

Union Calendar No. 316

111TH CONGRESS
2^D SESSION

H. R. 2693

[Report No. 111-553]

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

JULY 21, 2010

Additional sponsors: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LUJÁN,
and Mr. SESTAK

JULY 21, 2010

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 3, 2009]

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Oil Pollution Research*
5 *and Development Program Reauthorization Act of 2010”.*

6 **SEC. 2. FEDERAL OIL POLLUTION RESEARCH COMMITTEE.**

7 (a) *PURPOSES.*—*Section 7001(a)(2) of the Oil Pollu-*
8 *tion Act of 1990 (33 U.S.C. 2761(a)(2)) is amended by*
9 *striking “State” and inserting “State and tribal”.*

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

12 “(3) *STRUCTURE.*—

13 “(A) *MEMBERS.*—*The Interagency Com-*
14 *mittee shall consist of representatives from the*
15 *following:*

16 “(i) *The Coast Guard.*

17 “(ii) *The Department of Commerce, in-*
18 *cluding the National Oceanic and Atmos-*
19 *pheric Administration.*

20 “(iii) *The Department of the Interior.*

21 “(iv) *The Environmental Protection*
22 *Agency.*

23 “(B) *COLLABORATING AGENCIES.*—*The*
24 *Interagency Committee shall collaborate with the*
25 *following:*

1 “(i) *The National Institute of Stand-*
2 *ards and Technology.*

3 “(ii) *The Department of Energy.*

4 “(iii) *The Department of Transpor-*
5 *tation, including the Maritime Administra-*
6 *tion and the Pipeline and Hazardous Mate-*
7 *rials Safety Administration.*

8 “(iv) *The Department of Defense, in-*
9 *cluding the Army Corps of Engineers and*
10 *the Navy.*

11 “(v) *The Department of Homeland Se-*
12 *curity, including the United States Fire*
13 *Administration in the Federal Emergency*
14 *Management Agency.*

15 “(vi) *The National Aeronautics and*
16 *Space Administration.*

17 “(vii) *The National Science Founda-*
18 *tion.*

19 “(viii) *Other Federal agencies, as ap-*
20 *propriate.”.*

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

23 “(4) *CHAIR.*—

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

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

3 “(i) *the activities of the Interagency*
4 *Committee and the agencies listed in para-*
5 *graph (3)(B) are coordinated;*

6 “(ii) *the implementation plans re-*
7 *quired under subsection (b)(1) are com-*
8 *pleted and submitted;*

9 “(iii) *the annual reports required*
10 *under subsection (e) are completed and sub-*
11 *mitted;*

12 “(iv) *the Interagency Committee meets*
13 *in accordance with the requirements of*
14 *paragraph (5); and*

15 “(v) *the Oil Pollution Research Advi-*
16 *sory Committee under subsection (f) is es-*
17 *tablished and utilized.”.*

18 (d) *ACTIVITIES.*—*Section 7001(a) of such Act (33*
19 *U.S.C. 2761(a)) is amended by adding at the end the fol-*
20 *lowing:*

21 “(5) *ACTIVITIES.*—

22 “(A) *ONGOING, COORDINATED EFFORTS.*—
23 *The Interagency Committee shall ensure that the*
24 *research, development, and demonstration efforts*

1 *authorized by this section are coordinated and*
2 *conducted on an ongoing basis.*

3 *“(B) MEETINGS.—*

4 *“(i) IN GENERAL.—The Interagency*
5 *Committee shall meet, or otherwise commu-*
6 *nicate, as appropriate, to—*

7 *“(I) plan program-related activi-*
8 *ties; and*

9 *“(II) determine whether the pro-*
10 *gram is resulting in the development of*
11 *new or improved methods and tech-*
12 *nologies to prevent, detect, respond to,*
13 *contain, and mitigate oil discharge.*

14 *“(ii) FREQUENCY.—In no event shall*
15 *the Interagency Committee meet less than*
16 *once per year.*

17 *“(C) INFORMATION EXCHANGE.—The Inter-*
18 *agency Committee, acting through the Adminis-*
19 *trator of the National Oceanic and Atmospheric*
20 *Administration, shall develop a national infor-*
21 *mation clearinghouse on oil discharge that—*

22 *“(i) includes scientific information*
23 *and research on preparedness, response, and*
24 *restoration; and*

1 “(ii) serves as a single electronic access
2 and input point for Federal agencies, emer-
3 gency responders, the research community,
4 and other interested parties for such infor-
5 mation.”.

6 **SEC. 3. OIL POLLUTION RESEARCH AND TECHNOLOGY**
7 **PLAN.**

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

10 (1) by striking “180 days after the date of enact-
11 ment of this Act” and inserting “180 days after the
12 date of enactment of the Oil Pollution Research and
13 Development Program Reauthorization Act of 2010
14 and periodically thereafter, as appropriate, but not
15 less than once every 5 years”;

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

18 “(A) identify the roles and responsibilities
19 of each member agency of the Interagency Com-
20 mittee under subsection (a)(3)(A) and each of the
21 collaborating agencies under subsection
22 (a)(3)(B);”;

23 (3) in subparagraph (B) by inserting “contain-
24 ment,” after “response,”;

1 (4) in subparagraph (D) by inserting “contain-
2 ment,” after “response,”;

3 (5) by striking “and” at the end of subpara-
4 graph (E);

5 (6) in subparagraph (F)—

6 (A) by striking “the States” through “re-
7 search needs” and inserting “State and tribal
8 governments, regional oil pollution research
9 needs, including natural seeps and pollution re-
10 sulting from importing oil from overseas,”; and

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

13 (7) by adding at the end the following new sub-
14 paragraphs:

15 “(G) identify the information needed to con-
16 duct risk assessment and risk analysis research
17 to effectively prevent oil discharges, including in-
18 formation on human factors and decisionmaking,
19 and to protect the environment; and

20 “(H) identify a methodology that—

21 “(i) provides for the solicitation, eval-
22 uation, preapproval, funding, and utiliza-
23 tion of technologies and research projects de-
24 veloped by the public and private sector in
25 advance of future oil discharges; and

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

6 (b) *ADVICE AND GUIDANCE.*—Section 7001(b)(2) of
7 such Act (33 U.S.C. 2761(b)(2)) is amended to read as fol-
8 lows:

9 “(2) *ADVICE AND GUIDANCE.*—

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

13 “(i) the Oil Pollution Research Advi-
14 sory Committee established under subsection
15 (f);

16 “(ii) the National Institute of Stand-
17 ards and Technology on issues relating to
18 quality assurance and standards measure-
19 ments;

20 “(iii) third party standard-setting or-
21 ganizations on issues relating to voluntary
22 consensus standards; and

23 “(iv) the public in accordance with
24 subparagraph (B).

1 “(B) *PUBLIC COMMENT.*—Prior to the sub-
2 mission of the research plan to Congress under
3 paragraph (1), the research plan shall be pub-
4 lished in the *Federal Register* and subject to a
5 public comment period of 30 days. The Chair
6 shall review the public comments received and
7 incorporate those comments into the plan, as ap-
8 propriate.”.

9 (c) *REVIEW.*—Section 7001(b) of such Act (33 U.S.C.
10 2761(b)) is amended by adding at the end the following:

11 “(3) *REVIEW.*—After the submission of each re-
12 search plan to Congress under paragraph (1), the
13 Chair shall contract with the National Academy of
14 Sciences—

15 “(A) to review the research plan;

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

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

20 “(4) *INCORPORATION OF RECOMMENDATIONS.*—
21 The Chair shall address any recommendations in the
22 review conducted under paragraph (3) and shall in-
23 corporate such recommendations into the research
24 plan, as appropriate.”.

1 **SEC. 4. OIL POLLUTION RESEARCH AND DEVELOPMENT**
2 **PROGRAM.**

3 (a) *ESTABLISHMENT.*—Section 7001(c)(1) of such Act
4 (33 U.S.C. 2761(c)(1)) is amended by striking “research
5 and development, as provided in this subsection” and in-
6 serting “research, development, and demonstration, as pro-
7 vided in this subsection and subsection (a)(2)”.

8 (b) *INNOVATIVE OIL POLLUTION TECHNOLOGY.*—Sec-
9 tion 7001(c)(2) of such Act (33 U.S.C. 2761(c)(2)) is
10 amended—

11 (1) in the matter before subparagraph (A), by
12 striking “preventing or mitigating” and inserting
13 “preventing, detecting, containing, recovering, or
14 mitigating”;

15 (2) by striking subparagraph (I);

16 (3) by redesignating subparagraph (J) as sub-
17 paragraph (I);

18 (4) by striking the period at the end of subpara-
19 graph (I) (as so redesignated) and by inserting at the
20 end a semicolon; and

21 (5) by adding at the end the following:

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

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

5 “(L) research conducted by the Environ-
6 mental Protection Agency on the development
7 and approval of technologies with maximum ef-
8 fectiveness, including application and delivery
9 mechanisms, and minimum toxicity to natural
10 resources, the public, and the environment in
11 both the near and long-term.”.

12 (c) OIL POLLUTION TECHNOLOGY EVALUATION.—Sec-
13 tion 7001(c)(3) of such Act (33 U.S.C. 2761(c)(3)) is
14 amended to read as follows:

15 “(3) OIL POLLUTION TECHNOLOGY EVALUA-
16 TION.—The program established under this subsection
17 shall provide for the evaluation of oil pollution pre-
18 vention, containment, and mitigation technologies, in-
19 cluding—

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

24 “(B) the evaluation of the environmental ef-
25 fects of the use of such technologies;

1 “(C) *the evaluation and testing of tech-*
2 *nologies developed independently of the research*
3 *and development program established under this*
4 *subsection, including technologies developed by*
5 *small businesses;*

6 “(D) *the establishment, with the advice and*
7 *guidance of the National Institute of Standards*
8 *and Technology, of standards and testing proto-*
9 *cols traceable to national standards to measure*
10 *the performance of oil pollution prevention, con-*
11 *tainment, or mitigation technologies;*

12 “(E) *an evaluation of the environmental ef-*
13 *fects and utility of controlled field testing;*

14 “(F) *the use, where appropriate, of con-*
15 *trolled field testing to evaluate real-world appli-*
16 *cation of new or improved oil discharge preven-*
17 *tion, response, containment, recovery, or mitiga-*
18 *tion technologies; and*

19 “(G) *an evaluation of the effectiveness of oil*
20 *pollution prevention technologies based on prob-*
21 *abilistic risk analyses of the system.”.*

22 (d) *OIL POLLUTION EFFECTS RESEARCH.*—Section
23 *7001(c)(4) of such Act (33 U.S.C. 2761(c)(4)) is amended—*

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

1 “(A) *IN GENERAL.*—

2 “(i) *ESTABLISHMENT.*—*The Inter-*
3 *agency Committee, acting through the Ad-*
4 *ministrator of the National Oceanic and At-*
5 *mospheric Administration, shall establish a*
6 *research program to monitor and scientif-*
7 *ically evaluate the environmental effects, in-*
8 *cluding long-term effects, of oil discharge.*

9 “(ii) *SPECIFICATIONS.*—*Such program*
10 *shall include the following elements:*

11 “(I) *Research on and the develop-*
12 *ment of effective tools to detect, meas-*
13 *ure, observe, analyze, monitor, model,*
14 *and forecast the presence, transport,*
15 *fate, and effect of an oil discharge*
16 *throughout the environment, including*
17 *tools and models to accurately measure*
18 *and predict the flow of oil discharged.*

19 “(II) *The development of methods,*
20 *including economic methods, to assess*
21 *and predict damages to natural re-*
22 *sources, including air quality, result-*
23 *ing from oil discharges, including in*
24 *economically disadvantaged commu-*
25 *nities and areas.*

1 “(III) *The identification of types*
2 *of ecologically sensitive areas at par-*
3 *ticular risk from oil discharges, such as*
4 *inland waters, coastal areas, offshore*
5 *areas, including deepwater and ultra-*
6 *deepwater areas, and polar and other*
7 *icy areas.*

8 “(IV) *The preparation of sci-*
9 *entific monitoring and evaluation*
10 *plans for the areas identified under*
11 *subclause (III) to be implemented in*
12 *the event of major oil discharges in*
13 *such areas.*

14 “(V) *The collection of environ-*
15 *mental baseline data in the areas iden-*
16 *tified under subclause (III) if such*
17 *data are insufficient.*

18 “(VI) *The use of both onshore and*
19 *offshore air quality monitoring to*
20 *study the effects of oil pollution and oil*
21 *pollution cleanup technologies on air*
22 *quality; and making the results, health,*
23 *and safety warnings readily available*
24 *to the public, including emergency re-*
25 *sponders, the research community,*

1 *local residents, and other interested*
2 *parties.*

3 “(VII) *Research on technologies,*
4 *methods, and standards for protecting*
5 *removal personnel and for volunteers*
6 *that may participate in incident re-*
7 *sponses, including training, adequate*
8 *supervision, protective equipment,*
9 *maximum exposure limits, and decon-*
10 *tamination procedures.”;*

11 (2) *in subparagraph (B)—*

12 (A) *by striking “(B) The Department of*
13 *Commerce” and all that follows through “future*
14 *oil discharges.” and inserting the following:*

15 “(B) *CONDITIONS.—The Interagency Com-*
16 *mittee, acting through the Administrator of the*
17 *National Oceanic and Atmospheric Administra-*
18 *tion, shall conduct research activities under sub-*
19 *paragraph (A) for areas in which—*

20 “(i) *the amount of oil discharged ex-*
21 *ceeds 250,000 gallons; and*

22 “(ii) *a study of the long-term environ-*
23 *mental effects of the discharge would be of*
24 *significant scientific value, especially for*

1 *preventing or responding to future oil dis-*
2 *charges.”;*

3 *(B) by striking “ATHOS I, and” and in-*
4 *serting “ATHOS I;”; and*

5 *(C) by striking the period at the end and*
6 *inserting “; Prince William Sound, where oil*
7 *was discharged by the EXXON VALDEZ; and*
8 *the Gulf of Mexico, where oil was discharged by*
9 *the DEEPWATER HORIZON.”; and*

10 *(3) in subparagraph (C) by striking “Research”*
11 *and inserting “COORDINATION.—Research”.*

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

14 *(1) by striking the first sentence and inserting*
15 *the following: “The United States Coast Guard, in*
16 *conjunction with such agencies as the President may*
17 *designate, shall conduct a total of 2 port oil pollution*
18 *minimization demonstration projects, 1 with the*
19 *Ports of Los Angeles and Long Beach, California, and*
20 *1 with a port on the Great Lakes, for the purpose of*
21 *developing and demonstrating integrated port oil pol-*
22 *lution prevention and cleanup systems that utilize the*
23 *information and implement the improved practices*
24 *and technologies developed from the research, develop-*

1 *ment, and demonstration program established in this*
2 *section.”; and*

3 *(2) in the second sentence by striking “oil spill”*
4 *and inserting “oil discharge”.*

5 *(f) SIMULATED ENVIRONMENTAL TESTING.—Section*
6 *7001(c)(7) of such Act (33 U.S.C. 2761(c)(7)) is amended*
7 *by inserting “Oil pollution technology testing and evalua-*
8 *tions shall be given priority over all other activities per-*
9 *formed at such Research Center.” after “evaluations.”.*

10 *(g) REGIONAL RESEARCH PROGRAM.—*

11 *(1) IN GENERAL.—Section 7001(c)(8) of such Act*
12 *(33 U.S.C. 2761(c)(8)) is amended—*

13 *(A) in subparagraph (A)—*

14 *(i) by striking “program of competitive*
15 *grants” and inserting “program of peer-re-*
16 *viewed, competitive grants”; and*

17 *(ii) by striking “(1989)” and inserting*
18 *“(2009)”;*

19 *(B) in subparagraph (C) by striking “the*
20 *entity or entities which” and inserting “at least*
21 *one entity that”; and*

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

24 *“(H) In carrying out this paragraph, the*
25 *Interagency Committee shall coordinate the pro-*

1 *gram of peer-reviewed, competitive grants to uni-*
2 *versities or other research institutions, including*
3 *Minority Serving Institutions as defined under*
4 *section 371(a) of the Higher Education Act of*
5 *1965 (20 U.S.C. 1067q(a)), and provide consid-*
6 *eration to such institutions in the recommenda-*
7 *tions for awarding grants.”.*

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

14 **SEC. 5. INTERNATIONAL COOPERATION.**

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

17 “(d) *INTERNATIONAL COOPERATION.*—*In accordance*
18 *with the research plan submitted under subsection (b), the*
19 *Interagency Committee shall engage in international co-*
20 *operation by harnessing global expertise through collabo-*
21 *rative partnerships with foreign governments and research*
22 *entities, and domestic and foreign private actors, including*
23 *nongovernmental organizations and private sector compa-*
24 *nies, and by leveraging public and private capital, tech-*
25 *nology, expertise, and services towards innovative models*

1 *that can be instituted to conduct collaborative oil pollution*
2 *research, development, and demonstration activities, includ-*
3 *ing controlled field tests of oil discharges, oil recovery, and*
4 *cleanup standards.”.*

5 **SEC. 6. ANNUAL REPORTS.**

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

8 *“(e) ANNUAL REPORT.—*

9 *“(1) Concurrent with the submission to Congress*
10 *of the President’s annual budget request in each year*
11 *after the date of enactment of the Oil Pollution Re-*
12 *search and Development Program Reauthorization*
13 *Act of 2010, the Chair of the Interagency Committee*
14 *shall submit to Congress a report describing the—*

15 *“(A) activities carried out under this sec-*
16 *tion in the preceding fiscal year, including—*

17 *“(i) a description of major research*
18 *conducted on oil discharge prevention, de-*
19 *tection, containment, recovery, and mitiga-*
20 *tion techniques in all environments by each*
21 *agency described in subsection (a)(3)(A)*
22 *and (B); and*

23 *“(ii) a summary of—*

24 *“(I) projects in which the agency*
25 *contributed funding or other resources;*

1 “(II) major projects undertaken
2 by State and tribal governments, and
3 foreign governments; and

4 “(III) major projects undertaken
5 by the private sector and educational
6 institutions;

7 “(B) activities being carried out under this
8 section in the current fiscal year, including a de-
9 scription of major research and development ac-
10 tivities on oil discharge prevention, detection,
11 containment, recovery, and mitigation tech-
12 nologies and techniques in all environments that
13 each agency will conduct or contribute to; and

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

19 “(2) If the National Academy of Sciences pro-
20 vides recommendations on the research plan under
21 section 7001(b)(3), the Chair shall include, in the first
22 annual report under paragraph (1) of this subsection,
23 a description of those recommendations incorporated
24 into the research plan, and a description of, and ex-

1 *planation for, any recommendations that are not in-*
2 *cluded in such plan.”.*

3 **SEC. 7. ADVISORY COMMITTEE.**

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

6 *(1) by redesignating subsection (f) as subsection*
7 *(g); and*

8 *(2) by inserting after subsection (e) the following:*
9 *“(f) ADVISORY COMMITTEE.—*

10 *“(1) ESTABLISHMENT.—Not later than 90 days*
11 *after the date of enactment of the Oil Pollution Re-*
12 *search and Development Program Reauthorization*
13 *Act of 2010, the Chair of the Interagency Committee*
14 *shall establish an advisory committee to be known as*
15 *the Oil Pollution Research Advisory Committee (in*
16 *this subsection referred to as the ‘advisory com-*
17 *mittee’).*

18 *“(2) MEMBERSHIP.—*

19 *“(A) IN GENERAL.—The advisory committee*
20 *shall be composed of members appointed by the*
21 *Chair, in consultation with the each member*
22 *agency described in subsection (a)(3), includ-*
23 *ing—*

24 *“(i) individuals with extensive knowl-*
25 *edge and research experience or operational*

1 *knowledge of prevention, detection, response,*
2 *containment, and mitigation of oil dis-*
3 *charges;*

4 *“(ii) individuals broadly representative*
5 *of stakeholders affected by oil discharges;*
6 *and*

7 *“(iii) other individuals, as determined*
8 *by the Chair.*

9 *“(B) LIMITATIONS.—The Chair shall—*

10 *“(i) appoint no more than 25 members*
11 *that shall not include representatives of the*
12 *Federal Government, but may include rep-*
13 *resentatives from State, tribal, and local*
14 *governments; and*

15 *“(ii) ensure that no class of individ-*
16 *uals described in clause (ii) or (iii) of sub-*
17 *paragraph (A) comprises more than $\frac{1}{3}$ of*
18 *the membership of the advisory committee.*

19 *“(C) TERMS OF SERVICE.—*

20 *“(i) IN GENERAL.—Members shall be*
21 *appointed for a 3-year term and may serve*
22 *for not more than 2 terms, except as pro-*
23 *vided in clause (iii).*

1 “(ii) *VACANCIES.*—*Vacancy appoint-*
2 *ments shall be for the remainder of the un-*
3 *expired term of the vacancy.*

4 “(iii) *SPECIAL RULE.*—*If a member is*
5 *appointed to fill a vacancy and the remain-*
6 *der of the unexpired term is less than 1*
7 *year, the member may subsequently be ap-*
8 *pointed for 2 full terms.*

9 “(D) *COMPENSATION AND EXPENSES.*—
10 *Members of the advisory committee shall not be*
11 *compensated for service on the advisory com-*
12 *mittee, but may be allowed travel expenses, in-*
13 *cluding per diem in lieu of subsistence, in ac-*
14 *cordance with subchapter I of chapter 57 of title*
15 *5, United States Code.*

16 “(3) *DUTIES.*—*The advisory committee shall re-*
17 *view, advise, and comment on Interagency Committee*
18 *activities, including the following:*

19 “(A) *Management and functioning of the*
20 *Interagency Committee.*

21 “(B) *Collaboration of the Interagency Com-*
22 *mittee and the agencies listed in subsection*
23 *(a)(3)(B).*

24 “(C) *The research and technology develop-*
25 *ment of new or improved response capabilities.*

1 “(D) *The use of cost-effective research mech-*
2 *anisms.*”

3 “(E) *Research, computation, and modeling*
4 *needs and other resources needed to develop a*
5 *comprehensive program of oil pollution research.*”

6 “(4) *SUBCOMMITTEES.—The advisory committee*
7 *may establish subcommittees of its members.*”

8 “(5) *MEETINGS.—The advisory committee shall*
9 *meet at least once per year and at other times at the*
10 *call of the chairperson.*”

11 “(6) *REPORT.—The advisory committee shall*
12 *submit biennial reports to the Interagency Committee*
13 *and Congress on the function, activities, and progress*
14 *of the Interagency Committee and the programs estab-*
15 *lished under this section.*”

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

19 **SEC. 8. FUNDING.**

20 “(a) *IN GENERAL.—Section 7001(g) of such Act, as re-*
21 *designated by section 7 of this Act, is amended to read as*
22 *follows:*”

23 “(g) *FUNDING.—*”

24 “(1) *IN GENERAL.—There are authorized to be*
25 *appropriated from amounts in the Fund not more*

1 *than \$48,000,000 annually to carry out this section,*
2 *except for subsection (c)(8).*

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

6 “(A) *\$16,000,000 to the Administrator of*
7 *the National Oceanic and Atmospheric Adminis-*
8 *tration annually to carry out this section; and*

9 “(B) *\$2,000,000 for each of fiscal years*
10 *2011, 2012, 2013, and 2014 to carry out the ac-*
11 *tivities in subsection (c)(6).”.*

12 (b) *AUTHORIZATION.—Section 1012(a)(5)(C) of such*
13 *Act (33 U.S.C. 2712(a)(5)(C)) is amended to read as fol-*
14 *lows:*

15 “(C) *not more than \$48,000,000 in each fis-*
16 *cal year shall be available to carry out title VII*
17 *of this Act; and”.*

18 **SEC. 9. ACCESS TO RESEARCH DURING AN EMERGENCY.**

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

21 “(h) *ACCESS TO RESEARCH DURING AN EMER-*
22 *GENCY.—Any entity that receives Federal funding for re-*
23 *search, the methodologies or results of which may be useful*
24 *for response activities in the event of an oil discharge inci-*
25 *dent described in sections 300.300-334 of title 40 of the Code*

1 *of Federal Regulations, shall, upon request, make the meth-*
2 *odologies or results of such research available to the Inter-*
3 *agency Committee and the Federal On-Scene Coordinator*
4 *(as defined in section 311(a)(21) of the Federal Water Pol-*
5 *lution Control Act (33 U.S.C. 1321(a)(21)), except to the*
6 *extent that the information is protected from disclosure*
7 *under section 552(b) of title 5, United States Code. Such*
8 *information shall be for use in response activities in the*
9 *event of an oil discharge, and shall not be included in infor-*
10 *mation made publicly available pursuant to this Act.”.*

Union Calendar No. 316

11TH CONGRESS
2^D Session

H. R. 2693

[Report No. 111-553]

A BILL

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

JULY 21, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed