

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2693**

**OFFERED BY \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Oil Pollution Research  
3 and Development Program Reauthorization Act of 2010”.

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

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

8 (b) MEMBERSHIP.—Section 7001(a)(3) of such Act  
9 (33 U.S.C. 2761(a)(3)) is amended to read as follows:

10 “(3) STRUCTURE.—

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

14 “(i) The Coast Guard.

15 “(ii) The Department of Commerce,  
16 including the National Oceanic and Atmos-  
17 pheric Administration.

18 “(iii) The Department of the Interior.

1                   “(iv) The Environmental Protection  
2                   Agency.

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

6                   “(i) The National Institute of Stand-  
7                   ards and Technology.

8                   “(ii) The Department of Energy.

9                   “(iii) The Department of Transpor-  
10                  tation, including the Maritime Administra-  
11                  tion and the Pipeline and Hazardous Mate-  
12                  rials Safety Administration.

13                  “(iv) The Department of Defense, in-  
14                  cluding the Army Corps of Engineers and  
15                  the Navy.

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

20                  “(vi) The National Aeronautics and  
21                  Space Administration.

22                  “(vii) The National Science Founda-  
23                  tion.

24                  “(viii) Other Federal agencies, as ap-  
25                  propriate.”.

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

4           “(4) CHAIR.—

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

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

9                           “(i) the activities of the Interagency  
10 Committee and the agencies listed in para-  
11 graph (3)(B) are coordinated;

12                           “(ii) the implementation plans re-  
13 quired under subsection (b)(1) are com-  
14 pleted and submitted;

15                           “(iii) the annual reports required  
16 under subsection (e) are completed and  
17 submitted;

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

21                           “(v) the Oil Pollution Research Advi-  
22 sory Committee under subsection (f) is es-  
23 tablished and utilized.”.

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

4 “(5) ACTIVITIES.—

5 “(A) ONGOING, COORDINATED EFFORTS.—  
6 The Interagency Committee shall ensure that  
7 the research, development, and demonstration  
8 efforts authorized by this section are coordi-  
9 nated and conducted on an ongoing basis.

10 “(B) MEETINGS.—

11 “(i) IN GENERAL.—The Interagency  
12 Committee shall meet, or otherwise com-  
13 municate, as appropriate, to—

14 “(I) plan program-related activi-  
15 ties; and

16 “(II) determine whether the pro-  
17 gram is resulting in the development  
18 of new or improved methods and tech-  
19 nologies to prevent, detect, respond to,  
20 and mitigate oil pollution.

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

24 “(C) INFORMATION EXCHANGE.—The  
25 Interagency Committee, acting through the Ad-

1            administrator of the National Oceanic and Atmos-  
2            pheric Administration, shall develop a national  
3            information clearinghouse on oil pollution  
4            that—

5                    “(i) includes scientific information  
6                    and research on preparedness, response,  
7                    and restoration; and

8                    “(ii) serves as a single electronic ac-  
9                    cess and input point for Federal agencies,  
10                  emergency responders, the research com-  
11                  munity, and other interested parties for  
12                  such information.”.

13 **SEC. 3. OIL POLLUTION RESEARCH AND TECHNOLOGY**  
14 **PLAN.**

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

17                    (1) by striking “180 days after the date of en-  
18                    actment of this Act” and inserting “180 days after  
19                    the date of enactment of the Oil Pollution Research  
20                    and Development Program Reauthorization Act of  
21                    2010 and periodically thereafter, as appropriate, but  
22                    not less than once every 5 years,”;

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

1           “(A) identify the roles and responsibilities  
2 of each member agency of the Interagency  
3 Committee under subsection (a)(3)(A) and each  
4 of the collaborating agencies under subsection  
5 (a)(3)(B);” and

6           (3) in subparagraph (F) by striking “the  
7 States” and inserting “State and tribal govern-  
8 ments”.

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

12           “(2) ADVICE AND GUIDANCE.—

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

16                   “(i) the Oil Pollution Research Advi-  
17 sory Committee established under sub-  
18 section (f);

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

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

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

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

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

16                   “(A) to review the research plan;

17                   “(B) to assess the adequacy of the re-  
18          search plan; and

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

21           “(4) INCORPORATION OF RECOMMENDA-  
22          TIONS.—The Chair shall address any recommenda-  
23          tions in the review conducted under paragraph (3)  
24          and shall incorporate such recommendations into the  
25          research plan, as appropriate.”.

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

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

8 (b) INNOVATIVE OIL POLLUTION TECHNOLOGY.—  
9 Section 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, recovering, or mitigating”;

14 (2) by striking subparagraph (I);

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

17 (4) by striking the period at the end of sub-  
18 paragraph (I) (as so redesignated) and by inserting  
19 at the end a semicolon; and

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

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



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

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

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

16                 “(3) OIL POLLUTION TECHNOLOGY EVALUA-  
17                 TION.—The program established under this sub-  
18                 section shall provide for the evaluation of oil pollu-  
19                 tion prevention and mitigation technologies, includ-  
20                 ing—

21                         “(A) the evaluation of the environmental  
22                         effects of the use of such technologies;

23                         “(B) the evaluation and testing of tech-  
24                         nologies developed independently of the research

1 and development program established under  
2 this subsection;

3 “(C) the establishment, with the advice  
4 and guidance of the National Institute of  
5 Standards and Technology, of standards and  
6 testing protocols traceable to national standards  
7 to measure the performance of oil pollution pre-  
8 vention or mitigation technologies;

9 “(D) an evaluation of the environmental  
10 effects and utility of controlled field testing;  
11 and

12 “(E) the use, where appropriate, of con-  
13 trolled field testing to evaluate real-world appli-  
14 cation of new or improved oil pollution preven-  
15 tion, response, recovery, or mitigation tech-  
16 nologies.”.

17 (d) OIL POLLUTION EFFECTS RESEARCH.—Section  
18 7001(c)(4) of such Act (33 U.S.C. 2761(c)(4)) is amend-  
19 ed—

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

22 “(A) IN GENERAL.—

23 “(i) ESTABLISHMENT.—The Inter-  
24 agency Committee, acting through the Ad-  
25 ministrator of the National Oceanic and

1 Atmospheric Administration, shall estab-  
2 lish a research program to monitor and  
3 scientifically evaluate the environmental ef-  
4 fects, including long-term effects, of oil  
5 pollution.

6 “(ii) SPECIFICATIONS.—Such pro-  
7 gram shall include the following elements:

8 “(I) Research on and the devel-  
9 opment of effective tools to detect,  
10 measure, observe, analyze, monitor,  
11 model, and forecast the presence,  
12 transport, fate, and effect of oil  
13 throughout the environment.

14 “(II) The development of meth-  
15 ods, including economic methods, to  
16 assess and predict damages to natural  
17 resources, including air quality, result-  
18 ing from oil discharges.

19 “(III) The identification of types  
20 of ecologically sensitive areas at par-  
21 ticular risk from oil discharges, such  
22 as inland waters, coastal areas, off-  
23 shore areas, including deepwater and  
24 ultra-deepwater areas, and polar and  
25 other icy areas.

1                   “(IV) The preparation of sci-  
2                   entific monitoring and evaluation  
3                   plans for the areas identified under  
4                   subclause (III) to be implemented in  
5                   the event of major oil discharges in  
6                   such areas.

7                   “(V) The collection of environ-  
8                   mental baseline data in the areas  
9                   identified under subclause (III) if  
10                  such data are insufficient.”;

11                  (2) in subparagraph (B)—

12                   (A) by striking “The Department of Com-  
13                   merce” and all that follows through “future oil  
14                   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  
19                   subparagraph (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  
13 7001(c)(6) of such Act (33 U.S.C. 2761(c)(6)) is amend-  
14 ed—

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

1 research, development, and demonstration program  
2 established in this section.”; and

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

5 (f) REGIONAL RESEARCH PROGRAM.—

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

8 (A) in subparagraph (A)—

9 (i) by striking “program of competi-  
10 tive grants” and inserting “program of  
11 peer-reviewed, competitive grants”; and

12 (ii) by striking “(1989)” and inserting  
13 “(2009)”; and

14 (B) in subparagraph (C) by striking “the  
15 entity or entities which” and inserting “at least  
16 one entity that”.

17 (2) FUNDING.—Section 7001(c)(9) of such Act  
18 (33 U.S.C. 2741(c)(9)) is amended by striking  
19 “1991” and all that follows through “shall be avail-  
20 able” and inserting “2011, 2012, 2013, 2014, and  
21 2015, there are authorized to be appropriated from  
22 amounts in the Fund \$12,000,000”.

1 **SEC. 5. INTERNATIONAL COOPERATION.**

2 Section 7001(d) of such Act (33 U.S.C. 2761(d)) is  
3 amended by inserting before the period at the end the fol-  
4 lowing: “, oil recovery, and 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.—Concurrent with the sub-  
9 mission to Congress of the President’s annual budget re-  
10 quest in each year after the date of enactment of the Oil  
11 Pollution Research and Development Program Reauthor-  
12 ization Act of 2010, the Chair of the Interagency Com-  
13 mittee shall submit to Congress a report describing the  
14 activities—

15 “(1) carried out under this section in the pre-  
16 ceding fiscal year;

17 “(2) being carried out under this section in the  
18 current fiscal year; and

19 “(3) proposed to be carried out under this sec-  
20 tion in the subsequent fiscal year, including an anal-  
21 ysis of how these activities will further the purposes  
22 of the program authorized by this section.”.

23 **SEC. 7. ADVISORY COMMITTEE.**

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

1           (1) by redesignating subsection (f) as sub-  
2           section (g); and

3           (2) by inserting after subsection (e) the fol-  
4           lowing:

5           “(f) ADVISORY COMMITTEE.—

6           “(1) ESTABLISHMENT.—The Chair shall estab-  
7           lish an Oil Pollution Research Advisory Committee  
8           (in this subsection referred to as the ‘advisory com-  
9           mittee’) consisting of representatives from non-  
10          governmental entities.

11          “(2) MEMBERSHIP.—

12           “(A) NUMBER.—The advisory committee  
13           shall be composed of at least 25 members.

14           “(B) QUALIFICATIONS.—Each member of  
15           the advisory committee shall be qualified by  
16           education, training, and experience to evaluate  
17           scientific and technical information relevant to  
18           the research, development, and demonstration  
19           under this section.

20           “(C) CHAIR.—The Chair of the Inter-  
21           agency Committee shall designate a chairperson  
22           from among the members of the advisory com-  
23           mittee.

24           “(D) TERMS OF SERVICE.—



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

5                   “(ii) VACANCIES.—Vacancy appoint-  
6                   ments shall be for the remainder of the un-  
7                   expired term of the vacancy.

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

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

20                  “(3) DUTIES.—The advisory committee shall  
21                  review, advise, and comment on Interagency Com-  
22                  mittee activities, including the following:

23                         “(A) Management and functioning of the  
24                         Interagency Committee.

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

4           “(C) The research and technology develop-  
5           ment of new or improved response capabilities.

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

8           “(E) Research, computation, and modeling  
9           needs and other resources needed to develop a  
10          comprehensive program of oil pollution re-  
11          search.

12          “(4) SUBCOMMITTEES.—The advisory com-  
13          mittee may establish subcommittees of its members.

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

17          “(6) REPORT.—The advisory committee shall  
18          submit biennial reports to the Interagency Com-  
19          mittee and Congress on the function, activities, and  
20          progress of the Interagency Committee and the pro-  
21          grams established under this section.

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

1 **SEC. 8. FUNDING.**

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

5 “(g) FUNDING.—

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

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

13 “(A) \$16,000,000 to the Administrator of  
14 the National Oceanic and Atmospheric Admin-  
15 istration annually to carry out this section; and

16 “(B) \$2,000,000 for each of fiscal years  
17 2011, 2012, 2013, and 2014 to carry out the  
18 activities in subsection (c)(6).”.

19 (b) AUTHORIZATION.—Section 1012(a)(5)(C) of such  
20 Act (33 U.S.C. 2712(a)(5)(C)) is amended to read as fol-  
21 lows:

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

