

104TH CONGRESS
1ST SESSION

H. R. 1002

To amend the Oil Pollution Act of 1990 to exempt marinas from the financial responsibility requirements applicable to off shore facilities under that Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1995

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

A BILL

To amend the Oil Pollution Act of 1990 to exempt marinas from the financial responsibility requirements applicable to off shore facilities under that Act.

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 “Marina Relief Act of
5 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Oil Pollution Act of 1990 was enacted
9 in part in response to the EXXON VALDEZ oil
10 spill, which discharged approximately 11,000,000

1 gallons of crude oil into Prince William Sound,
2 Alaska.

3 (2) That Act was enacted to prevent similar
4 disasters in the future and to ensure that companies
5 transporting and drilling for oil had sufficient finan-
6 cial resources, insurance, or other means to pay for
7 comprehensive cleanup and environmental restora-
8 tion in response to discharges of oil into navigable
9 waters.

10 (3) That Act required offshore facilities which
11 could pollute navigable waters of the United States
12 to provide proof of financial responsibility of at least
13 \$150,000,000.

14 (4) Marinas sell gasoline and diesel fuel only,
15 and reported that in fiscal year 1994 only 144 gal-
16 lons of gasoline and diesel fuel oil were spilled na-
17 tionwide.

18 (5) Marinas do not have the capital to self-in-
19 sure or receive letters of credit for \$150,000,000
20 and insurance policies are unavailable to them for
21 that amount.

22 (6) Requiring marinas to demonstrate
23 \$150,000,000 in financial responsibility could drive
24 many of them out of business with subsequent nega-

1 tive impacts on their owners and employees, boaters,
2 and coastal residents.

3 **SEC. 3. MARINAS EXEMPTED FROM FINANCIAL RESPON-**
4 **SIBILITY REQUIREMENTS APPLICABLE TO**
5 **OFFSHORE FACILITIES.**

6 (a) EXEMPTION FROM FINANCIAL RESPONSIBILITY
7 REQUIREMENT.—Section 1016(c)(1) of the Oil Pollution
8 Act of 1980 (33 U.S.C. 2716(c)(1))—

9 (1) by inserting “(A)” before “Except as pro-
10 vided in paragraph (2),”; and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(B) Subparagraph (A) shall not apply to a marina.”.

14 (b) MARINA DEFINED.—Section 1001 of the Oil Pol-
15 lution Act of 1990 (33 U.S.C. 2701) is amended by strik-
16 ing “and” after the semicolon at the end of paragraph
17 (36), by striking the period at the end of paragraph (37)
18 and inserting “; and”, and by adding at the end the follow-
19 ing:

20 “(38) ‘marina’ means a facility used primarily
21 for providing mooring space, dock space, fuel, stor-
22 age on land, or other services primarily for rec-
23 reational vessels.”.

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