

Calendar No. 697

111TH CONGRESS
2^D SESSION**S. 3614**

To authorize the establishment of a Maritime Center of Expertise for Maritime Oil Spill and Hazardous Substance Release Response, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2010

Mrs. HUTCHISON (for herself and Mr. LEMIEUX) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 14, 2010

Reported by Mr. ROCKEFELLER, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To authorize the establishment of a Maritime Center of Expertise for Maritime Oil Spill and Hazardous Substance Release Response, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oil Spill Response
5 Act”.

1 **SEC. 2. MARITIME CENTER OF EXPERTISE.**

2 (a) IN GENERAL.—The Commandant shall establish
3 a Maritime Center of Expertise for Maritime Oil Spill and
4 Hazardous Substance Release Response. The Center
5 shall—

6 (1) serve as the primary Federal facility for
7 Coast Guard personnel to obtain qualifications to
8 perform the duties of a regional response team co-
9 chair, a Federal on-scene coordinator, or a Federal
10 on-scene coordinator representative;

11 (2) train Federal, State, and local first respond-
12 ers in the incident command system structure, mari-
13 time oil spill and hazardous substance release re-
14 sponse techniques and strategies, and public affairs;

15 (3) work with academic and private sector re-
16 sponse training centers to develop and standardize
17 maritime oil spill and hazardous substance release
18 response training and techniques;

19 (4) conduct research, development, testing,
20 modeling, simulation, and demonstration for mari-
21 time oil spill and hazardous substance release re-
22 sponse equipment, technologies, and techniques to
23 prevent or mitigate maritime oil discharges and haz-
24 ardous substance releases;

25 (5) maintain not less than 2 incident manage-
26 ment and assistance teams, one of which shall be

1 ready to deploy anywhere in the continental United
 2 States within 24 hours after an incident or event;

3 ~~(6) conduct marine environmental response~~
 4 ~~standardization visits with Coast Guard federal on-~~
 5 ~~scene coordinators;~~

6 ~~(7) administer and coordinate Coast Guard par-~~
 7 ~~ticipation in the National Preparedness for Response~~
 8 ~~Exercise Program; and~~

9 ~~(8) establish and maintain Coast Guard marine~~
 10 ~~environmental response doctrine.~~

11 **SEC. 3. NATIONAL STRIKE FORCE.**

12 ~~(a) IN GENERAL.—~~The Commandant shall maintain
 13 a National Strike Force to facilitate preparedness for and
 14 response to maritime oil spill and hazardous substance re-
 15 lease incidents.

16 ~~(b) COMPOSITION.—~~The National Strike Force—

17 ~~(1) shall consist of—~~

18 ~~(A) a National Strike Force Coordination~~
 19 ~~Center;~~

20 ~~(B) strike force teams, including—~~

21 ~~(i) 1 team for the Atlantic Ocean;~~

22 ~~(ii) 1 team for the Pacific Ocean; and~~

23 ~~(iii) 1 team for the Gulf of Mexico;~~

24 ~~and~~

25 ~~(C) a public information assist team; and~~

1 (2) may include, if the Commandant so directs,
2 1 or more teams for the northwest Pacific Ocean
3 and the Arctic Ocean.

4 (c) NATIONAL STRIKE FORCE COORDINATION CEN-
5 TER DUTIES.—The National Strike Force Coordination
6 Center shall—

7 (1) provide support and standardization guid-
8 ance to the regional strike teams;

9 (2) maintain a response resource inventory of
10 maritime oil spill and hazardous substance release
11 response, marine salvage, and marine fire fighting
12 equipment maintained by certified oil spill response
13 organizations as well as equipment listed in a vessel
14 or facility oil spill response plan, as required by sec-
15 tion 311(j) of the Federal Water Pollution Control
16 Act (33 U.S.C. 1321(j));

17 (3) oversee the maintenance and adequacy of
18 Coast Guard environmental response equipment;

19 (4) certify and inspect maritime oil spill re-
20 sponse organizations; and

21 (5) maintain the National Area Contingency
22 Plan library.

23 (d) STRIKE FORCE TEAM DUTIES.—The Strike
24 Force Response Teams shall—

1 (1) provide rapid response support in incident
2 management, site safety, contractor performance
3 monitoring, resource documentation, response strate-
4 gies, hazard assessment, oil spill dispersant, in-situ
5 burn and other technologies, prefabrication of con-
6 tainment technology, operational effectiveness moni-
7 toring, and high-capacity lightering and offshore
8 skimming capabilities;

9 (2) train Coast Guard units in environmental
10 pollution response and incident command systems;
11 test and evaluate pollution response equipment, and
12 operate as liaisons with response agencies within
13 their areas of responsibility;

14 (3) maintain sufficient maritime oil spill and
15 hazardous substance release assets to ensure the
16 protection of human health and the environment in
17 the event of an oil spill or hazardous substance re-
18 lease including the prefabrication of oil spill con-
19 tainment equipment; and

20 (4) maintain the capability to mobilize per-
21 sonnel and equipment to respond to an oil spill or
22 hazardous substance release anywhere in the conti-
23 nental United States within 24 hours of such event.

1 (e) PUBLIC INFORMATION ASSIST TEAM DUTIES.—

2 The Public Information Assist Team shall maintain the
3 capability—

4 (1) to provide crisis communication during oil
5 spills, hazardous material releases, marine accidents,
6 and other disasters, including staffing and managing
7 public affairs and intergovernmental communication;

8 (2) provide public information and communica-
9 tions training to Federal, State, and local agencies
10 and industry personnel; and

11 (3) maintain the capability to mobilize per-
12 sonnel and equipment to respond to an oil spill or
13 hazardous substance release anywhere in the conti-
14 nental United States within 24 hours after such an
15 event.

16 **SEC. 4. DISTRICT PREPAREDNESS AND RESPONSE TEAMS.**

17 The Commandant shall maintain district prepared-
18 ness response teams to—

19 (1) maintain Coast Guard environmental re-
20 sponse equipment;

21 (2) administer area contingency plans;

22 (3) administer the National Preparedness for
23 Response Exercise Program;

24 (4) conduct responder incident command sys-
25 tem training and health and safety training;

1 ~~(5) provide federal on-scene coordinator tech-~~
 2 ~~nical advice;~~

3 ~~(6) coordinate district pollution response oper-~~
 4 ~~ations;~~

5 ~~(7) support regional response team co-chairs;~~

6 ~~(8) coordinate district participation with the~~
 7 ~~Federal Emergency Management Agency's regional~~
 8 ~~interagency steering committee; and~~

9 ~~(9) conduct response public affairs and joint in-~~
 10 ~~formation center training.~~

11 **SEC. 5. OIL SPILL RESPONSE ORGANIZATIONS.**

12 ~~(a) REQUIREMENT.—Each maritime oil spill response~~
 13 ~~organization that is listed under an oil spill response plan~~
 14 ~~of a vessel or facility regulated by the Coast Guard, as~~
 15 ~~required by section 311(j) of the Federal Water Pollution~~
 16 ~~Control Act (33 U.S.C. 1321(j))—~~

17 ~~(1) shall be certified by the Coast Guard; and~~

18 ~~(2) inspected at least once per year to ensure~~
 19 ~~that it has the capabilities to meet the requirements~~
 20 ~~delegated to it under applicable oil spill response~~
 21 ~~plans.~~

22 ~~(b) CERTIFICATION CRITERIA AND REQUIRE-~~
 23 ~~MENTS.—Within 180 days after the date of enactment of~~
 24 ~~this Act, the Commandant shall develop criteria and re-~~

1 requirements for certifying and classifying maritime oil spill
2 response organizations.

3 (c) ~~INVENTORY OF MARITIME OIL SPILL RESPONSE~~
4 ~~EQUIPMENT.~~—Each certified maritime oil spill response
5 organization and any facility regulated by the Coast
6 Guard that is not using a maritime oil spill response orga-
7 nization to meet the facility oil spill response plan require-
8 ments of section 311(j) of the Federal Water Pollution
9 Control Act (33 U.S.C. 1321(j)) shall maintain a current
10 list of its maritime oil spill response equipment and submit
11 a copy of the current list to the National Strike Force
12 Coordination Center.

13 (d) ~~DECREASED CAPACITY REPORTS.~~—If a maritime
14 oil spill response organization experiences a decrease in
15 its maritime oil spill response assets, the organization
16 shall report the decrease to the National Strike Force Co-
17 ordination Center and the Captain of the Port in which
18 that organization operates.

19 **SEC. 6. PROGRAM FOR OIL SPILL AND HAZARDOUS SUB-**
20 **STANCE RELEASE RESPONSE.**

21 (a) ~~REQUIREMENT TO ESTABLISH PROGRAM.~~—The
22 Commandant shall establish a program for oil spill and
23 hazardous substance release response, within the Maritime
24 Center of Expertise for Oil Spill Response, to conduct re-
25 search, development, testing, modeling, simulation, and

1 demonstration for oil spill and hazardous substance re-
2 lease response equipment, technologies, and techniques to
3 prevent or mitigate oil discharges and hazardous sub-
4 stance releases.

5 (b) PROGRAM ELEMENTS.—The program required by
6 subsection (a) shall include the following elements:

7 (1) Research, development, testing, modeling,
8 simulation, and demonstration of new or improved
9 methods (including the use of dispersants and bio-
10 logical treatment methods) for the containment, re-
11 covery, removal, and disposal of oil and hazardous
12 substances.

13 (2) Assist in the development of improved de-
14 signs for vessel operations (including vessel oper-
15 ations in Arctic waters) and facilities that are regu-
16 lated by the Coast Guard, and improved operational
17 practices.

18 (3) Research and training, in consultation with
19 the National Response Team, to improve the ability
20 of private industry and the United States Govern-
21 ment to respond to an oil discharge or a hazardous
22 substance release.

23 (4) A list of oil spill and hazardous substance
24 containment, recovery, removal, and disposal tech-
25 nology that is approved for use by the Commandant

1 and is made publicly available, in such manner as
 2 determined appropriate by the Commandant.

3 ~~(5) A process for private industry, academic in-~~
 4 ~~stitutions, non-governmental organizations, national~~
 5 ~~laboratories, and Federal, State, and local govern-~~
 6 ~~ments to submit systems, equipment, and tech-~~
 7 ~~nologies for testing and evaluation.~~

8 ~~(c) GRANTS FOR OIL SPILL RESPONSE.—The Com-~~
 9 ~~mandant shall have the authority to make grants to or~~
 10 ~~enter into cooperative agreements with academic institu-~~
 11 ~~tions to conduct research and development for oil spill re-~~
 12 ~~sponse equipment, technology, and techniques.~~

13 ~~(d) COORDINATION.—The Commandant shall carry~~
 14 ~~out the program in coordination with the Interagency Co-~~
 15 ~~ordinating Committee on Oil Pollution Research estab-~~
 16 ~~lished pursuant to section 7001(a) of the Oil Pollution Act~~
 17 ~~of 1990 (33 U.S.C. 2761(a)).~~

18 ~~(e) FUNDING.—The Commandant shall use such~~
 19 ~~sums as may be necessary to carry out this section for~~
 20 ~~fiscal years 2010 through 2015 from funds appropriated~~
 21 ~~to the research, development, and testing program account~~
 22 ~~of the Coast Guard for those years.~~

23 **SEC. 7. DEFINITIONS.**

24 In this Act:

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

3 ~~(2) PROGRAM.—The term “program” means~~
 4 ~~the program for oil spill response established pursu-~~
 5 ~~ant to section 6.~~

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Oil Spill Response Act”.*

8 **SEC. 2. MARITIME CENTER OF EXPERTISE.**

9 *(a) IN GENERAL.—The Commandant shall establish a*
 10 *Maritime Center of Expertise for Maritime Oil Spill and*
 11 *Hazardous Substance Release Response. The Center shall—*

12 *(1) serve as the primary Federal facility for*
 13 *Coast Guard personnel to obtain qualifications to per-*
 14 *form the duties of a regional response team co-chair,*
 15 *a Federal on-scene coordinator, or a Federal on-scene*
 16 *coordinator representative;*

17 *(2) train Federal, State, and local first respond-*
 18 *ers in the incident command system structure, mari-*
 19 *time oil spill and hazardous substance release re-*
 20 *sponse techniques and strategies, and public affairs;*

21 *(3) work with academic and private sector re-*
 22 *sponse training centers to develop and standardize*
 23 *maritime oil spill and hazardous substance release re-*
 24 *sponse training and techniques;*

1 (4) *conduct research, development, testing, and*
 2 *demonstration for maritime oil spill and hazardous*
 3 *substance release response equipment, technologies,*
 4 *and techniques to prevent or mitigate maritime oil*
 5 *discharges and hazardous substance releases;*

6 (5) *maintain not less than 2 incident manage-*
 7 *ment and assistance teams, one of which shall be*
 8 *ready to deploy anywhere in the continental United*
 9 *States within 24 hours after an incident or event;*

10 (6) *conduct marine environmental response*
 11 *standardization visits with Coast Guard federal on-*
 12 *scene coordinators;*

13 (7) *administer and coordinate Coast Guard par-*
 14 *ticipation in the National Preparedness for Response*
 15 *Exercise Program; and*

16 (8) *establish and maintain Coast Guard marine*
 17 *environmental response doctrine.*

18 **SEC. 3. NATIONAL STRIKE FORCE.**

19 (a) *IN GENERAL.*—*The Commandant shall maintain*
 20 *a National Strike Force to facilitate preparedness for and*
 21 *response to maritime oil spill and hazardous substance re-*
 22 *lease incidents.*

23 (b) *COMPOSITION.*—*The National Strike Force—*

24 (1) *shall consist of—*

1 (A) *a National Strike Force Coordination*
 2 Center;

3 (B) *strike force teams, including—*

4 (i) *1 team for the Atlantic Ocean;*

5 (ii) *1 team for the Pacific Ocean; and*

6 (iii) *1 team for the Gulf of Mexico; and*

7 (C) *a public information assist team; and*

8 (2) *may include, if the Commandant so directs,*
 9 *1 or more teams for the northwest Pacific Ocean and*
 10 *the Arctic Ocean.*

11 (c) *NATIONAL STRIKE FORCE COORDINATION CENTER*

12 *DUTIES.—The National Strike Force Coordination Center*
 13 *shall—*

14 (1) *provide support and standardization guid-*
 15 *ance to the regional strike teams;*

16 (2) *maintain a response resource inventory of*
 17 *maritime oil spill and hazardous substance release re-*
 18 *sponse, marine salvage, and marine fire fighting*
 19 *equipment maintained by certified oil spill response*
 20 *organizations as well as equipment listed in a vessel*
 21 *or facility oil spill response plan, as required by sec-*
 22 *tion 311(j) of the Federal Water Pollution Control Act*
 23 *(33 U.S.C. 1321(j));*

24 (3) *oversee the maintenance and adequacy of*
 25 *Coast Guard environmental response equipment;*

1 (4) *certify and inspect maritime oil spill re-*
2 *sponse organizations; and*

3 (5) *maintain the National Area Contingency*
4 *Plan library.*

5 (d) *STRIKE FORCE TEAM DUTIES.—The Strike Force*
6 *Response Teams shall—*

7 (1) *provide rapid response support in incident*
8 *management, site safety, contractor performance mon-*
9 *itoring, resource documentation, response strategies,*
10 *hazard assessment, oil spill dispersant, in-situ burn*
11 *and other technologies, prefabrication of containment*
12 *technology, operational effectiveness monitoring, and*
13 *high-capacity lightering and offshore skimming capa-*
14 *bilities;*

15 (2) *train Coast Guard units in environmental*
16 *pollution response and incident command systems,*
17 *test and evaluate pollution response equipment, and*
18 *operate as liaisons with response agencies within*
19 *their areas of responsibility;*

20 (3) *maintain sufficient maritime oil spill and*
21 *hazardous substance release assets to ensure the pro-*
22 *tection of human health and the environment in the*
23 *event of an oil spill or hazardous —substance release*
24 *including the —prefabrication of oil spill containment*
25 *equipment; and*

1 (4) *maintain the capability to mobilize per-*
 2 *sonnel and equipment to respond to an oil spill or*
 3 *hazardous substance release anywhere in the conti-*
 4 *ental United States within 24 hours of such event.*

5 (e) *PUBLIC INFORMATION ASSIST TEAM DUTIES.—The*
 6 *Public Information Assist Team shall maintain the capa-*
 7 *bility—*

8 (1) *to provide crisis communication during oil*
 9 *spills, hazardous material releases, marine accidents,*
 10 *and other disasters, including staffing and managing*
 11 *public affairs and intergovernmental communication;*

12 (2) *provide public information and communica-*
 13 *tions training to Federal, State, and local agencies*
 14 *and industry personnel; and*

15 (3) *maintain the capability to mobilize per-*
 16 *sonnel and equipment to respond to an oil spill or*
 17 *hazardous substance release anywhere in the conti-*
 18 *ental United States within 24 hours after such an*
 19 *event.*

20 **SEC. 4. DISTRICT PREPAREDNESS AND RESPONSE TEAMS.**

21 *The Commandant shall maintain district prepared-*
 22 *ness response teams to—*

23 (1) *maintain Coast Guard environmental re-*
 24 *sponse equipment;*

25 (2) *administer area contingency plans;*

- 1 (3) *administer the National Preparedness for Re-*
2 *sponse Exercise Program;*
- 3 (4) *conduct responder incident command system*
4 *training and health and safety training;*
- 5 (5) *provide federal on-scene coordinator technical*
6 *advice;*
- 7 (6) *coordinate district pollution response oper-*
8 *ations;*
- 9 (7) *support regional response team co-chairs;*
- 10 (8) *coordinate district participation with the*
11 *Federal Emergency Management Agency's regional*
12 *interagency steering committee; and*
- 13 (9) *conduct response public affairs and joint in-*
14 *formation center training.*

15 **SEC. 5. OIL SPILL RESPONSE ORGANIZATIONS.**

16 (a) *REQUIREMENT.*—*Each maritime oil spill response*
17 *organization that is listed under an oil spill response plan*
18 *of a vessel or facility regulated by the Coast Guard, as re-*
19 *quired by section 311(j) of the Federal Water Pollution Con-*
20 *trol Act (33 U.S.C. 1321(j))—*

- 21 (1) *shall be certified by the Coast Guard; and*
- 22 (2) *inspected at least once per year to ensure*
23 *that it has the capabilities to meet the requirements*
24 *delegated to it under applicable oil spill response*
25 *plans.*

1 **(b) CERTIFICATION CRITERIA AND REQUIREMENTS.**—
 2 *Within 180 days after the date of enactment of this Act,*
 3 *the Commandant shall develop criteria and requirements*
 4 *for certifying and classifying maritime oil spill response*
 5 *organizations.*

6 **(c) INVENTORY OF MARITIME OIL SPILL RESPONSE**
 7 **EQUIPMENT.**—*Each certified maritime oil spill response or-*
 8 *ganization and any facility regulated by the Coast Guard*
 9 *that is not using a maritime oil spill response organization*
 10 *to meet the facility oil spill response plan requirements of*
 11 *section 311(j) of the Federal Water Pollution Control Act*
 12 *(33 U.S.C. 1321(j)) shall maintain a current list of its mar-*
 13 *itime oil spill response equipment and submit a copy of*
 14 *the current list to the National Strike Force Coordination*
 15 *Center.*

16 **(d) DECREASED CAPACITY REPORTS.**—*If a maritime*
 17 *oil spill response organization experiences a decrease in its*
 18 *maritime oil spill response assets, the organization shall re-*
 19 *port the decrease to the National Strike Force Coordination*
 20 *Center and the Captain of the Port in which that organiza-*
 21 *tion operates.*

22 **SEC. 6. PROGRAM FOR OIL SPILL AND HAZARDOUS SUB-**
 23 **STANCE RELEASE RESPONSE.**

24 **(a) REQUIREMENT TO ESTABLISH PROGRAM.**—*The*
 25 *Commandant shall establish a program for oil spill and*

1 *hazardous substance release response, within the Maritime*
 2 *Center of Expertise for Oil Spill Response, to conduct re-*
 3 *search, development, testing, and demonstration for oil spill*
 4 *and hazardous substance release response equipment, tech-*
 5 *nologies, and techniques to prevent or mitigate oil dis-*
 6 *charges and hazardous substance releases.*

7 (b) *PROGRAM ELEMENTS.*—*The program required by*
 8 *subsection (a) shall include the following elements:*

9 (1) *Research, development, testing, and dem-*
 10 *onstration of new or improved methods (including the*
 11 *use of dispersants and biological treatment methods)*
 12 *for the containment, recovery, removal, and disposal*
 13 *of oil and hazardous substances.*

14 (2) *Assist in the development of improved de-*
 15 *signs for vessel operations (including vessel operations*
 16 *in Arctic waters) and facilities that are regulated by*
 17 *the Coast Guard, and improved operational practices.*

18 (3) *Research and training, in consultation with*
 19 *the National Response Team, to improve the ability*
 20 *of private industry and the United States Govern-*
 21 *ment to respond to an oil discharge or a hazardous*
 22 *substance release.*

23 (4) *A list of oil spill and hazardous substance*
 24 *containment, recovery, removal, and disposal tech-*
 25 *nology that is approved for use by the Commandant*

1 *and is made publicly available, in such manner as*
 2 *determined appropriate by the Commandant.*

3 (5) *A process for private industry, academic in-*
 4 *stitutions, non-governmental organizations, and Fed-*
 5 *eral, State, and local governments to submit systems,*
 6 *equipment, and technologies for testing and evalua-*
 7 *tion.*

8 (c) *GRANTS FOR OIL SPILL RESPONSE.—The Com-*
 9 *mandant shall have the authority to make grants to or enter*
 10 *into cooperative agreements with academic institutions to*
 11 *conduct research and development for oil spill response*
 12 *equipment, technology, and techniques.*

13 (d) *COORDINATION.—The Commandant shall carry*
 14 *out the program in coordination with the Interagency Co-*
 15 *ordinating Committee on Oil Pollution Research established*
 16 *pursuant to section 7001(a) of the Oil Pollution Act of 1990*
 17 *(33 U.S.C. 2761(a)).*

18 (e) *FUNDING.—The Commandant shall use such sums*
 19 *as may be necessary to carry out this section for fiscal years*
 20 *2010 through 2015 from funds appropriated to the research,*
 21 *development, and testing program account of the Coast*
 22 *Guard for those years.*

23 **SEC. 7. DEFINITIONS.**

24 *In this Act:*

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

3 (2) *PROGRAM.*—*The term “program” means the*
4 *program for oil spill response established pursuant to*
5 *section 6.*

Calendar No. 697

11TH CONGRESS
2^D Session

S. 3614

A BILL

To authorize the establishment of a Maritime Center of Expertise for Maritime Oil Spill and Hazardous Substance Release Response, and for other purposes.

DECEMBER 14, 2010

Reported with an amendment