research could look at the standards. If standards were proposed, the research would look at how those standards functioned. My focus was not to say let us all get together and promulgate standards. That was not my intent with the underlying text, and so personally, I am amenable to changing "standards" to "methodologies" so we can move forward.

Now, Mr. Bilbray had a good suggestion, but I don't know, I am going to ask counsel on this. One of the things our witnesses pointed out was, if you are going to—so everybody descends on the Gulf or whatever the location of the spill is and says, I am going to clean up this material. Well, by what criteria do we evaluate, and Mr.

Bilbray came up with the word "criteria." By what criteria do we evaluate efficacy of cleanup? Now, what I don't know is, does "criteria" carry with it the legalese baggage that "standards" may? If it doesn't, "criteria" may be a happy resolution to this.

Ms. BIGGERT. Will the gentleman yield?

Mr. BAIRD. I would be happy to.

Ms. BIGGERT. I would prefer "procedures" rather than "criteria" but——

Mr. BAIRD. Here is question.

Chairman GORDON. Or "methodology."

Ms. BIGGERT. Or "methodology."

Mr. BAIRD. Yeah, the only question is, some of our witnesses had suggested that a methodology might be skimming as a generic methodology. But what criteria do we use to evaluate the efficacy of the skimming? And so the point was, we may need to come up with some ways to look at—and that is a research question, how do we evaluate the efficacy of a methodology and hence that was the purpose here, was not a legalese.

Chairman GORDON. Let me make a suggestion. Since we are on the 18th amendment and we have a few more to go, I think where we are is that we can do one of two things. If Dr. Baird has a word that he is comfortable with, we will take unanimous consent and see whether we get that to change that word. Otherwise we will vote on the underlying amendment and, you know, as I say, get the thesaurus out at a later date.

Mr. ROHRABACHER. Mr. Chairman, I would suggest that if Dr. Baird would considering putting the change of the word in so that we can move this through, and if he wants to try to change it later on——

Chairman BAIRD. What if we do this? What if we add—and I think the suggestion that has been most helpful, what if we say "methodologies and criteria for evaluation"?

Chairman GORDON. I ask unanimous consent that the language just spoken by Mr. Baird is used to replace the existing language. Does Ms. Biggert object? Ms. Biggest objects. The unanimous consent is not granted.

Without further discussion, the motion is on Mr. Baird's amendment. All in favor of Mr. Baird's amendment say aye. Opposed, no. The ayes have it. The amendment is passed but the discussion does not stop.

Ms. BIGGERT. I would hope that that would happen. Thank you, Mr. Chairman.

Chairman GORDON. The 19th amendment on the roster is an amendment offered coincidentally by Ms. Biggert. Are you ready to proceed with your amendment?

Ms. BIGGERT. Yes. Thank you, Mr. Chairman. Maybe I should have done that first. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 002, amendment offered by Mrs. Biggert of Illinois to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

I recognize the gentlelady for five minutes to explain her amendment.

Ms. BIGGERT. Thank you, Mr. Chairman, and I thank Chairman Baird for all the work that he has done on this, and I did have the opportunity to go down to the Gulf and was there this past Friday and toured by helicopter and the Coast Guard to Grand Isle, and it was a very interesting trip. This is, I think, day 87, I think, that we are looking at now and there certainly are so many things that are not resolved.

Going out there and meeting with the locals, the mayor and all of the other locals in that area was very revealing, and what bothered me the most was the Federal Government and the slowness of the cleanup and—well, of course BP is working on actually the actual rig but the slowness. For example, one of the gentlemen said that I guess it takes a celebrity to get the skimmers out there rather than, you know, just allowing it to happen and EPA working very hard with the studies that they are making but, you know, the whaler was delayed and they wouldn't—I guess it actually didn't work after that but the slowness, particularly of the EPA and the frustrations of the locals because they had a lot of solutions. I mean, they live there. For example, trying to close off the inlets in the Grand Isle, they want to put in rocks which they think will really hold back the oil from the estuaries and from the wetlands, and this has been delayed, and as I said, this is now day 87 and the oil is moving into so many of these places, and it seems like there is no—I don't want to use the word "czar" but there is nobody really in charge, I think, that is really moving this forward and so I think this is a really good bill. We have the interagency council.

My amendment then is really to amend the annual report section of the underlying bill to require more detailed information from the Interagency Committee and require the Interagency Committee to report to Congress on proposed research changes which would come from the National Academies of Science. You know, we want to make sure—we are the Science Committee—that this really is science based and have them have the opportunity to look at research too. So I believe it is important to focus our research efforts and show progress in areas where new solutions are most needed. We obviously were caught without having the ability to bring in so many research. I had somebody in my district call me, and they have a fabric that soaks up oil to try and get anybody to listen, you know, and you put your name in and then you don't hear from anybody. I mean, there is so much innovation that we really have that hasn't been used.

So I think with more detailed information disclosed to Congress, we can hold our agencies accountable and expedite possible solutions for mitigation or containment, and I think we need to work to prevent the future unknown scenarios like those encountered in the wake of this recent oil spill, and so my amendment I think will help us do just that, and I would yield back.

[The prepared statement of Ms. Biggert follows:]

PREPARED STATEMENT OF REPRESENTATIVE JUDY BIGGERT

Mr. Chairman, I have an amendment at the desk.

Thank you, Mr. Chairman. My amendment would amend the annual report section of the underlying bill to require more detailed information from the Interagency

Committee and require the Interagency Committee to report to Congress on proposed research changes from the National Academies of Science.

I believe it is important to focus our research efforts and show progress in areas where new solutions are most needed. With more detailed information disclosed to Congress, we can hold our agencies accountable and expedite possible solutions for mitigation or containment. We need to work to prevent future "unknown" scenarios like those encountered in the wake of the recent oil spill. My amendment will help us do just that.

I yield back.

Chairman GORDON. Mr. Hall is recognized.

Mr. HALL. Mr. Chairman, any time you can work on annual reporting requirements and make them better I think is something good that this Committee ought to consider. This amendment would ensure more detailed information about projects that agencies are funding, what technological advancements have resulted and what is planned for the coming year. The amendment also includes a mechanism to ensure that any recommendation made by the National Academies of Science after their review of the research and development plan and reporting to Congress with reasons why they were or were not incorporated into the Interagency Committee's plan. I think these changes will help this Committee conduct our oversight responsibility over the program in the future. I urge support of this language.

Chairman GORDON. Thank you, Mr. Hall, and Ms. Biggert, despite your other comments, this is a good amendment, and I suggest that we take it.

All in favor, say aye. All opposed, no. The amendment passes, and, again, I thank the committee for their patience, and to let you know we are down to our last two amendments, and Dr. Broun, you are recognized for amendment number 20.

Mr. BROUN. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 009, amendment offered by Mr. Broun of Georgia to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading.

Without objection, so ordered.

I recognize the gentleman for five minutes to explain his amendment.

Mr. BROUN. Thank you, Mr. Chairman. My amendment is simple and straightforward. It simply establishes a criteria to be used in the selection of the appointments to the Oil Pollution Research Advisory Committee.

It states that the Advisory Committee shall be composed of "individuals with extensive knowledge and research experience or operational knowledge of prevention detection, response, containment, and mitigation of oil discharges."

It adds that, "Individuals broadly representative of stakeholders affected by oil, oil discharges," be included on the Advisory Committee. The Oil Pollution Research Advisory Committee will play an important role and needs to be comprised of individuals who have the technical experience and the knowledge in this area.

We have all witnessed numerous commissions and committees in the past that has been effective and those that have been a waste

of time and resources. Those committees that have been most effective and most credible are those that have utilized the experience, talent, knowledge from experts in those particular areas.

I hope that my colleagues will support this non-controversial amendment, and Mr. Chairman, I yield back.

[The prepared statement of Mr. Broun follows:]

PREPARED STATEMENT OF REPRESENTATIVE PAUL C. BROUN

Mr. Chairman, I have an amendment at the desk.

My amendment is simple and straightforward. It simply establishes criteria to be used in the selection of appointments to the Oil Pollution Research Advisory Committee.

It states that the advisory committee shalt be composed of "individuals with extensive knowledge and research experience or operational knowledge of prevention, detection, response, containment, and mitigation of oil discharges."

It adds that "individuals broadly representative of stakeholders affected by oil discharges" be included on the advisory committee.

The Oil Pollution Research Advisory Committee will play an important role and needs to be comprised of individuals who have the technical experience and knowledge of this area.

We have all witnessed numerous commissions and committees in the past that have been effective and those that have been a waste of time and resources.

Those committees that have been effective and the most credible are those that utilized the experience, talent and knowledge from experts of those particular areas.

I hope my colleagues will support this non-controversial amendment.

I yield back.

Chairman GORDON. Thank you, Mr.—Dr. Broun, and it is our pleasure to support a Broun amendment, and is there further discussion on the amendment.

Mr. BROUN. Wonder of wonders.

Mr. BAIRD. Mr. Chairman.

Mr. HALL. Mr. Chairman. I am sorry.

Mr. BAIRD. I just would echo. I think it is a good amendment, and I think it is a needed piece, and we certainly heard from our testimony that the collaboration is needed and support.

Chairman GORDON. If there is no further discussion, the vote occurs on the amendment. All in favor, say aye. Opposed, no. The ayes have it, and we will see if Dr. Broun can do two for two here as he brings up the 21st amendment. Oh, Dr. Baird is closing. OK. Dr. Baird. Excuse me. I got——

Mr. BROUN. Mr. Chairman, I will loan you my glasses.

Chairman GORDON. All right. Now we are on the 21st amendment of the roster and offered by the gentleman from Washington, Dr. Baird. Are you ready to proceed?

Mr. BAIRD. I have an amendment at the desk. I am ready to proceed.

Chairman GORDON. The clerk will report the amendment.

The CLERK. Amendment number 049, amendment offered by Mr. Baird of Washington to the amendment in the nature of a substitute.

Chairman GORDON. I ask unanimous consent to dispense with the reading.

Without objection, so ordered.

I recognize the gentleman for five minutes to explain the amendment.

Mr. BAIRD. Mr. Chairman, during our visit to the Gulf we met with a number of people and on several occasions asked questions

about what was happening down there, and in a couple of instances were apprised that there were research activities ongoing, but that the incident commander was unable, or that people along the chain of command were unable, to access information from that research.

And to me it seems that if you got a national disaster of this magnitude, it needs to be an all-hands-on-deck kind of situation, and if you have got someone receiving Federal money to conduct research in the region of a disaster, and their research methodologies or findings could be relevant to how you respond to that disaster, we ought to have a mechanism whereby the incident commander can get access to that information so they can use it in making the most effective response.

As an academic and researcher I recognize that one wants to be mindful of respecting proprietary interests for publication, et cetera, et cetera, but this bill does that. This amendment does that. It provides that the mechanism whereby information would be accessible but proprietary and not yet public information would be preserved, and certainly the people we spoke to in the region seemed to think this would be a very useful mechanism because they had found instances where they knew of data that would be helpful to them, but they were unable to get that data in a timely manner. And it seems to me if you are a researcher getting taxpayer dollars to conduct your research and the information you are obtaining is needed to help respond to a disaster like this, you ought to voluntarily try to provide it, but if you are reluctant to do that, we ought to have a mechanism whereby it can—there can be some insistence that that be provided.

And with that I yield back.

[The prepared statement of Mr. Baird follows:]

PREPARED STATEMENT OF REPRESENTATIVE BRIAN BAIRD

- During our June 9 oil spill hearing, we discussed the difficulty in accessing research that could be helpful in response to the spill.
- As a scientist, I certainly recognize the proprietary nature of research data. However, in the event of a national emergency, like an oil spill, where scientific research can provide great value to Federal response, the agency responding should be able to access relevant data.
- My amendment would require recipients of Federal research funding, with methodologies and results that are relevant to the oil spill emergency, to provide their data to the Interagency Committee and the Federal On-Scene Coordinator upon request. This information would not be made public, but would be exclusively used for oil spill response activities.

Chairman GORDON. Is there further discussion on the amendment?

Mr. HALL. Mr. Chairman.

Chairman GORDON. Mr. Hall is recognized.

Mr. HALL. I thank you, Mr. Chairman. I certainly support the concept this bill is based on, but I have a concern. The amendment is drafted in such a way it would make the scope of its reach what I would contend as enormous. It would apply to every single entity that receives Federal funding for research, public or private, to make their research available to the Interagency Committee and on-scene coordinator upon request.

This would require the Interagency Committee or the on-scene coordinator to know that such research exists. At one time there

was something called the RaDiUS database, research and development in the United States. This database contained the description and funding of levels of every research project funded by the Federal Government and gave access to interested users.

Ironically, the largest set of these users was from other countries. The funding for the database has lapsed, and it no longer exists. Without such a tool how would the Interagency Committee or on-scene coordinator know what usable research was out there?

I may have missed something in it. I don't want to do that. I like the intent of it. The intent of the amendment is a good one to get the available research to the people that need it the most, no matter where it originates. I am just not so sure how it is going to be implemented.

[The prepared statement of Mr. Hall follows:]

PREPARED STATEMENT OF REPRESENTATIVE RALPH M. HALL

Thank you, Mr. Chairman. I support the concept this bill is based on. But I have a concern. The amendment is drafted in such a way that it would make the scope of its reach enormous. It would apply to every single entity that receives Federal funding for research, public or private, to make their research available to the Interagency Committee and On Scene Coordinator upon request. This would require the Interagency Committee or the On Scene Coordinator to know that such research exists.

At one time, there was something called the Radius database, Research and Development in the U.S. This database contained the description and funding levels of every research project funded by the Federal Government and gave access to interested users. Ironically, the largest set of users was from other countries. The funding for this database has lapsed, and it no longer exists.. Without such a tool, how would the Interagency Committee or On Scene Coordinator know what useable research was out there?

The intent of the amendment is a good one—get the available research to the people that need it the most, no matter where it originates. I'm just not so sure how it would be implemented.

Mr. BAIRD. Would the gentleman yield?

Mr. HALL. Yeah. I sure do.

Mr. BAIRD. And maybe I am missing something. I don't believe there is anything in the bill that mandates that the incident coordinator have such a database of everything that is going on. If it is there, I missed it and certainly didn't intend to put it there.

But what we became aware of is incident commanders or someone up at a fairly high level being aware that research was being conducted.

Let me give you an example. Let us suppose there is a researcher conducting a study of oxygen levels in the water system, and they have got gliders or some other mechanism gathering data, and the incident commander says, well, what is the effect of the dispersants or the oil or something else on oxygenation levels?

Now, that is an important question because it might relate to whether or not you open fisheries or not, et cetera. There are consequential decisions to be made. Someone says, well, we have got a researcher in the field doing that study right now. Why don't we call him and ask him what they are finding? And that researcher says, I am not going to share my findings with you. And they are stymied.

So there is no mandate here in this section in my amendment that the incident commander know of all these kind of things. I am

not sure where that concern is being derived. So maybe the gentleman can enlighten me about that.

Mr. HALL. Would the gentleman yield?

Mr. BAIRD. Yeah. It is your time. I would be happy to. Yeah.

Mr. HALL. On line nine of the amendment here it says, "shall, upon request, make the methodologies or research, results of such research available." How would they know? How could they possibly know if there is not some implementation or some way that it is implemented where they would have—they have access to it, but what is available to let them know that they would even make such a request?

Mr. BAIRD. Well, it sounds to me like you are adding something to my amendment that doesn't exist and then proposing to defeat the amendment on grounds of something that is not there to begin with.

Mr. HALL. No, I am not trying to do that. I am trying to help you.

Mr. BAIRD. Well, there is nothing in there that does it, though.

Chairman GORDON. If Mr. Hall would—I think—would yield, I think what—the question is how would they know. Well, someone might have gotten a National Science Foundation grant, somebody might have gotten a research grant through some university, you know, that was public knowledge that they knew that there was a grant given to someone to research a particular area.

So as Mr. Hall said, I mean, Mr. Baird, Dr. Baird said, he is not advocating that there be an inventory, but if there is, again, a common knowledge, public knowledge that research is going on somewhere that they should have access to.

Mr. BAIRD. Yeah. I am not——

Chairman GORDON. Would that be fair?

Mr. BAIRD. Indeed, Mr. Chairman. There is nothing in here mandating that the incident commander or anyone else know this is being done. It is simply saying if you are aware that it is being done, you can access it. It is a fairly small community of researchers, first of all, that does this kind of research. The incident commander has got to have the broad sweep of the field of play at his or her disposal so they know if there is a ship out there doing something, they know it is there, if there is a glider out there under the water, they get to know that is in the terrain.

So if they do find out about that, they ought to be able to say to folks, hey, what are you finding?

Ms. BIGGERT. Would the gentleman yield?

Mr. BAIRD. I would be happy to.

Chairman GORDON. I think it is Mr. Hall's time, and I am sure he will yield to you.

Mr. HALL. I will yield to Ms. Biggert.

Ms. BIGGERT. Thank you. Does—is what you are saying, let us say the researcher does not want to give the information, you know, it is proprietary, he is working on it, doesn't want somebody, you know, to put all the pieces together. Would he have to disclose how it works?

Mr. BAIRD. To the incident commander and there is—if you look, it is a very good question, and if—the last line, Ms. Biggert, in response to activity in the event of an oil discharge——

Ms. BIGGERT. What page are you on?

Mr. BAIRD. I am on the second page of the proposed amendment. "Shall not be included in information made publicly available pursuant to this act."

So in other words, we are not saying you have to publicize this. In fact, we are specifically not requiring publication, and from line 14, "except to the extent that the information is protected from disclosure of Title IX."

So there are some information that can be protected, but what we are trying to say, we are not saying Mr. or Ms. Incident Commander, you can just gather all the data and put it up on the web and let anybody look at it that you want. But if you have got data that might be helpful, I want to be able to at least have you tell me what you are finding. Imagine the frustration of an incident commander who says, there is already a researcher in the field.

Let me put it this way. From the perspective of the researcher, the paramount importance may be getting that publication, and I respect and understand that. From the perspective of the American taxpayer, their paramount interest is not in that researcher's publication, it is in cleaning up and containing these spills in the most efficacious way possible.

Ms. BIGGERT. Will the gentleman yield?

Mr. BAIRD. Sure.

Ms. BIGGERT. You already have kind of situation that concerns me. There is a company that has—with the dispersants and the EPA really wants everything, you know, what is in there, and it is very hard for a company then to protect something that is a proprietary, you know, product.

Mr. BAIRD. Remember, this only applies to entities receiving Federal funding for research. So if the companies got proprietary chemical substance and they are doing their own research, this does not intrude upon them.

Ms. BIGGERT. OK. Thank you.

Chairman GORDON. Mr. Grayson is recognized.

Mr. GRAYSON. I yield back. That was the point that I wanted to make, the fact that what we are doing here is simply informing the left hand what the right hand is doing. This amendment is limited to Federal funding and specifically the research results that come out of federally-funded research. Why would we not want to know what one Federal grantee is doing when another Federal grantee needs to know? That is the point that I wanted to make, and Dr. Baird just made it.

Chairman GORDON. If there is no further discussion on the 21st and last amendment, then we will——

Mr. HALL. Mr. Chairman.

Chairman GORDON. Mr. Hall is recognized.

Mr. HALL. Doesn't this amendment contend that there might be unusual research that could be helpful, and isn't there some way that—or is this such a select group that would have access or interest in such that they would have something to key, to let them know that it was here?

And, you know, it is not impossible maybe to fix this and report language. Maybe that is the answer to it, but it seems, you know, it would be some way that we could connect it to the oil cleanup,

but—or what if NIH or DOD had something that would not necessarily be connected to the oil cleanup?

Mr. BAIRD. Mr. Chairman.

Mr. HALL. But could be helpful otherwise. And any of that—if we can work on report language, it might—I just don't see how it is implemented to where people that really need it the most wouldn't know—wouldn't have any information on it, wouldn't know it was there.

Mr. BAIRD. Mr. Chairman.

Chairman GORDON. Mr. Hall yields to Mr. Baird?

Mr. HALL. I yield. Yes. I yield to Dr. Baird.

Mr. BAIRD. The challenge we face and I respect what I think, if I understand what Mr. Hall was saying, one would assume as Mr. Grayson said that the left hand ought to tell the right hand what it is doing.

I have personally in this Congress had the experience of seeking data and methodologies from a federally-funded research study, the purported results of which were used to influence policy and quoted on the floor of the House, and when I wanted to get access to the data and the methodologies to understand that, they were denied. Taxpayer-funded research. And we just talked a few weeks ago, staff members and I, two members, two people involved in the cleanup, and they frankly were reticent to even acknowledge it. I said, well, what is the status? What do you know about this data, and they said, well, someone is gathering data on that right now, and I said something to the effect of, well, what are they learning, and they said, they won't tell us.

Now——

Chairman GORDON. And Dr. Baird, this is only activated in an emergency situation?

Mr. BAIRD. It is only activated in an emergency. Any—but it says in the event of an oil discharge incident described in sections of the bill, so it has got to be an oil discharge. It has got to be this emergency kind of oil discharge situation.

The reason is it has got to be relevant to possibly be useful for response activity. It has got to be an oil discharge situation; the reason for requesting the information has to be relevant to the response activities. In other words, you can't just say we are going to just ask for everything under this.

Chairman GORDON. And Dr. Baird, I assume that you are receptive to talking with Mr. Hall about report language——

Mr. BAIRD. Yeah. The problem with the report language is—I am happy to talk about report language to clarify the intent of this, but I think it has to have statutory authority, and the reason is people will say, I appreciate your report language. You can't make me do nothing.

Chairman GORDON. Oh, no. We are not trying to substitute.

Mr. BAIRD. OK. Yeah. OK.

Chairman GORDON. Rather say if there was report language.

Mr. BAIRD. Yeah. Right.

Chairman GORDON. So if there is no further discussion, then the motion is on the amendment. All in favor, say aye. All opposed, no. The ayes have it. The amendment is agreed to.

And if there are no other amendments then the vote occurs on the amendment in the nature of a substitute to H.R. 2693 as amended. All those in favor, say aye. All those opposed, no. The ayes have it. In the opinion of the Chair the ayes have it.

The vote is now on the bill.

Mr. ROHRABACHER. Mr. Chairman, the amendment is agreed to?

Chairman GORDON. Yes.

Mr. ROHRABACHER. Are we passed any time for debate on the general bill then? We have? OK.

Chairman GORDON. According to our parliamentarian, Mr. Sensenbrenner, we are.

The vote is now on the bill, H.R. 2693 as amended. All those in favor, say aye. All those opposed, no. The ayes—in the opinion of the Chair the ayes have it.

I now recognize Dr. Baird for a motion.

Mr. BAIRD. Mr. Chair, I move that the Committee favorably report H.R. 2693 as amended to the House with the recommendation that the bill do pass.

Furthermore, I move that the staff be instructed to prepare the legislative report and make necessary technical and conforming changes and that the Chairman take all necessary steps to bring the bill before the House for consideration.

Chairman GORDON. The question is on the motion to report the bill favorably. Those in favor of the motion will signify by saying aye. Opposed, no. The ayes have it. The bill is favorably reported.

Without objection, the motion is reconsidered as laid upon the table. Members will have two subsequent calendar days in which to submit supplemental, minority, or additional views on the measure.

[Whereupon, at 12:33 p.m., the Committee was adjourned.]

Appendix:

H.R. 2693 AS AMENDED, SUBCOMMITTEE ON ENERGY AND ENVIRONMENT MARKUP REPORT, SECTION-BY-SECTION ANALYSIS, AMENDMENT ROSTER

H.R. 2693, AS AMENDED BY THE SUBCOMMITTEE ON ENERGY AND ENVIRONMENT ON JUNE 16, 2009

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Oil Pollution Research Program Act".

SEC. 2. FEDERAL OIL POLLUTION RESEARCH COMMITTEE.

Title VII of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended—

(1) by redesignating section 7002 as section 7008; and

(2) by amending section 7001 to read as follows:

"SEC. 7001. FEDERAL OIL POLLUTION RESEARCH COMMITTEE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The President shall establish an interagency committee to be known as the Federal Oil Pollution Research Committee (in this title referred to as the 'Committee').

"(2) CHAIR.—The Committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

"(b) COMPOSITION.—The members of the Committee shall include representatives from the National Oceanic and Atmospheric Administration, the United States Coast Guard, the Environmental Protection Agency, and such other Federal agencies as the President may designate.

"(c) FUNCTION OF THE COMMITTEE.—The Committee shall—

"(1) coordinate a comprehensive Federal oil pollution research program (in this title referred to as the 'program') in accordance with section 7002 to coordinate oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, institutions of higher education, research institutions, State and tribal governments, and other relevant stakeholders;

"(2) complete a research assessment (in this title referred to as the 'assessment') on the status of the oil pollution prevention and response capabilities in accordance with section 7003;

"(3) develop a Federal oil pollution research plan (in this title referred to as the 'plan') in accordance with section 7004; and

"(4) publish Web-based information for the purpose of informing the public about the activities

of the program, including information on the existing training opportunities for individuals interested in volunteering to participate in incident response.".

SEC. 3. FEDERAL OIL POLLUTION RESEARCH PROGRAM.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7001 (as amended by section 2 of this Act) the following new section:

"SEC. 7002. FEDERAL OIL POLLUTION RESEARCH PROGRAM.

"(a) IN GENERAL.—The Committee shall establish a program for conducting oil pollution research, development, and demonstration of technologies, practices, and procedures that provide for effective actions to prevent, detect, recover, or mitigate oil discharges.

"(b) PROGRAM ELEMENTS.—The program established under subsection (a) shall provide for research, development, and demonstration that includes—

"(1) new technologies to detect oil discharges;

"(2) models and monitoring capabilities to predict the environmental fate, transport, and effects of oil discharges, including tools that can be used to facilitate effective recovery and containment of oil pollution during incident response;

"(3) new technologies and methods to improve response capabilities and recovery rates;

"(4) research and training, in coordination with the National Response Team, to improve the removal of oil discharge quickly and effectively;

"(5) decision support systems for contingency planning and response;

"(6) mechanical, chemical, and biological methods for the recovery, removal, and disposal of oil, including evaluation of the environmental effects associated with the use of these methods;

"(7) technologies, methods, and standards for protecting removal personnel and for volunteers that may participate in incident responses, including training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures;

"(8) improved information systems for decision-making, including the use of coastal mapping data and real-time weather, hydrographic, and other geospatial information;

"(9) methods to restore and rehabilitate natural resources damaged by oil discharges;

"(10) technologies and methods to prevent, detect, recover, and mitigate oil discharges in polar environments; and

"(11) technologies and methods to address oil discharges on land and inland waters.

"(c) OIL POLLUTION TECHNOLOGY EVALUATION.—

"(1) IN GENERAL.—The program shall provide for oil pollution prevention, detection, recovery, response, and mitigation technology evaluation including—

"(A) the evaluation and testing of technologies developed independently of the research and development program established under this section;

"(B) the establishment, where appropriate, of standards and testing protocols traceable to national standards to measure the performance of oil discharge technologies; and

"(C) the use, where appropriate, of controlled field testing to evaluate the real-world application of oil discharge technologies.

"(2) GUIDANCE.—The National Institute of Standards and Technology shall provide the Committee with advice and guidance on issues relating to quality assurance and standards measurements relating to activities under this Act.".

SEC. 4. FEDERAL RESEARCH ASSESSMENT.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7002 (as added by section 3 of this Act) the following new section:

"SEC. 7003. FEDERAL RESEARCH ASSESSMENT.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Committee shall submit to Congress an assessment of the status of oil pollution prevention and response capabilities and the research activities directed to improving those capabilities.

"(b) CONTENTS.—The assessment shall—

"(1) identify emerging technologies with potential to improve those capabilities and barriers to their utilization by Federal response teams;

"(2) assess the effectiveness of current technologies available to address oil pollution prevention, detection, recovery, response, and mitigation;

"(3) assess and compare the oil pollution prevention, detection, recovery, response, and mitigation capabilities in different regions;

"(4) assess oil pollution prevention and response capabilities for addressing oil discharges on land and inland waters;

"(5) assess the status of real-time information available to mariners, researchers, and responders

and its utility for preventing, detecting, recovering, responding to, or mitigating oil discharges;

"(6) assess the economic incentives and barriers to the development of new technologies to address prevention, detection, recovery, and mitigation of oil discharges;

"(7) assess the status of the deployment, during the previous 5-year period, to State and local oil pollution response agencies of oil pollution prevention, response, and mitigation technologies and techniques resulting from research and development; and

"(8) address comments received in the public comment period and incorporate comments as appropriate.

"(c) PUBLIC COMMENT.—The assessment shall be published in the Federal Register and subject to a public comment period of at least 30 days.".

SEC. 5. FEDERAL RESEARCH INTERAGENCY PLAN.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7003 (as added by section 4 of this Act) the following new section:

"SEC. 7004. FEDERAL RESEARCH INTERAGENCY PLAN.

"(a) IN GENERAL.—

"(1) PLAN.—Not later than 1 year after the submission of the assessment required under section

7003, the Committee shall submit to Congress the plan that shall establish the priorities for Federal oil pollution research and development.

"(2) RECOMMENDATIONS.—In the development of the plan, the Committee shall consider and utilize recommendations by the National Academy of Sciences and information from State, local, and tribal governments.

"(b) PLAN REQUIREMENTS.—The plan shall include—

"(1) research to improve the rates of oil recovery;

"(2) research, development, and demonstration to improve technologies, practices, and procedures to provide for effective and direct response to oil discharges;

"(3) research, development, and demonstration to improve the accessibility and utility of real-time information available to mariners, researchers, and responders;

"(4) research, development, and demonstration to address oil discharges on land and inland waters;

"(5) recommendations to improve the deployment of oil pollution prevention, response, and miti-

gation technologies to State and local oil pollution response agencies; and

"(6) a summary of the comments received in the public comment period and incorporation of comments, as appropriate.

"(c) PUBLIC COMMENT.—The plan shall be published in the Federal Register and subject to a public comment period of at least 30 days.".

SEC. 6. GRANTS.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7004 (as added by section 5 of this Act) the following new section:

"SEC. 7005. GRANTS.

"In carrying out the program under section 7002, the agencies represented on the Committee may enter into contracts and cooperative agreements and award grants to institutions of higher education or nongovernmental research organizations. Such contracts, cooperative agreements, and grants shall address research, development, and demonstration priorities set forth in the plan under section 7004.".

SEC. 7. ANNUAL REPORT.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7005 (as added by section 6 of this Act) the following new section:

"SEC. 7006. ANNUAL REPORT.

"Concurrent with the annual submission of the President's budget to Congress, the Committee shall submit an annual report to Congress that describes the activities and results of the program during the previous fiscal year and outlines the objectives for the next fiscal year.".

SEC. 8. NATIONAL ACADEMY OF SCIENCES PARTICIPATION.

Title VII of such Act (33 U.S.C. 2761) is further amended by inserting after section 7006 (as added by section 7 of this Act) the following new section:

"SEC. 7007. NATIONAL ACADEMY OF SCIENCES EVALUATION.

"(a) IN GENERAL.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall enter into a contract with the National Academy of Sciences to evaluate the Federal oil pollution research and development program and to identify priority areas of needed research and technology development to improve capabilities to prevent, detect, recover, and mitigate oil discharges.

"(b) REPORT.—Within 1 year after the date of enactment of this section, the National Academy of Sciences shall submit to Congress and to the Committee a report on the results of the evaluation carried out under subsection (a) and their recommendations.".

SEC. 9. CONFORMING CHANGES.

Section 2 of such Act is amended by striking the items in the table of contents related to sections 7001 and 7002 and inserting the following:

"Sec. 7001. Federal oil pollution research committee.
"Sec. 7002. Federal oil pollution research program.
"Sec. 7003. Federal research assessment.
"Sec. 7004. Federal research interagency plan.
"Sec. 7005. Grants.
"Sec. 7006. Annual report.
"Sec. 7007. National Academy of Sciences evaluation.
"Sec. 7008. Submerged oil program.".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Of the amount authorized in section 1012 (a)(5) of such Act (33 U.S.C. 2712(a)(5)), there are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration to carry out this Act $2,000,000 for each of fiscal years 2010 through 2014.

(b) ENVIRONMENTAL PROTECTION AGENCY.—Of the amount authorized in section 1012 (a)(5) of such Act (33 U.S.C. 2712(a)(5)), there are authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out this Act $2,000,000 for each of fiscal years 2010 through 2014.

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COMMITTEE ON SCIENCE AND TECHNOLOGY
SUBCOMMITTEE ON ENERGY AND ENVIRONMENT
REPORT FROM SUBCOMMITTEE MARKUP
JUNE 16, 2009

H.R. 2693, THE FEDERAL OIL POLLUTION RESEARCH PROGRAM ACT OF 2009

***Please note that this Subcommittee report was prepared in June 2009 and therefore does not reflect developments that have taken place since that date**.

I. Purpose

The purpose of the H.R. 2693 is to amend the current Federal Interagency oil spill research and development program created in the *Oil Pollution Act of 1990* (OPA) (P.L. 101–380) by providing a new direction in research to address emerging threats including increases in maritime transportation, offshore energy exploration in remote locations, aging infrastructure, and new fuel stocks and blends.

II. Background and Need for Legislation

Approximately three million gallons of oil, or refined petroleum product, are spilled into U.S. waters every year.[1] When spills occur, the Federal Government takes primary action through the Coast Guard or the Environmental Protection Agency depending on the location of the accident. As a part of the Federal response, the National Oceanic and Atmospheric Administration (NOAA) often plays a vital role in providing real time data and weather forecasting to assist in the recovery and mitigation efforts. In 2008, NOAA received requests for scientific assistance related to 169 environmental incidents, three-quarters of which were oil spills.[2]

In March of 1989, the Exxon Valdez oil tanker ran aground on Bligh Reef in Alaska's Prince William Sound, rupturing its hull and spilling nearly 11 million gallons of crude oil. The oil slick spread over 11,000 square miles of ocean and onto over 350 miles of beaches in Prince William Sound. The direct result of Exxon Valdez was the passing of the *Oil Pollution Act of 1990* (OPA), which clarified the roles and research responsibilities in previous legislation. The Act addressed many factors in preventing, detecting, or mitigating oil spills.

Nineteen years ago Title VII of OPA created an interagency oil spill research and technology program. According to the Committee on the Marine Transportation of Heavy Oils, which was established by the National Research Council (NRC) at the request of the U.S. Coast Guard, for most spills only about 10 to 15 percent of the oil is recovered, and the best recovery rates are probably about 30 percent.[3] Given these low recovery percentages, additional research and development is necessary to reach acceptable levels of mitigation.

THE OIL POLLUTION ACT OF 1990 (P.L. 101–380)

Title VII—Oil Pollution Research and Development Program

The Oil Pollution Act's Title VII created a program to conduct research and development on oil spill prevention and response. The Title established an Interagency Coordinating Committee to coordinate a comprehensive research and development effort among 14 Federal agencies and to coordinate Federal research and development activities with those of state and local governments, industries, universities, other foreign governments. The law designated the Coast Guard as the Committee Chair and defined membership to include:

1. The National Oceanic and Atmospheric Administration
2. National Institute of Standards and Technology
3. The Department of Energy
4. The Minerals Management Service

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[1] National Research Council (2005) "Oil Spill Dispersants: Efficacy and Effects." pg. 1
[2] NOOA (2009) FY 2010 Budget Summary. May 11, 2009. pg. 2–31
[3] National Research Council (1999) *Spills of Non-Floating Oils*. Committee on Marine Transportation of Heavy Oils. National Research Council. National Academy Press. Washington, D.C. pg. v.

5. The United States Fish and Wildlife Service
6. The United States Coast Guard
7. The Maritime Administration
8. The Pipeline and Hazardous Materials Safety Administration[4]
9. The Army Corps of Engineers
10. The Navy
11. The Environmental Protection Administration
12. The National Aeronautics and Space Administration
13. The United States Fire Administration
14. The Federal Emergency Management Agency

The research program was authorized at $22 million annually and $6 million per year for fiscal years 1991–1995 for the Regional Research Program.

The Committee was tasked with developing a research plan to investigate technologies to prevent and clean up spills, ways to restore damaged natural resources, and the long-term environmental effects of spills. In addition, the Committee was tasked with the management of a Regional Research Program. The Regional program administers competitive grants to universities or other research institutions to address regional oil pollution needs. OPA authorized a total of $6,000,000 per year over five years to each of the ten Coast Guard regions. Finally, the Title directed the Coast Guard to conduct oil pollution minimization demonstration projects, only some of which were carried out due to a lack of funding.

The Interagency Coordinating Committee on Oil Pollution Research produced the first Oil Pollution Research and Technology Plan in 1992, and after consulting with the National Academy of Sciences, submitted a second plan in 1997. The plans identified and prioritized twenty research and development program areas. These areas focused on spill prevention; spill response planning, training, and management; spill countermeasures and cleanup; fate and transport; and effects, monitoring and restoration and assigned R&D focus areas to ten member agencies. There has been no update of the research plan since 1997.

Despite the Interagency Committee's detailed research plan, there have been modest technological advances in oil spill cleanup technology since the enactment of the law in 1990. The Interagency Coordinating Committee on Oil Pollution Research reported that, as late as 1997, "most of the technology and information gaps of 1990 remain," due to a failure to appropriate sufficient funds for oil pollution technology programs.[5]

Four agencies—the National Oceanic and Atmospheric Administration (NOAA), the Environmental Protection Administration (EPA), the Mineral Management Services (MMS), and the Coast Guard—have conducted the majority of oil pollution research. Funding levels have been far lower than the $28 million per year originally authorized for the program.

In November 2007, a 900-foot container ship, the *Cosco Busan*, struck the San Francisco Bay Bridge, spilling over 50,000 gallons of oil into the Bay. This accident brought renewed attention and focus to current Federal Government procedures, practices, and research. The cleanup costs for this relatively small spill were close to $100 million. Following this event and other recent accidents, it is clear that the United States needs a more robust research and development strategy to reduce the environmental and economic impacts of oil spills. Currently, responders face a number of emerging threats arising from an increase in maritime transportation, potential for offshore energy exploration in remote locations, aging infrastructure, and new fuel stocks and blends.

More than ten Federal and numerous State and local agencies are called upon to assist in the Federal Response Team in some manner. Given the high environmental and economic cost of oil spills, such as the *Cosco Busan*, and the current lack of directed research, a new approach to research is needed. A reinvigorated and streamlined research and development program would help improve the effectiveness of oil spill response efforts and ecosystem impact mitigation activities at a fraction of the environmental and economic costs of a single large spill.

To address these and other concerns, Representative Lynn Woolsey (D–CA) introduced H.R. 2693 to amend the current Federal interagency research and develop-

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[4] Originally called the Research and Special Projects Administration this program was renamed the Pipeline and Hazardous Materials Safety Administration in the Norman Y. Mineta Research and Special Programs Improvement Act (P.L. 108–426).

[5] Interagency Coordinating Committee on Oil Pollution Research (1997) *Oil Pollution Research and Technology Plan*.

ment program created in OPA 1990. The legislation seeks to improve the Federal Government's research and development efforts to prevent, detect, or mitigate oil discharges. The bill provides a new direction to the existing program by guiding research towards emerging threats and streamlining a cumbersome interagency structure. Through this reauthorization, the responsible Federal agencies will be better equipped to quickly and effectively respond to oil discharges both in inland and coastal waters.

III. Subcommittee Actions

On June 3, 2009, Representative Lynn Woolsey, for herself and Energy and Environment Subcommittee Chairman Brian Baird, introduced H.R. 2693—*The Oil Spill Research Program Act of 2009*.

Energy and Environment Subcommittee Hearing—A New Direction for Federal Oil Spill Research and Development

The Energy and Environment Subcommittee held a hearing on Thursday, June 4, 2009, to examine current Federal research and development efforts to prevent, detect, or mitigate oil discharges. The following witnesses provided testimony:

- Mr. Doug Helton, Incident Operations Coordinator, National Oceanic Atmospheric Administration's (NOAA) Office of Response and Restoration (OR&R)
- Dr. Albert D. Venosa, Director of the Land Remediation and Pollution Control Division at the National Risk Management Research Laboratory, Environmental Protection Agency's Office of Research and Development (ORD)
- Rear Admiral James Watson, Director of Prevention Policy for Marine Safety, Security and Stewardship, United States Coast Guard (USCG)
- Mr. Stephen Edinger, Director of the Office of Spill Prevention and Response (OSPR), California Department of Fish and Game

The hearing highlighted current Federal Oil Pollution research and development efforts at the U.S. Coast Guard (USCG), Environmental Protection Agency (EPA), and the National Oceanic Atmospheric Administration (NOAA). Witnesses described a number of emerging challenges that require new research and development. The panel shared a variety of ways that the current program could be improved. This included research to address new challenges, improved response technologies, requirements for new blends of biofuels, and increased transportation.

Energy and Environment Subcommittee Markup

On June 16, 2009, the Energy and Environment Subcommittee met to consider H.R. 2693, the *Federal Oil Spill Research Program Act of 2009*. The Committee considered the following amendments:

1. Ms. Woolsey offered a manager's amendment. The amendment proposed replacing the term "Oil Spill" with "Oil Pollution" to better explain the scope of the program, which includes research into oil discharges both on water and on land. Section 2 of the bill is amended to provide for more effective notification to the public about the activities of the program, including information on existing volunteer training opportunities in incident response. Section 3 of the bill is amended to clarify some of the elements of the Interagency Research Program. It also adds additional program elements, including research into: (1) the mechanical, chemical, and biological methods for the recovery, removal, and disposal of oil; (2) technologies, methods, and standards for protecting removal personnel and volunteers that may participate in incident response; (3) improved information systems to assist Federal response efforts; and (4) methods to restore and rehabilitate natural resources damaged by oil discharges. A new Section 4 of the bill is inserted to allow for the continuation of an existing technology evaluation program that will be supplemented with guidance from the National Institute of Standards and Technology. The manager's amendment also modifies the contents of the Interagency Committee's research assessment. It specifically adds a new requirement to identify emerging technologies and the barriers to the utilization of those technologies by Federal response teams. In addition, the manager's amendment clarifies that the assessment will include an analysis of the effectiveness of current technologies to address oil pollution and an assessment and comparison of regional differences in response capabilities. Section 5 of the bill is amended to clarify the required contents of the Federal oil pollution research and development plan. Specifically, the amendment clarifies that the plan is to include research to improve: the rates of oil recovery, the effectiveness of the response to oil discharges, and the accessibility and utility of the information available to mariners, researchers, and responders. Section 6 of the bill is amended

to clarify that each of the agencies in the interagency program, not just NOAA, may award grants or utilize other funding mechanisms to address the research priorities set forth in the research plan. Section 7 of the bill simplifies the reporting required by the National Academy of Sciences. Under the Manager's Amendment, the National Academy will be responsible for submitting to Congress and the Interagency Committee a report evaluating the oil pollution research and development program and identifying priority areas of research and technology development. Finally, the amendment includes a direct authorization for NOAA and EPA, each in the amount of $2 million dollars a year for Fiscal Year 2010 through Fiscal Year 2014. The amendment was agreed to by voice vote.

2. Mr. Inglis offered a second degree amendment to the manager's amendment. The amendment proposed amending the text to reinstate the Coast Guard as the chair of the Interagency Committee instead of changing the chair to NOAA as was written in H.R. 2693. The amendment was withdrawn.

3. Mr. Baird offered an amendment to expand the Interagency Program to include research related to economic incentives and barriers to technology development. In addition, Mr. Baird's amendment requires the Program to conduct research to develop new technologies and methods to respond to oil pollution in artic regions. The amendment was agreed to by voice vote.

4. Mr. Luján offered an amendment to add new requirements to the Program, Assessment, and Plan to consider and investigate technologies and methods to address oil discharges on land and in inland waters. The amendment was agreed to by voice vote.

H.R. 2693, as amended, was agreed to by voice vote.

Mr. Baird moved that the Subcommittee favorably report H.R. 2693, as amended, to the full Committee with the recommendation to pass the bill. The motion was agreed to by voice vote.

IV. Summary of Major Provisions of the Bill

The *Federal Oil Pollution Research Program Act* amends Title VII of the Oil Pollution Act of 1990 and provides a new direction to an existing Interagency Research and Development program. The new legislation guides the research agenda towards emerging challenges and requires research to improve rates of oil recovery. The bill also provides grants to institutes of higher education and research centers to improve technologies used to prevent, combat, and clean up oil pollution. H.R. 2693 will improve the Federal Government's research and development efforts to prevent, detect, or mitigate oil discharges. Through this reauthorization, the responsible Federal agencies will be better equipped to effectively respond to oil discharges both in inland and in coastal waters.

The bill reauthorizes an Interagency Federal Oil Spill Research Committee and places NOAA as the chair of the Committee. H.R. 2693 directs the Committee to coordinate a National Oil Pollution Program, complete an Assessment of the current status of oil spill prevention and response, and develop a plan to guide future research at the Federal level. H.R. 2693 will encourage the development of new technologies, practices, and procedures to allow for a more effective Federal response to oil spills. In addition, the legislation requires a National Academies review to evaluate the current Oil Spill Interagency Program and for the Academy to provide guidance in the creation of a new plan to direct future Federal research and development efforts.

V. Section by Section Analysis of H.R. 2693, as reported by the Subcommittee

Title: Federal Oil Pollution Research Program Act

Purpose: To amend Title VII of the Oil Pollution Act of 1990 and for other purposes.

Section 1: Short Title

Federal Oil Pollution Research Program Act

Section 2: Federal Oil Pollution Research Committee

Section 2 directs the President to establish an Interagency Committee to be known as the Federal Oil Pollution Research Committee ('Committee'). The President shall designate a representative of the National Oceanic and Atmospheric Administration to serve as Chairperson of the Committee, and the members of the

Committee shall include representatives from NOAA, the United States Coast Guard, the Environmental Protection Agency, and such other Federal Agencies as the President may designate.

Section 2 also requires the Committee to: 1) coordinate a Federal oil spill research program ('Program') to coordinate oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, institutions of higher education, research institutions, State and tribal governments, and other relevant stakeholders; 2) complete a research assessment ('Assessment') on the status of oil spill prevention and response capabilities; 3) develop a Federal oil spill research plan ('Plan'); and (4) publish web-based information for the purpose of notifying the public about volunteer training opportunities. The Assessment will provide the Committee with the information necessary to create the Plan.

Section 3: Federal Oil Spill Research Program

Section 3 requires the Committee to establish a Program for conducting oil pollution research, development, and demonstration. The Program shall focus on new technologies, practices, methods, and procedures that provide for effective and direct response to prevent, detect, recover, or mitigate oil discharges. Required elements of the amended Program include: (1) new technologies to detect oil discharges; (2) models and monitoring capabilities to predict the environmental fate, transport, and effects of oil discharges; (3) new technologies and methods to improve response capabilities and recovery rates; (4) research and training in coordination with the National Response Team; (5) decision support systems for contingency planning and response; (6) mechanical, chemical, and biological methods for the recovery, removal, and disposable of oil; (7) technologies, methods, and standards for protecting removal personnel and volunteers that participate in incident response; (8) improved information systems for decisions making; (9) methods to restore and rehabilitate natural resources damaged by oil discharges; (10) technologies and methods to prevent, detect, and recover, and mitigate oil discharges in polar environments; and (11) technologies and methods to address oil discharges on land and in inland waters.

Section 4: Federal Research Assessment

Section 4 instructs the Committee to submit to Congress an Assessment of the status of oil spill prevention and response capabilities. The Assessment shall identify emerging technologies and barriers to their implementation; assess the effectiveness of current technologies available; assess and compare response capabilities in different regions of the United States; assess oil pollution prevention and response for inland oil discharges; assess the status of real time information available to mariners, researchers and responders; assess the economic incentives and barriers to implementation of new technologies to address oil discharges; assess the status of the deployment to State and local oil pollution response agencies of technologies resulting from research and development; and address comments received during the public comment period. The Assessment shall be subject to a 30-day public comment period and shall incorporate public input as appropriate. The Committee is required to submit the Assessment to Congress no later than one year after enactment.

Section 5: Federal Research Interagency Plan

Section 5 directs the Committee to develop a Plan to establish Federal oil spill research and development priorities. In developing the Plan, the Committee shall consider and utilize recommendations from the National Academy of Sciences, as well as State, local, and tribal governments. The Plan will include: (1) research to improve rates of oil recovery; (2) research, development, and demonstration to improve technologies, practices, and procedures for effective and direct response to oil discharges; (3) research, development, and demonstration to improve the accessibility and utility of real time information available to mariners, researchers, and responders; (4) research, development, and demonstration to address inland oil discharges; (5) recommendations to improve the deployment of oil pollution prevention, response, and mitigation technologies to State and local oil pollution response agencies; and (6) a summary of comments received during the 30-day public comment period. The Assessment shall incorporate public input as appropriate. The Committee is required to submit the Plan to Congress no later than one year after the submission of the Assessment.

Section 6: Extramural Grants

Section 6 provides direction to the Committee to enter into contracts and cooperative agreements and award grants to institutions of higher education or non-governmental research organizations. Such contracts, cooperative agreements, and grants shall address research, development, and demonstration priorities established in the Plan.

Section 7: Annual Report

Section 7 requires the Committee to submit an annual report to Congress, concurrent with the annual submission of the President's budget, describing the activities and results of the Program during the previous fiscal year and outlining objectives for the next fiscal year.

Section 8: National Academy of Science Participation

Section 8 instructs the Secretary of Commerce, acting through the Administrator of NOAA, to contract with the National Academy of Sciences to assess and evaluate the status of the Federal oil spill research and development program and to identify priority areas of research and technology development to improve capabilities to prevent, detect, recover, and mitigate oil discharges. Within one year of enactment, the National Academy shall submit to Congress and the Committee a report on the results of the evaluation and the recommendations of the Academy.

Section 9: Technical and Conforming Changes

Section 9 makes technical and conforming changes to the Oil Pollution Act of 1990.

Section 10: Authorization of Appropriations

For the purpose of carrying out this act, Section 10 authorizes $2 million per year for fiscal years 2010–2014 for the National Oceanic and Atmospheric Administration and $2 million a year for fiscal years 2010–2014 for the Environmental Protection Agency.

SECTION-BY-SECTION ANALYSIS OF THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE TO
H.R. 2693, OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM
REAUTHORIZATION ACT OF 2010

The purpose of the Oil Pollution Research and Development Program Reauthorization Act of 2010 is to amend and reauthorize Title VII (Section 7001) of the Oil Pollution Act of 1990 (OPA 90) (33 U.S.C. 2761).

Section 1. Short Title

Oil Pollution Research and Development Program Reauthorization Act of 2010.

Section 2. Federal Oil Pollution Research Committee

PURPOSES.—Section 7001(a)(2) of the Oil Pollution Act of 1990 is amended to add tribal governments to the list of entities with which the Interagency Committee shall cooperate and coordinate.

MEMBERSHIP.—Section 7001(a)(3) is amended to designate the U.S. Coast Guard, the National Oceanic and Atmospheric Administration, the Department of the Interior, and the Environmental Protection Agency as the Interagency Committee; the remaining Federal agencies from Section 7001 (a)(3) are designated as collaborating agencies; the National Science Foundation is added to the list of collaborating agencies.

ROLE OF THE CHAIR.—Section 7001(a)(4) is amended to include a paragraph on the roles of the Chair of the Interagency Committee.

ACTIVITIES.—Section 7001(a) is amended to insert a section of activities which directs the Interagency Committee: to ensure that research, development, and demonstration efforts are coordinated and conducted on an ongoing basis, to meet no less than once per year to plan the program's activities, and to determine whether the program is producing new or improved methods and technologies; and for the National Oceanic and Atmospheric Administration to develop an electronic information exchange on oil pollution scientific information and research.

Section 3. Oil Pollution Research and Technology Plan

IMPLEMENTATION PLAN.—Section 7001(b)(1) is amended to direct the Interagency Committee to submit a plan to Congress, as directed in OPA 90, within 180 days after the date of enactment of the *Oil Pollution Research and Development Program Reauthorization Act of 2010* and periodically thereafter but not less than once every five years.

Section 7001(b)(1) is also amended for the Plan to identify the roles and responsibilities of each member agency of the Interagency Committee and each of the collaborating agencies.

ADVICE AND GUIDANCE.—Section 7001(b)(2) is amended to direct the Chair of the Interagency Committee to solicit advice and guidance in the preparation and development of the plan from: the Oil Pollution Research Advisory Committee; the National Institute of Standards and Technology; and through public comment prior to the submission of the research plan.

REVIEW.—Section 7001(b) is also amended to direct the Chair of the Interagency Committee to contract with the National Academy of Sciences to review and assess the adequacy of the plan and to submit a report to Congress.

Section 4. Oil Pollution Research and Development Program

INNOVATIVE OIL POLLUTION TECHNOLOGY.—Section 7001(c)(2) is amended to include research, development, and demonstration of new or improved technologies effective in preventing, detecting, recovering, or mitigating oil discharges; technologies and methods to address oil pollution on land, in inland waters, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas; modeling and simulation capabilities, including tools and technologies that can be used to facilitate effective recovery and containment of oil pollution during incident response; and research conducted by the Environmental Protection Agency on the development and approval of technologies with maximum effectiveness and minimum toxicity to natural resources, the public, and the environment in both the near and long-term.

OIL POLLUTION TECHNOLOGY EVALUATION.—Section 7001(c)(3) is amended to provide for oil pollution prevention and mitigation technology evaluation, with an evaluation of the environmental effects, including: the evaluation and testing of technologies developed independently of the research and development program; the establishment, with the advice and guidance of the National Institute

of Standards and Technology, of standards and testing protocols traceable to national standards to measure the performance of oil pollution prevention or mitigation technologies; an evaluation of the environmental effects and utility of controlled field testing; the use, where appropriate, of controlled field testing to evaluate real-world application of oil discharge prevention or mitigation technologies.

OIL POLLUTION EFFECTS RESEARCH.—Section 7001(c)(4)(A) and (B) is amended, to direct the Administrator of the National Oceanic and Atmospheric Administration, acting through the Interagency Committee, to establish a research program to monitor and scientifically evaluate the environmental effects, including long-term effects, of oil pollution. The program includes: research and development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of oil throughout the environment; the development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges; the identification of types of ecologically sensitive areas at particular risk to oil discharges, such as in inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas; and the preparation of scientific monitoring and evaluation plans to be implemented in the event of major oil discharges in such areas; and the collection of environmental baseline data in ecologically sensitive areas at particular risk to oil discharges where there are insufficient data.

In addition, the Interagency Committee, through the National Oceanic and Atmospheric Administration shall conduct research activities for cases where the amount of oil discharged exceeds 250,000 gallons and it is determined that a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges.

DEMONSTRATION PROJECTS.—Section 7001(c)(6) is amended to strike the completed demonstration projects in the Port Authority of New York and New Jersey and the Port of New Orleans, Louisiana.

REGIONAL RESEARCH PROGRAM.—Section 7001(c)(8)(A) is amended to direct the Interagency Committee to coordinate a program of peer reviewed, competitive grants to universities or other research institutions, or groups of universities or research institutions, for the purposes of conducting a coordinated research program related to the regional aspects of oil pollution, such as prevention, removal, mitigation, and the effects of discharged oil on regional environments.

Section 7001(c)(8)(C) is also amended to specify that at least on entity of a group application to carry out the substantial portion of the proposed research must be located in the region, for which the project is proposed as part of the regional research program.

Section 7001(c)(9) is amended to authorize to be appropriated from amounts in the Fund $12,000,000 for fiscal years 2011, 2012, 2013, 2014 and 2015.

Section 5. International Cooperation

Section 7001(d) is amended to direct the Interagency Committee, in accordance with the research plan, to coordinate and cooperate with other nations and foreign research entities in conducting oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges, oil recovery, and cleanup standards.

Section 6. Annual Reports

Section 7001(e) is amended to direct the Chair of the Interagency Committee to submit to Congress, concurrent with the President's annual budget request, a report describing the activities: carried out under this section in the preceding fiscal year; being carried out under this section in the current fiscal year; and proposed to be carried out under this section in the subsequent fiscal year, including an analysis of how these activities will further the purposes of the program authorized by this section.

Section 7. Federal Advisory Committee

Section 7001 is further amended to direct the Interagency Chair to establish an Oil Pollution Research Advisory Committee consisting of at least 25 representatives from non-governmental entities. Each member of the Advisory Committee shall be qualified by education, training, and experience to evaluate scientific and technical information relevant to the research, development and demonstration under this Act. The Chair of the Interagency Committee shall designate a chairperson from among the members of the Advisory Committee. Members shall be appointed for three-year terms, renewable once. The Advisory Committee is directed to review, ad-

vise, and comment on Interagency Committee activities, including: management and functioning of the Interagency Committee; collaboration of the Interagency Committee and the Collaborating Agencies; the research and technology development of new or improved response capabilities; the use of cost-effective research mechanisms; and research, computation, and modeling needs and other resources needed to develop a comprehensive program of oil pollution research. The Advisory Committee is also directed to meet at least once a year submit biennial reports to the Interagency Committee and Congress.

Section 8. Funding

Section 7001(f) is amended to authorize to be appropriated from amounts in the Fund not more than $48,000,000 annually to carry out this section. From this amount there are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration $16,000,000 annually to carry out this section and $2,000,000 for carrying out the activities in subsection (c)(6) for fiscal years 2011, 2012, 2013, and 2014.

In addition, Section 1012 (a)(5)(C) OPA 90 is amended to read as follows: (C) not more than $48,000,000 in each fiscal year shall be available to carry out title VII of this Act.

COMMITTEE ON SCIENCE AND TECHNOLOGY
FULL COMMITTEE MARKUP
July 14, 2010

AMENDMENT ROSTER

H. R. 2693, the *Oil Pollution Research and Development Program Reauthorization Act of 2010*

No.	Amendment	Summary	Results
1	Ms. Woolsey (Amendment in the Nature of a Substitute)	Strikes and replaces the text of H.R. 2693. Amends Section 7001 of the Oil Pollution Act of 1990 ("OPA") by: Changing the structure of the Interagency Committee under Section 7001(a) of OPA; Detailing the role of the Chair of the Interagency Committee and specifying certain Committee activities; Requiring the development of a national information clearinghouse on oil pollution; Detailing requirements for the development of a research plan under Section 7001(b); Reauthorizing an oil pollution research, development, demonstration program under Section 7001(c) and specifying certain research elements under the program; Reauthorizing an oil pollution technology evaluation and detailing elements of that evaluation; Reauthorizing research on the environmental effects of oil pollution and specifying certain research elements; Updating Section 7001(c)(6) of OPA to reflect demonstration projects already completed; Reauthorizing a regional research program on oil pollution under Section 7001(c)(8) of OPA;	Agreed to by voice vote.

		Authorizing appropriations from the Oil Spill Liability Trust Fund in the amount of $12,000,000 for each of fiscal years 2011 through 2015 for the regional research program; Adding "oil recovery" and "cleanup standards" to the activities specified under the International Cooperation Subsection (7001(d)); Detailing annual reporting requirements for the Chair of the Interagency Committee; Establishing an advisory committee to review, advise, and comment on Interagency Committee activities; and Authorizing appropriations from the Oil Spill Liability Trust Fund in the amount of $48,000,000 annually to carry out the section, and from that amount authorizing specific allocations of $16,000,000 annually to the Administrator of NOAA, and $2,000,000 annually for each of fiscal years 2011 through 2014 to carry out the activities in subsection (c)(6). Amends Section 1012 of OPA to raise the amount of funds available each fiscal year to carry out Title VII of OPA from $27,250,000 to $48,000,000.	
2	Ms. Woolsey (162)	Amends the ANS in several places to replace the word "pollution" with "discharge."	Agreed to by voice vote.
3	Mr. Hall (004)	Amends the ANS in several places to add containment to the list of activities at which oil pollution research is directed.	Agreed to by voice vote.
4	Mr. Baird (047)	Amends Section 7001(b)(1) of OPA by directing that the research plan "identify the information needed to conduct risk assessment and risk analysis research to effectively prevent oil discharges, including information on human factors and decisionmaking, and to protect the environment."	Agreed to by voice vote.
5	Mr. Tonko/Mr. Baird (012)	Amends Section 7001(b)(1) of OPA by directing that the research plan "identify a methodology that – (i) provides for the solicitation, evaluation, preapproval, funding, and utilization of technologies and research projects developed by the public and private sector in advance of future oil discharges; and (ii) where appropriate, ensures that such technologies are readily available for rapid testing and potential deployment and that research projects can be	Agreed to by voice vote.

		implemented during an incident response."	
6	Mr. Rohrabacher (005)	Amends Section 7001(b)(1) of OPA by directing that the research plan identify, in consultation with State and tribal governments, regional oil pollution research needs, "including seeps and pollution resulting from importing oil from overseas."	Agreed to by voice vote.
7	Mr. Lamar Smith (006)	Amends Section 7001(b)(2) of OPA to require that the Chair solicit advice in the development of the research plan from "third party standard-setting organizations on issues relating to voluntary consensus standards" in addition to the other entities.	Agreed to by voice vote.
8	Mr. Rohrabacher (008)	Amends one of the innovative oil pollution technology research elements contained in the ANS.	Defeated by voice vote.
9	Mr. Diaz-Balart (010)	Adds the evaluation of the performance and effectiveness of oil pollution prevention and mitigation technologies in preventing, detecting, containing, recovering, and mitigating oil discharges to the Oil Pollution Technology Evaluation.	Agreed to by voice vote.
10	Mr. Tonko (032)	Adds technologies developed by small businesses to the Oil Pollution Technology Evaluation.	Agreed to by voice vote.
11	Mr. Lipinski (072)	Adds an evaluation of the effectiveness of oil pollution prevention technologies based on probabilistic risk analyses of the system to the Oil Pollution Technology Evaluation.	Agreed to by voice vote.
12	Mr. Garamendi (011)	Amends the oil pollution effects research elements to include "Research on and the development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of an oil discharge throughout the environment, including tools and models to accurately measure and predict the flow of oil discharged."	Agreed to by voice vote.
13	Ms. Johnson (122)	Amends the oil pollution effects research elements to include the development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges, "including in economically disadvantaged communities and areas."	Agreed to by voice vote.
14	Mrs. Dahlkemper/Mr. Grayson (045)	Amends the oil pollution effects research elements to include the "use of both onshore and offshore air quality monitoring to study the effects of oil pollution and oil pollution cleanup technologies on air quality; and making the results, health, and safety warnings readily available to the public, including emergency responders, the research community, local residents, and other interested parties."	Agreed to by voice vote.
15	Mr. Grayson	Amends the oil pollution effects research elements to	Agreed to by

	(078)	include "Research on technologies, methods, and standards for protecting removal personnel and for volunteers that may participate in incident responses, including training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures."	voice vote.
16	Mr. Hall (029)	Amends Section 7001(c)(7) to state that "Oil pollution technology testing and evaluations shall be given priority over all other activities performed at [the Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT)] Research Center."	Agreed to by voice vote.
17	Ms. Johnson (121)	Directs the Interagency Committee to coordinate a program of competitive grants to universities or other research institutions, including Minority Serving Institutions, and provide consideration to such institutions in the recommendations for awarding grants.	Agreed to by voice vote.
18	Mr. Baird (048)	Amends the international cooperation requirement contained in Section 7001(d) of OPA.	Agreed to by voice vote.
19	Ms. Biggert (002)	Amends the annual reporting requirements contained in the ANS.	Agreed to by voice vote.
20	Mr. Broun (009)	Amends certain of the Oil Pollution Research Advisory Committee elements contained in the ANS.	Agreed to by voice vote.
21	Mr. Baird (049)	Adds a new section at the end of the bill related to access to research during an emergency.	Agreed to by voice vote.

#1

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2693

OFFERED BY Ms. Woolsey

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Pollution Research and Development Program Reauthorization Act of 2010".

SEC. 2. FEDERAL OIL POLLUTION RESEARCH COMMITTEE.

(a) PURPOSES.—Section 7001(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(a)(2)) is amended by striking "State" and inserting "State and tribal".

(b) MEMBERSHIP.—Section 7001(a)(3) of such Act (33 U.S.C. 2761(a)(3)) is amended to read as follows:

"(3) STRUCTURE.—

"(A) MEMBERS.—The Interagency Committee shall consist of representatives from the following:

"(i) The Coast Guard.

"(ii) The Department of Commerce, including the National Oceanic and Atmospheric Administration.

"(iii) The Department of the Interior.

"(iv) The Environmental Protection Agency.

"(B) COLLABORATING AGENCIES.—The Interagency Committee shall collaborate with the following:

"(i) The National Institute of Standards and Technology.

"(ii) The Department of Energy.

"(iii) The Department of Transportation, including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration.

"(iv) The Department of Defense, including the Army Corps of Engineers and the Navy.

"(v) The Department of Homeland Security, including the United States Fire Administration in the Federal Emergency Management Agency.

"(vi) The National Aeronautics and Space Administration.

"(vii) The National Science Foundation.

"(viii) Other Federal agencies, as appropriate.".

(c) ROLE OF THE CHAIR.—Section 7001(a)(4) of such Act (33. U.S.C. 2761(a)(4)) is amended to read as follows:

"(4) CHAIR.—

"(A) IN GENERAL.—A representative of the Coast Guard shall serve as Chair.

"(B) ROLE OF CHAIR.—The primary role of the Chair shall be to ensure that—

"(i) the activities of the Interagency Committee and the agencies listed in paragraph (3)(B) are coordinated;

"(ii) the implementation plans required under subsection (b)(1) are completed and submitted;

"(iii) the annual reports required under subsection (e) are completed and submitted;

"(iv) the Interagency Committee meets in accordance with the requirements of paragraph (5); and

"(v) the Oil Pollution Research Advisory Committee under subsection (f) is established and utilized.".

(d) ACTIVITIES.—Section 7001(a) of such Act (33 U.S.C. 2761(a)) is amended by adding at the end the following:

"(5) ACTIVITIES.—

"(A) ONGOING, COORDINATED EFFORTS.—The Interagency Committee shall ensure that the research, development, and demonstration efforts authorized by this section are coordinated and conducted on an ongoing basis.

"(B) MEETINGS.—

"(i) IN GENERAL.—The Interagency Committee shall meet, or otherwise communicate, as appropriate, to—

"(I) plan program-related activities; and

"(II) determine whether the program is resulting in the development of new or improved methods and technologies to prevent, detect, respond to, and mitigate oil pollution.

"(ii) FREQUENCY.—In no event shall the Interagency Committee meet less than once per year.

"(C) INFORMATION EXCHANGE.—The Interagency Committee, acting through the Ad-

ministrator of the National Oceanic and Atmospheric Administration, shall develop a national information clearinghouse on oil pollution that—

"(i) includes scientific information and research on preparedness, response, and restoration; and

"(ii) serves as a single electronic access and input point for Federal agencies, emergency responders, the research community, and other interested parties for such information.".

SEC. 3. OIL POLLUTION RESEARCH AND TECHNOLOGY PLAN.

(a) IMPLEMENTATION PLAN.—Section 7001(b)(1) of such Act (33 U.S.C. 2761(b)(1)) is amended—

(1) by striking "180 days after the date of enactment of this Act" and inserting "180 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010 and periodically thereafter, as appropriate, but not less than once every 5 years,";

(2) by striking subparagraph (A) and inserting the following:

"(A) identify the roles and responsibilities of each member agency of the Interagency Committee under subsection (a)(3)(A) and each of the collaborating agencies under subsection (a)(3)(B);"; and

(3) in subparagraph (F) by striking "the States" and inserting "State and tribal governments".

(b) ADVICE AND GUIDANCE.—Section 7001(b)(2) of such Act (33 U.S.C. 2761(b)(2)) is amended to read as follows:

"(2) ADVICE AND GUIDANCE.—

"(A) IN GENERAL.—The Chair shall solicit advice and guidance in the development of the research plan under paragraph (1) from—

"(i) the Oil Pollution Research Advisory Committee established under subsection (f);

"(ii) the National Institute of Standards and Technology on issues relating to quality assurance and standards measurements; and

"(iii) the public in accordance with subparagraph (B).

"(B) PUBLIC COMMENT.—Prior to the submission of the research plan to Congress under paragraph (1), the research plan shall be published in the Federal Register and subject to a public comment period of 30 days. The Chair shall review the public comments received and incorporate those comments into the plan, as appropriate.".

(c) REVIEW.—Section 7001(b) of such Act (33 U.S.C. 2761(b)) is amended by adding at the end the following:

"(3) REVIEW.—After the submission of each research plan to Congress under paragraph (1), the Chair shall contract with the National Academy of Sciences—

"(A) to review the research plan;

"(B) to assess the adequacy of the research plan; and

"(C) to submit a report to Congress on the conclusions of the assessment.

"(4) INCORPORATION OF RECOMMENDATIONS.—The Chair shall address any recommendations in the review conducted under paragraph (3) and shall incorporate such recommendations into the research plan, as appropriate.".

SEC. 4. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—Section 7001(c)(1) of such Act (33 U.S.C. 2761(c)(1)) is amended by striking "research and development, as provided in this subsection" and inserting "research, development, and demonstration, as provided in this subsection and subsection (a)(2)".

(b) INNOVATIVE OIL POLLUTION TECHNOLOGY.—Section 7001(c)(2) of such Act (33 U.S.C. 2761(c)(2)) is amended—

(1) in the matter before subparagraph (A), by striking "preventing or mitigating" and inserting "preventing, detecting, recovering, or mitigating";

(2) by striking subparagraph (I);

(3) by redesignating subparagraph (J) as subparagraph (I);

(4) by striking the period at the end of subparagraph (I) (as so redesignated) and by inserting at the end a semicolon; and

(5) by adding at the end the following:

"(J) technologies and methods to address oil pollution on land and in inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas;

"(K) modeling and simulation capabilities, including tools and technologies, that can be used to facilitate effective recovery and containment of oil pollution during incident response; and

"(L) research conducted by the Environmental Protection Agency on the development and approval of technologies with maximum effectiveness, including application and delivery mechanisms, and minimum toxicity to natural resources, the public, and the environment in both the near and long-term.".

(c) OIL POLLUTION TECHNOLOGY EVALUATION.—Section 7001(c)(3) of such Act (33 U.S.C. 2761(c)(3)) is amended to read as follows:

"(3) OIL POLLUTION TECHNOLOGY EVALUATION.—The program established under this subsection shall provide for the evaluation of oil pollution prevention and mitigation technologies, including—

"(A) the evaluation of the environmental effects of the use of such technologies;

"(B) the evaluation and testing of technologies developed independently of the research

and development program established under this subsection;

"(C) the establishment, with the advice and guidance of the National Institute of Standards and Technology, of standards and testing protocols traceable to national standards to measure the performance of oil pollution prevention or mitigation technologies;

"(D) an evaluation of the environmental effects and utility of controlled field testing; and

"(E) the use, where appropriate, of controlled field testing to evaluate real-world application of new or improved oil pollution prevention, response, recovery, or mitigation technologies.".

(d) OIL POLLUTION EFFECTS RESEARCH.—Section 7001(c)(4) of such Act (33 U.S.C. 2761(c)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ESTABLISHMENT.—The Interagency Committee, acting through the Administrator of the National Oceanic and

Atmospheric Administration, shall establish a research program to monitor and scientifically evaluate the environmental effects, including long-term effects, of oil pollution.

"(ii) SPECIFICATIONS.—Such program shall include the following elements:

"(I) Research on and the development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of oil throughout the environment.

"(II) The development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges.

"(III) The identification of types of ecologically sensitive areas at particular risk from oil discharges, such as inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas.

"(IV) The preparation of scientific monitoring and evaluation plans for the areas identified under subclause (III) to be implemented in the event of major oil discharges in such areas.

"(V) The collection of environmental baseline data in the areas identified under subclause (III) if such data are insufficient.";

(2) in subparagraph (B)—

(A) by striking "The Department of Commerce" and all that follows through "future oil discharges." and inserting the following:

"(B) CONDITIONS.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall conduct research activities under subparagraph (A) for areas in which—

"(i) the amount of oil discharged exceeds 250,000 gallons; and

"(ii) a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for

preventing or responding to future oil discharges.";

(B) by striking "ATHOS I, and" and inserting "ATHOS I;"; and

(C) by striking the period at the end and inserting "; Prince William Sound, where oil was discharged by the EXXON VALDEZ; and the Gulf of Mexico, where oil was discharged by the DEEPWATER HORIZON."; and

(3) in subparagraph (C) by striking "Research" and inserting "COORDINATION.—Research".

(e) DEMONSTRATION PROJECTS.—Section 7001(c)(6) of such Act (33 U.S.C. 2761(c)(6)) is amended—

(1) by striking the first sentence and inserting the following: "The United States Coast Guard, in conjunction with such agencies as the President may designate, shall conduct a total of 2 port oil pollution minimization demonstration projects, 1 with the Ports of Los Angeles and Long Beach, California, and 1 with a port on the Great Lakes, for the purpose of developing and demonstrating integrated port oil pollution prevention and cleanup systems that utilize the information and implement the improved practices and technologies developed from the

research, development, and demonstration program established in this section."; and

(2) in the second sentence by striking "oil spill" and inserting "oil pollution".

(f) REGIONAL RESEARCH PROGRAM.—

(1) IN GENERAL.—Section 7001(c)(8) of such Act (33 U.S.C. 2761(c)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "program of competitive grants" and inserting "program of peer-reviewed, competitive grants"; and

(ii) by striking "(1989)" and inserting "(2009)"; and

(B) in subparagraph (C) by striking "the entity or entities which" and inserting "at least one entity that".

(2) FUNDING.—Section 7001(c)(9) of such Act (33 U.S.C. 2741(c)(9)) is amended by striking "1991" and all that follows through "shall be available" and inserting "2011, 2012, 2013, 2014, and 2015, there are authorized to be appropriated from amounts in the Fund $12,000,000".

SEC. 5. INTERNATIONAL COOPERATION.

Section 7001(d) of such Act (33 U.S.C. 2761(d)) is amended by inserting before the period at the end the following: ", oil recovery, and cleanup standards".

SEC. 6. ANNUAL REPORTS.

Section 7001(e) of such Act (33 U.S.C. 2761(e)) is amended to read as follows:

"(e) ANNUAL REPORT.—Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chair of the Interagency Committee shall submit to Congress a report describing the activities—

"(1) carried out under this section in the preceding fiscal year;

"(2) being carried out under this section in the current fiscal year; and

"(3) proposed to be carried out under this section in the subsequent fiscal year, including an analysis of how these activities will further the purposes of the program authorized by this section.".

SEC. 7. ADVISORY COMMITTEE.

Section 7001 of such Act (33 U.S.C. 2761) is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—The Chair shall establish an Oil Pollution Research Advisory Committee (in this subsection referred to as the 'advisory committee') consisting of representatives from nongovernmental entities.

"(2) MEMBERSHIP.—

"(A) NUMBER.—The advisory committee shall be composed of at least 25 members.

"(B) QUALIFICATIONS.—Each member of the advisory committee shall be qualified by education, training, and experience to evaluate scientific and technical information relevant to the research, development, and demonstration under this section.

"(C) CHAIR.—The Chair of the Interagency Committee shall designate a chairperson from among the members of the advisory committee.

"(D) TERMS OF SERVICE.—

"(i) IN GENERAL.—Members shall be appointed for a 3-year term and may serve for not more than 2 terms, except as provided in clause (iii).

"(ii) VACANCIES.—Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

"(iii) SPECIAL RULE.—If a member is appointed to fill a vacancy and the remainder of the unexpired term is less than 1 year, the member may subsequently be appointed for 2 full terms.

"(E) COMPENSATION AND EXPENSES.—Members of the advisory committee shall not be compensated for service on the advisory committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

"(3) DUTIES.—The advisory committee shall review, advise, and comment on Interagency Committee activities, including the following:

"(A) Management and functioning of the Interagency Committee.

"(B) Collaboration of the Interagency Committee and the agencies listed in subsection (a)(3)(B).

"(C) The research and technology development of new or improved response capabilities.

"(D) The use of cost-effective research mechanisms.

"(E) Research, computation, and modeling needs and other resources needed to develop a comprehensive program of oil pollution research.

"(4) SUBCOMMITTEES.—The advisory committee may establish subcommittees of its members.

"(5) MEETINGS.—The advisory committee shall meet at least once per year and at other times at the call of the chairperson.

"(6) REPORT.—The advisory committee shall submit biennial reports to the Interagency Committee and Congress on the function, activities, and progress of the Interagency Committee and the programs established under this section.

"(7) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.".

SEC. 8. FUNDING.

(a) IN GENERAL.—Section 7001(g) of such Act, as redesignated by section 7 of this Act, is amended to read as follows:

"(g) FUNDING.—

"(1) IN GENERAL.—There are authorized to be appropriated from amounts in the Fund not more than $48,000,000 annually to carry out this section, except for subsection (c)(8).

"(2) SPECIFIC ALLOCATIONS.—From the amounts in paragraph (1), there are authorized to be appropriated—

"(A) $16,000,000 to the Administrator of the National Oceanic and Atmospheric Administration annually to carry out this section; and

"(B) $2,000,000 for each of fiscal years 2011, 2012, 2013, and 2014 to carry out the activities in subsection (c)(6).".

(b) AUTHORIZATION.—Section 1012(a)(5)(C) of such Act (33 U.S.C. 2712(a)(5)(C)) is amended to read as follows:

"(C) not more than $48,000,000 in each fiscal year shall be available to carry out title VII of this Act; and".

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#2

AMENDMENT OFFERED BY MS. WOOLSEY OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 4, line 20, strike "pollution" and insert "discharge".

Page 5, line 3, strike "pollution" and insert "discharge".

Page 8, line 22, strike "pollution" and insert "discharge".

Page 9, line 4, strike "pollution" and insert "discharge".

Page 10, line 14, strike "pollution" and insert "discharge".

Page 11, line 5, strike "pollution" and insert "discharge".

Page 14, line 4, strike "pollution" and insert "discharge".

3

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AMENDMENT OFFERED BY Mr. Hall **TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE**

Page 4, line 19, insert "contain," after "respond to,".

Page 6, after line 5, insert the following new paragraphs, and redesignate the subsequent paragraph accordingly:

(3) in subparagraph (B) by inserting "containment," after "response,";

(4) in subparagraph (D) by inserting "containment," after "response,"; and

Page 8, line 13, insert "containing," after "detecting,".

Page 9, line 19, insert ", containment," after "prevention".

Page 10, line 8, insert ", containment," after "prevention".

Page 10, line 15, insert "containment," after "response,".

#4

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AMENDMENT OFFERED BY MR. BAIRD OF WASHINGTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 6, line 5, strike "and".

Page 6, after line 5, insert the following new paragraph, and redesignate the subsequent paragraph accordingly:

(3) by striking "and" at the end of subparagraph (E);

Page 6, line 8, strike the period and insert "and strike the period at the end and insert '; and'; and".

Page 6, after line 8, insert the following new paragraph:

(5) by adding at the end the following new subparagraph:

"(G) identify the information needed to conduct risk assessment and risk analysis research to effectively prevent oil discharges, including information on human factors and decisionmaking, and to protect the environment.".

☒

#5

AMENDMENT OFFERED BY MR. TONKO OF NEW YORK AND MR. BAIRD OF WASHINGTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 6, line 5, strike "and".

Page 6, after line 5, insert the following new paragraph, and redesignate the subsequent paragraph accordingly:

(3) by striking "and" at the end of subparagraph (E);

Page 6, line 8, strike the period and insert "and strike the period at the end and insert '; and'; and".

Page 6, after line 8, insert the following new paragraph:

(5) by adding at the end the following new subparagraph:

"(G) identify a methodology that—

"(i) provides for the solicitation, evaluation, preapproval, funding, and utilization of technologies and research projects

developed by the public and private sector in advance of future oil discharges; and

"(ii) where appropriate, ensures that such technologies are readily available for rapid testing and potential deployment and that research projects can be implemented during an incident response.".

#6

AMENDMENT OFFERED BY MR. ROHRABACHER **TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE**

Page 6, lines 6 through 8, amend paragraph (3) to read as follows:

(3) in subparagraph (F) by striking "the States" through "research needs" and inserting "State and tribal governments, regional oil pollution research needs, including natural seeps and pollution resulting from importing oil from overseas,".

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#7

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AMENDMENT OFFERED BY Lamar Smith OF TEXAS **TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE**

Page 6, after line 22, insert the following new clause, and redesignate the subsequent clause accordingly:

(iii) third party standard-setting organizations on issues relating to voluntary consensus standards; and

☒

#8

MR. ROHRABACHER

AMENDMENT OFFERED BY _____ TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 9, lines 6 through 12, amend subparagraph (L) to read as follows:

"(L) research conducted on the development and testing of technologies for—

"(i) maximum effectiveness, including application and delivery mechanisms; and

"(ii) minimum effects to human health and the environment in both the near-term and long-term.".

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#9

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AMENDMENT OFFERED BY Diaz-Balart **TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE**

Page 9, after line 20, insert the following new subparagraph, and redesignate the subsequent subparagraphs accordingly:

"(A) the evaluation of the performance and effectiveness of such technologies in preventing, detecting, containing, recovering, and mitigating oil discharges;

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#10

AMENDMENT OFFERED BY MR. TONKO OF NEW YORK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 10, line 2, insert ", including technologies developed by small businesses" after "under this subsection".

#11

AMENDMENT OFFERED BY MR. LIPINSKI OF ILLINOIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 10, after line 16, insert the following new subparagraph:

"(F) an evaluation of the effectiveness of oil pollution prevention technologies based on probabilistic risk analyses of the system.

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#12

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AMENDMENT OFFERED BY Mr. Garamendi TO THE

AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 11, lines 8 through 13, amend subclause (I) to read as follows:

"(I) Research on and the development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of an oil discharge throughout the environment, including tools and models to accurately measure and predict the flow of oil discharged.".

☒

#13

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 11, line 18, insert ", including in economically disadvantaged communities and areas" after "oil discharges".

☒

#14

AMENDMENT OFFERED BY MRS. DAHLKEMPER OF PENNSYLVANIA AND MR. GRAYSON OF FLORIDA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 12, after line 10, insert the following new subclause:

"(VI) The use of both onshore and offshore air quality monitoring to study the effects of oil pollution and oil pollution cleanup technologies on air quality; and making the results, health, and safety warnings readily available to the public, including emergency responders, the research community, local residents, and other interested parties.".

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#15

AMENDMENT OFFERED BY MR. GRAYSON OF FLORIDA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 12, after line 10, insert the following new subclause:

"(VI) Research on technologies, methods, and standards for protecting removal personnel and for volunteers that may participate in incident responses, including training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures.".

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#16

AMENDMENT OFFERED BY MR. HALL OF TEXAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 14, after line 4, insert the following new subsection:

(f) SIMULATED ENVIRONMENTAL TESTING.—Section 7001(c)(7) of such Act (33 U.S.C. 2761(c)(7)) is amended by inserting "Oil pollution technology testing and evaluations shall be given priority over all other activities performed at such Research Center." after "evaluations.".

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#17

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 14, after line 16, insert the following new subparagraph:

(C) In carrying out this section, the Interagency Committee shall coordinate a program of competitive grants to universities or other research institutions, including Minority Serving Institutions as defined under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), and provide consideration to such institutions in the recommendations for awarding grants.

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#18

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AMENDMENT OFFERED BY MR. BAIRD OF WASHINGTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 15, lines 1 through 4, amend section 5 to read as follows:

SEC. 5. INTERNATIONAL COOPERATION.

Section 7001(d) of such Act (33 U.S.C. 2761(d)) is amended to read as follows:

"(d) INTERNATIONAL COOPERATION.—In accordance with the research plan submitted under subsection (b), the Interagency Committee shall engage in international cooperation by harnessing global expertise through collaborative partnerships with foreign governments and research entities, and domestic and foreign private actors, including nongovernmental organizations and private sector companies, and by leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to conduct collaborative oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges, oil recovery, and cleanup standards.".

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#19

AMENDMENT OFFERED BY Bigert **TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE**

Page 15, lines 8 through 22, amend subsection (e) to read as follows:

"(e) ANNUAL REPORT.—

"(1) Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chairman of the Interagency Committee shall submit to Congress a report describing the—

"(A) activities carried out under this section in the preceding fiscal year, including—

"(i) a description of major research conducted on oil discharge prevention, detection, containment, recovery, and mitigation techniques in all environments by each agency described in subsection (a)(3)(A) and (B); and

"(ii) a summary of—

"(I) projects in which the agency contributed funding or other resources;

"(II) major projects undertaken by State and tribal governments, and foreign governments; and

"(III) major projects undertaken by the private sector and educational institutions;

"(B) activities being carried out under this section in the current fiscal year, including a description of major research and development activities on oil discharge prevention, detection, containment, recovery, and mitigation technologies and techniques in all environments that each agency will conduct or contribute to; and

"(C) activities proposed to be carried out under this section in the subsequent fiscal year, including an analysis of how these activities will further the purposes of the program authorized by this section.

"(2) If the National Academy of Sciences provides recommendations on the research plan under section 7001(b)(3), the Chairman shall include, in the first annual report under paragraph (1) of this

subsection, a description of those recommendations incorporated into the research plan, and a description of, and explanation for, any recommendations that are not included in such plan.''.

#20

AMENDMENT OFFERED BY Brown **TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE**

Page 16, strike lines 6 through 23, and insert the following:

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chairman of the Interagency Committee shall establish an advisory committee to be known as the Oil Pollution Research Advisory Committee (in this subsection referred to as the 'advisory committee').

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The advisory committee shall be composed of members appointed by the Chairman, in consultation with the each member agency described in subsection (a)(3), including—

"(i) individuals with extensive knowledge and research experience or operational knowledge of prevention, detection, response, containment, and mitigation of oil discharges;

"(ii) individuals broadly representative of stakeholders affected by oil discharges; and

"(iii) other individuals, as determined by the Chairman.

"(B) LIMITATIONS.—The Chairman shall—

"(i) appoint no more than 25 members that shall not include representatives of the Federal Government, but may include representatives from State, tribal, and local governments; and

"(ii) ensure that no class of individuals described in clause (ii) or (iii) of subparagraph (A) comprises more than ⅓ of the membership of the advisory committee.

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#21

AMENDMENT OFFERED BY MR. BAIRD OF WASHINGTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

At the end of the bill, add the following new section:

SEC. 9. ACCESS TO RESEARCH DURING AN EMERGENCY.

Section 7001 of such Act (33 U.S.C. 2761) is amended by adding at the end the following new subsection:

"(h) ACCESS TO RESEARCH DURING AN EMERGENCY.—Any entity that receives Federal funding for research, the methodologies or results of which may be useful for response activities in the event of an oil discharge incident described in sections 300.300-334 of title 40 of the Code of Federal Regulations, shall, upon request, make the methodologies or results of such research available to the Interagency Committee and the Federal On-Scene Coordinator (as defined in section 311(a)(21) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(21)), except to the extent that the information is protected from disclosure under section 552(b) of title 5, United States Code. Such information shall be for use in response activities in the event of an oil discharge, and

shall not be included in information made publicly available pursuant to this Act.''.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Pollution Research and Development Program Reauthorization Act of 2010".

SEC. 2. FEDERAL OIL POLLUTION RESEARCH COMMITTEE.

(a) PURPOSES.—Section 7001(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(a)(2)) is amended by striking "State" and inserting "State and tribal".

(b) MEMBERSHIP.—Section 7001(a)(3) of such Act (33 U.S.C. 2761(a)(3)) is amended to read as follows:

"(3) STRUCTURE.—

"(A) MEMBERS.—The Interagency Committee shall consist of representatives from the following:

"(i) The Coast Guard.

"(ii) The Department of Commerce, including the National Oceanic and Atmospheric Administration.

"(iii) The Department of the Interior.

"(iv) The Environmental Protection Agency.

"(B) COLLABORATING AGENCIES.—The Interagency Committee shall collaborate with the following:

"(i) The National Institute of Standards and Technology.

"(ii) The Department of Energy.

"(iii) The Department of Transportation, including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration.

"(iv) The Department of Defense, including the Army Corps of Engineers and the Navy.

"(v) The Department of Homeland Security, including the United States Fire Administration in the Federal Emergency Management Agency.

"(vi) The National Aeronautics and Space Administration.

"(vii) The National Science Foundation.

"(viii) Other Federal agencies, as appropriate.".

(c) ROLE OF THE CHAIR.—Section 7001(a)(4) of such Act (33. U.S.C. 2761(a)(4)) is amended to read as follows:

"(4) CHAIR.—

"(A) IN GENERAL.—A representative of the Coast Guard shall serve as Chair.

"(B) ROLE OF CHAIR.—The primary role of the Chair shall be to ensure that—

"(i) the activities of the Interagency Committee and the agencies listed in paragraph (3)(B) are coordinated;

"(ii) the implementation plans required under subsection (b)(1) are completed and submitted;

"(iii) the annual reports required under subsection (e) are completed and submitted;

"(iv) the Interagency Committee meets in accordance with the requirements of paragraph (5); and

"(v) the Oil Pollution Research Advisory Committee under subsection (f) is established and utilized.".

(d) ACTIVITIES.—Section 7001(a) of such Act (33 U.S.C. 2761(a)) is amended by adding at the end the following:

"(5) ACTIVITIES.—

"(A) ONGOING, COORDINATED EFFORTS.—The Interagency Committee shall ensure that the research, development, and demonstration efforts authorized by this section are coordinated and conducted on an ongoing basis.

"(B) MEETINGS.—

"(i) IN GENERAL.—The Interagency Committee shall meet, or otherwise communicate, as appropriate, to—

"(I) plan program-related activities; and

"(II) determine whether the program is resulting in the development of new or improved methods and technologies to prevent, detect, respond to, contain, and mitigate oil discharge.

"(ii) FREQUENCY.—In no event shall the Interagency Committee meet less than once per year.

"(C) INFORMATION EXCHANGE.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall develop a national information clearinghouse on oil discharge that—

"(i) includes scientific information and research on preparedness, response, and restoration; and

"(ii) serves as a single electronic access and input point for Federal agencies, emergency responders, the research community, and other interested parties for such information.".

SEC. 3. OIL POLLUTION RESEARCH AND TECHNOLOGY PLAN.

(a) IMPLEMENTATION PLAN.—Section 7001(b)(1) of such Act (33 U.S.C. 2761(b)(1)) is amended—

(1) by striking "180 days after the date of enactment of this Act" and inserting "180 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010 and periodically thereafter, as appropriate, but not less than once every 5 years,";

(2) by striking subparagraph (A) and inserting the following:

"(A) identify the roles and responsibilities of each member agency of the Interagency Committee under subsection (a)(3)(A) and each of the collaborating agencies under subsection (a)(3)(B);";

(3) in subparagraph (B) by inserting "containment," after "response,";

(4) in subparagraph (D) by inserting "containment," after "response,";

(5) by striking "and" at the end of subparagraph (E);

(6) in subparagraph (F)—

(A) by striking "the States" through "research needs" and inserting "State and tribal governments, regional oil pollution research needs, including natural seeps and pollution resulting from importing oil from overseas,"; and

(B) by striking the period at the end and inserting a semicolon; and

(7) by adding at the end the following new subparagraphs:

"(G) identify the information needed to conduct risk assessment and risk analysis research to effectively prevent oil discharges, including information on human factors and decisionmaking, and to protect the environment; and

"(H) identify a methodology that—

"(i) provides for the solicitation, evaluation, preapproval, funding, and utilization of technologies and research projects developed by the public and private sector in advance of future oil discharges; and

"(ii) where appropriate, ensures that such technologies are readily available for rapid testing and potential deployment and that research projects can be implemented during an incident response.".

(b) ADVICE AND GUIDANCE.—Section 7001(b)(2) of such Act (33 U.S.C. 2761(b)(2)) is amended to read as follows:

"(2) ADVICE AND GUIDANCE.—

"(A) IN GENERAL.—The Chair shall solicit advice and guidance in the development of the research plan under paragraph (1) from—

"(i) the Oil Pollution Research Advisory Committee established under subsection (f);

"(ii) the National Institute of Standards and Technology on issues relating to quality assurance and standards measurements;

"(iii) third party standard-setting organizations on issues relating to voluntary consensus standards; and

"(iv) the public in accordance with subparagraph (B).

"(B) PUBLIC COMMENT.—Prior to the submission of the research plan to Congress under paragraph (1), the research plan shall be published in the Federal Register and subject to a public comment period of 30 days. The Chair shall review the public comments received and incorporate those comments into the plan, as appropriate.".

(c) REVIEW.—Section 7001(b) of such Act (33 U.S.C. 2761(b)) is amended by adding at the end the following:

"(3) REVIEW.—After the submission of each research plan to Congress under paragraph (1), the Chair shall contract with the National Academy of Sciences—

"(A) to review the research plan;

"(B) to assess the adequacy of the research plan; and

"(C) to submit a report to Congress on the conclusions of the assessment.

"(4) INCORPORATION OF RECOMMENDATIONS.—The Chair shall address any recommendations in the review conducted under paragraph (3) and shall incorporate such recommendations into the research plan, as appropriate.".

SEC. 4. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—Section 7001(c)(1) of such Act (33 U.S.C. 2761(c)(1)) is amended by striking "research and development, as provided in this subsection" and inserting "research, development, and demonstration, as provided in this subsection and subsection (a)(2)".

(b) INNOVATIVE OIL POLLUTION TECHNOLOGY.—Section 7001(c)(2) of such Act (33 U.S.C. 2761(c)(2)) is amended—

(1) in the matter before subparagraph (A), by striking "preventing or mitigating" and inserting "preventing, detecting, containing, recovering, or mitigating";

(2) by striking subparagraph (I);

(3) by redesignating subparagraph (J) as subparagraph (I);

(4) by striking the period at the end of subparagraph (I) (as so redesignated) and by inserting at the end a semicolon; and

(5) by adding at the end the following:

"(J) technologies and methods to address oil discharge on land and in inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas;

"(K) modeling and simulation capabilities, including tools and technologies, that can be used to facilitate effective recovery and containment of oil discharge during incident response; and

"(L) research conducted by the Environmental Protection Agency on the development and approval of technologies with maximum effectiveness, including application and delivery mechanisms, and minimum toxicity to natural resources, the public, and the environment in both the near and long-term.".

(c) OIL POLLUTION TECHNOLOGY EVALUATION.—Section 7001(c)(3) of such Act (33 U.S.C. 2761(c)(3)) is amended to read as follows:

"(3) OIL POLLUTION TECHNOLOGY EVALUATION.—The program established under this subsection shall provide for the evaluation of oil pollution prevention, containment, and mitigation technologies, including—

"(A) the evaluation of the performance and effectiveness of such technologies in preventing, detecting, containing, recovering, and mitigating oil discharges;

"(B) the evaluation of the environmental effects of the use of such technologies;

"(C) the evaluation and testing of technologies developed independently of the research and development program established under this subsection, including technologies developed by small businesses;

"(D) the establishment, with the advice and guidance of the National Institute of Standards and Technology, of standards and testing protocols traceable to national standards to measure the performance of oil pollution prevention, containment, or mitigation technologies;

"(E) an evaluation of the environmental effects and utility of controlled field testing;

"(F) the use, where appropriate, of controlled field testing to evaluate real-world application of new or improved oil discharge prevention, response, containment, recovery, or mitigation technologies; and

"(G) an evaluation of the effectiveness of oil pollution prevention technologies based on probabilistic risk analyses of the system.".

(d) OIL POLLUTION EFFECTS RESEARCH.—Section 7001(c)(4) of such Act (33 U.S.C. 2761(c)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ESTABLISHMENT.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall establish a research program to monitor and scientifically evaluate the environmental effects, including long-term effects, of oil discharge.

"(ii) SPECIFICATIONS.—Such program shall include the following elements:

"(I) Research on and the development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of an oil discharge throughout the environment, including tools and models to accurately measure and predict the flow of oil discharged.

"(II) The development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges, including in economically disadvantaged communities and areas.

"(III) The identification of types of ecologically sensitive areas at particular risk from oil discharges, such as inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas.

"(IV) The preparation of scientific monitoring and evaluation plans for the areas identified under subclause (III) to be implemented in the event of major oil discharges in such areas.

"(V) The collection of environmental baseline data in the areas identified under subclause (III) if such data are insufficient.

"(VI) The use of both onshore and offshore air quality monitoring to study the effects of oil pollution and oil pollution cleanup technologies on air quality; and making the results, health, and safety warnings readily available to the public, including emergency responders, the research community, local residents, and other interested parties.

"(VII) Research on technologies, methods, and standards for protecting removal personnel and for volunteers that may participate in incident responses, including training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures.";

(2) in subparagraph (B)—

(A) by striking "The Department of Commerce" and all that follows through "future oil discharges." and inserting the following:

"(B) CONDITIONS.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall conduct research activities under subparagraph (A) for areas in which—

"(i) the amount of oil discharged exceeds 250,000 gallons; and

"(ii) a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges.";

(B) by striking "ATHOS I, and" and inserting "ATHOS I;"; and

(C) by striking the period at the end and inserting "; Prince William Sound, where oil was discharged by the EXXON VALDEZ; and the Gulf of Mexico, where oil was discharged by the DEEPWATER HORIZON."; and

(3) in subparagraph (C) by striking "Research" and inserting "COORDINATION.—Research".

(e) DEMONSTRATION PROJECTS.—Section 7001(c)(6) of such Act (33 U.S.C. 2761(c)(6)) is amended—

(1) by striking the first sentence and inserting the following: "The United States Coast Guard, in conjunction with such agencies as the President may designate, shall conduct a total of 2 port oil pollution minimization demonstration projects, 1 with the Ports of Los Angeles and Long Beach, California, and 1 with a port on the Great Lakes, for the purpose of developing and demonstrating integrated port oil pollution prevention and cleanup systems that utilize the information and implement the improved practices and technologies developed from the research, development, and demonstration program established in this section."; and

(2) in the second sentence by striking "oil spill" and inserting "oil discharge".

(f) SIMULATED ENVIRONMENTAL TESTING.—Section 7001(c)(7) of such Act (33 U.S.C. 2761(c)(7)) is amended by inserting "Oil pollution technology testing and evaluations shall be given priority over all other activities performed at such Research Center." after "evaluations.".

(g) REGIONAL RESEARCH PROGRAM.—

(1) IN GENERAL.—Section 7001(c)(8) of such Act (33 U.S.C. 2761(c)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "program of competitive grants" and inserting "program of peer-reviewed, competitive grants"; and

(ii) by striking "(1989)" and inserting "(2009)";

(B) in subparagraph (C) by striking "the entity or entities which" and inserting "at least one entity that"; and

(C) by adding at the end the following new subparagraph:

"(H) In carrying out this paragraph, the Interagency Committee shall coordinate the program of peer-reviewed, competitive grants to universities or other research institutions, including Minority Serving Institutions as defined under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), and provide consideration to such institutions in the recommendations for awarding grants.".

(2) FUNDING.—Section 7001(c)(9) of such Act (33 U.S.C. 2741(c)(9)) is amended by striking "1991" and all that follows through "shall be available" and inserting "2011, 2012, 2013, 2014, and 2015, there are authorized to be appropriated from amounts in the Fund $12,000,000".

SEC. 5. INTERNATIONAL COOPERATION.

Section 7001(d) of such Act (33 U.S.C. 2761(d)) is amended to read as follows:

"(d) INTERNATIONAL COOPERATION.—In accordance with the research plan submitted under subsection (b), the Interagency Committee shall engage in international cooperation by harnessing global expertise through collaborative partnerships with foreign governments and research entities, and domestic and foreign private actors, including nongovernmental organizations and private sector companies, and by leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to conduct collaborative oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges, oil recovery, and cleanup standards.".

SEC. 6. ANNUAL REPORTS.

Section 7001(e) of such Act (33 U.S.C. 2761(e)) is amended to read as follows:

"(e) ANNUAL REPORT.—

"(1) Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chair of the Interagency Committee shall submit to Congress a report describing the—

"(A) activities carried out under this section in the preceding fiscal year, including—

"(i) a description of major research conducted on oil discharge prevention, detection, containment, recovery, and mitigation techniques in all environments by each agency described in subsection (a)(3)(A) and (B); and

"(ii) a summary of—

"(I) projects in which the agency contributed funding or other resources;

"(II) major projects undertaken by State and tribal governments, and foreign governments; and

"(III) major projects undertaken by the private sector and educational institutions;

"(B) activities being carried out under this section in the current fiscal year, including a description of major research and development activities on oil discharge prevention, detection, containment, recovery, and mitigation technologies and techniques in all environments that each agency will conduct or contribute to; and

"(C) activities proposed to be carried out under this section in the subsequent fiscal year, including an analysis of how these activities will further the purposes of the program authorized by this section.

"(2) If the National Academy of Sciences provides recommendations on the research plan under section 7001(b)(3), the Chair shall include, in the first annual report under paragraph (1) of this subsection, a description of those recommendations incorporated into the research plan, and a description of, and explanation for, any recommendations that are not included in such plan.".

SEC. 7. ADVISORY COMMITTEE.

Section 7001 of such Act (33 U.S.C. 2761) is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chair of the Interagency Committee shall establish an advisory committee to be known as the Oil Pollution Research Advisory Committee (in this subsection referred to as the 'advisory committee').

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The advisory committee shall be composed of members appointed by the Chair, in consultation with the each member agency described in subsection (a)(3), including—

"(i) individuals with extensive knowledge and research experience or operational knowledge of prevention, detection, response, containment, and mitigation of oil discharges;

"(ii) individuals broadly representative of stakeholders affected by oil discharges; and

"(iii) other individuals, as determined by the Chair.

"(B) LIMITATIONS.—The Chair shall—

"(i) appoint no more than 25 members that shall not include representatives of the Federal Government, but may include representatives from State, tribal, and local governments; and

"(ii) ensure that no class of individuals described in clause (ii) or (iii) of subparagraph (A) comprises more than ⅓ of the membership of the advisory committee.

"(C) TERMS OF SERVICE.—

"(i) IN GENERAL.—Members shall be appointed for a 3-year term and may serve for not more than 2 terms, except as provided in clause (iii).

"(ii) VACANCIES.—Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

"(iii) SPECIAL RULE.—If a member is appointed to fill a vacancy and the remainder of the unexpired term is less than 1 year, the member may subsequently be appointed for 2 full terms.

"(D) COMPENSATION AND EXPENSES.—Members of the advisory committee shall not be compensated for service on the advisory committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

"(3) DUTIES.—The advisory committee shall review, advise, and comment on Interagency Committee activities, including the following:

"(A) Management and functioning of the Interagency Committee.

"(B) Collaboration of the Interagency Committee and the agencies listed in subsection (a)(3)(B).

"(C) The research and technology development of new or improved response capabilities.

"(D) The use of cost-effective research mechanisms.

"(E) Research, computation, and modeling needs and other resources needed to develop a comprehensive program of oil pollution research.

"(4) SUBCOMMITTEES.—The advisory committee may establish subcommittees of its members.

"(5) MEETINGS.—The advisory committee shall meet at least once per year and at other times at the call of the chairperson.

"(6) REPORT.—The advisory committee shall submit biennial reports to the Interagency Committee and Congress on the function, activities, and progress of the Interagency Committee and the programs established under this section.

"(7) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.".

SEC. 8. FUNDING.

(a) IN GENERAL.—Section 7001(g) of such Act, as redesignated by section 7 of this Act, is amended to read as follows:

"(g) FUNDING.—

"(1) IN GENERAL.—There are authorized to be appropriated from amounts in the Fund not more than $48,000,000 annually to carry out this section, except for subsection (c)(8).

"(2) SPECIFIC ALLOCATIONS.—From the amounts in paragraph (1), there are authorized to be appropriated—

"(A) $16,000,000 to the Administrator of the National Oceanic and Atmospheric Administration annually to carry out this section; and

"(B) $2,000,000 for each of fiscal years 2011, 2012, 2013, and 2014 to carry out the activities in subsection (c)(6).".

(b) AUTHORIZATION.—Section 1012(a)(5)(C) of such Act (33 U.S.C. 2712(a)(5)(C)) is amended to read as follows:

"(C) not more than $48,000,000 in each fiscal year shall be available to carry out title VII of this Act; and".

SEC. 9. ACCESS TO RESEARCH DURING AN EMERGENCY.

Section 7001 of such Act (33 U.S.C. 2761) is amended by adding at the end the following new subsection:

"(h) ACCESS TO RESEARCH DURING AN EMERGENCY.—Any entity that receives Federal funding for research, the methodologies or results of which may be useful for response activities in the event of an oil discharge incident described in sections 300.300-334 of title 40 of the Code of Federal Regulations, shall, upon request, make the methodologies or results of such research available to the Interagency Committee and the Federal On-Scene Coordinator (as defined in section 311(a)(21) of the Federal Water Pollution Control

Act (33 U.S.C. 1321(a)(21)), except to the extent that the information is protected from disclosure under section 552(b) of title 5, United States Code. Such information shall be for use in response activities in the event of an oil discharge, and shall not be included in information made publicly available pursuant to this Act.".

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