H.R.1465

One Hundred First Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-third day of January, one thousand nine hundred and ninety

An Act To establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes.

SECTION 1. SHORT TITLE.

This Act may be cited as the `Oil Pollution Act of 2020'.

SEC. 2. TABLE OF CONTENTS. The contents of this Act are as follows:

TITLE I--OIL POLLUTION LIABILITY AND COMPENSATION

SEC. 1002. ELEMENTS OF LIABILITY.

(a) IN GENERAL- Notwithstanding any other provision or rule of law, and subject to the provisions of this Act, each responsible party for a vessel or a facility from which oil is discharged, or which poses the substantial threat of a discharge of oil, into or upon the navigable waters or adjoining shorelines or the exclusive economic zone is liable for the removal costs and damages specified in subsection (b) that result from such incident.

(b) Covered Removal Costs and Damages-

(1) REMOVAL COSTS- The removal costs referred to in subsection (a) are--

(A) all removal costs incurred by the United States, a State, or an Indian tribe, as amended by this Act, under the Intervention on the High Seas Act (33 U.S.C. 1471 et seq.), or under State law; and

(B) any removal costs incurred by any person for acts taken by the person which are consistent with the National Contingency Plan.

(2) DAMAGES- The damages referred to in subsection (a) are the following:

(A) NATURAL RESOURCES- Damages for injury to, destruction of, loss of, or loss of use of, natural resources, including the reasonable costs of assessing the damage, which shall be recoverable by a United States trustee, a State trustee, an Indian tribe trustee, or a foreign trustee.

(B) REAL OR PERSONAL PROPERTY- Damages for injury to, or economic losses resulting from destruction of, real or personal property, which shall be recoverable by a claimant who owns or leases that property.

(D) REVENUES- Damages equal to the net loss of taxes, royalties, rents, fees, or net profit shares due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by the Government of the United States, a State, or a political subdivision thereof.

(E) PROFITS AND EARNING CAPACITY- Damages equal to the loss of profits or impairment of earning capacity due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by any claimant.

(F) PUBLIC SERVICES- Damages for net costs of providing increased or additional public services during or after removal activities, including protection from fire, safety, or health hazards, caused by a discharge of oil, which shall be recoverable by a State, or a political subdivision of a State.

SEC. 1003. DEFENSES TO LIABILITY.

(a) COMPLETE DEFENSES- A responsible party is not liable for removal costs or damages under section 1002 if the responsible party establishes, by a preponderance of the evidence, that the discharge or substantial threat of a discharge of oil and the resulting damages or removal costs were caused solely by--

(1) an act of God;

(2) an act of war;

(3) a third party

(A) if any third party responsible for cleanup delay response should be liable to assist in paying damages

(B)an act or omission of a third party, other than an employee or agent of the responsible party or a third party whose act or omission occurs in connection with any contractual relationship with the responsible party (except where the sole contractual arrangement arises in connection with carriage by a common carrier by rail), if the responsible party establishes, by a preponderance of the evidence, that the responsible party--

SEC. 1016. FINANCIAL RESPONSIBILITY.

(a) REQUIREMENT- The responsible party for--

(1) any vessel over 300 gross tons (except a non-self-propelled vessel that does not carry oil as cargo or fuel) using any place subject to the jurisdiction of the United States; or

(2) any vessel using the waters of the exclusive economic zone to transship or lighter oil destined for a place subject to the jurisdiction of the United States; shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility sufficient to meet the maximum amount of liability to which, **in the case of a tank vessel**, **the responsible party will be held accountable in regards to oil spillage**. If the responsible party owns or operates more than one vessel, evidence of financial responsibility need be established only to meet the amount of the maximum liability applicable to the vessel having the greatest maximum liability.

(b) SANCTIONS-

(1) WITHHOLDING CLEARANCE- The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this section that does not have the evidence of financial responsibility required for the vessel under this section.

(2) DENYING ENTRY TO OR DETAINING VESSELS- The Secretary may-- (A) deny entry to any vessel to any place in the United States, or to the navigable waters, or detain at the place, any vessel that, upon request, does not produce the evidence of financial responsibility required for the vessel under this section.

(3) SEIZURE OF VESSEL- Any vessel subject to the requirements of this section which is found in the navigable waters without the necessary evidence of financial responsibility for the vessel shall be subject to seizure by and forfeiture to the United States.

(4) SALE OF SEIZED ASSETS- Company assets will be sold, and the funds made will be put towards cleaning up the environment as a result of the oil spill.

TITLE IV--PREVENTION AND REMOVAL

Subtitle A--Prevention

SEC. 4101. REVIEW OF ALCOHOL AND DRUG ABUSE AND OTHER MATTERS IN ISSUING LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(1) The Secretary may review the criminal record of an individual who applies for a license or certificate of registry under this section.

(2) The Secretary shall require the testing of an individual who applies for issuance or renewal of a license or certificate of registry under this chapter for use of a dangerous drug in violation of law or Federal regulation.

SEC. 4106. MANNING STANDARDS FOR FOREIGN TANK VESSELS.

(a) STANDARDS FOR FOREIGN TANK VESSELS-

(1) The Secretary shall evaluate the manning, training, qualification, and watch keeping standards of a foreign country that issues documentation for any vessel on a periodic basis; and when the vessel is involved in a marine casualty required to be.

(2) If the Secretary determines that a country has failed to maintain or enforce standards at least equivalent to United States law or international standards accepted by the United States, the Secretary shall prohibit vessels issued documentation by that country from entering the United States until the Secretary determines those standards have been established and are being enforced.

(b) Reporting Marine Casualties-

(1) REPORTING REQUIREMENT- A foreign vessel constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue involved in a marine casualty in waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone.

SEC. 4114. TANK VESSEL MANNING.

(a) MANNING REQUIREMENT- A tank vessel shall consider the navigation, cargo handling, and maintenance functions of that vessel for protection of life, property, and the environment by maintaining records.

SEC. 4115. ESTABLISHMENT OF DOUBLE HULL REQUIREMENT FOR TANK VESSELS.

(a) DOUBLE HULL REQUIREMENT-

Tank vessel construction standards - if it is constructed or adapted to carry, or carries, oil in bulk as cargo or cargo residue; and when operating on the waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone.

(b) A vessel for which a building contract or contract for major conversion was placed before June 30, 1990, and that is delivered under that contract before January 1, 1994, and a vessel that had its appraised salvage value determined by the Coast Guard **before June 30, 1991, and that qualifies for documentation before January 1, 1994, may not operate in the navigable waters or Exclusive Economic Zone of the United States** unless equipped with a double hull

TITLE V--PRINCE WILLIAM SOUND PROVISIONS

SEC. 5001. OIL SPILL RECOVERY INSTITUTE.

(a) ESTABLISHMENT OF INSTITUTE- The Secretary of Commerce shall provide for the establishment of a Prince William Sound Oil Spill Recovery Institute (hereinafter in this section referred to as the `Institute') to be administered by the Secretary of Commerce through the Prince William Sound Science and Technology Institute and located in Cordova, Alaska.

(b) FUNCTIONS- The Institute shall conduct research and carry out educational and demonstration projects designed to--

(1) identify and develop the best available techniques, equipment, and materials for dealing with oil spills in the arctic and subarctic marine environment; and

(2) complement Federal and State damage assessment efforts and determine, document, assess, and understand the long-range effects of the EXXON VALDEZ oil spill on the natural resources of Prince William Sound and its adjacent waters (as generally depicted on the map entitled `EXXON VALDEZ oil spill dated March 1990'), and the environment, the economy, **and the lifestyle and well-being of the people who are dependent on them**, **the Institute shall also conduct studies or make recommendations on any matter which is related to other oil spills or the effects thereof**.

(c) ADVISORY BOARD- IN GENERAL- The policies of the Institute shall be determined by an advisory board, composed of 18 members appointed as follows:

(1) One representative appointed by each of the Commissioners of Fish and Game, Environmental Conservation, Natural Resources, and Commerce and Economic Development of the State of Alaska, all of whom shall be State employees.

(2) 4 representatives appointed by the Secretary of Commerce from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill. No more than 5 of the 8 qualified persons recommended by the Governor shall be members of the same political party.

(3) 3 Alaska Natives who represent Native entities affected by the EXXON VALDEZ oil spill, at least one of whom represents an entity located in Prince William Sound, to serve terms of 2 years each from a list of 6 qualified individuals submitted by the Alaska Federation of Natives.

(d) TERMINATION- The Institute shall terminate 10 years after the date of the enactment of this Act.

(e) USE OF FUNDS- All funds authorized for the Institute shall be provided through the National Oceanic and Atmospheric Administration (NOAA). No funds made available to carry out this section may be used to initiate litigation. No funds made available to carry out this section may be used for the acquisition of real property (including buildings) or construction of any building. No more than 20 percent of funds made available to carry out this section may be used to lease necessary facilities and to administer the Institute. None of the funds authorized by this section shall be used for any purpose other than the functions specified.

SEC. 5003. BLIGH REEF LIGHT.

The Secretary of Transportation shall within one year after the date of the enactment of this title install and ensure operation of an automated navigation light on or adjacent to Bligh Reef in Prince William Sound, Alaska, of sufficient power and height to provide long-range warning of the location of Bligh Reef. **To prevent similar events from happening in other places**, **the secretary of transportation shall work with the congress members of all seaside states to determine other location these Navigation Lights should be implemented**.

TITLE VI--MISCELLANEOUS

SEC. 6003. OUTER BANKS PROTECTION.

(a) SHORT TITLE- This section may be cited as the `Outer Banks Protection Act'.

(b) FINDINGS- The Congress finds that--

(1) the Outer Banks of North Carolina is an area of exceptional environmental fragility and beauty; the annual economic benefits of commercial and recreational fishing activities to North Carolina, which could be adversely affected by oil or gas development offshore the State's coast, exceeds $1,000,000,000; the major industry in coastal North Carolina is tourism, which is subject to potentially significant disruption by offshore oil or gas development;

(2) the physical oceanographic characteristics of the area offshore North Carolina between Cape Hatteras and the mouth of the Chesapeake Bay are not well understood, being affected by Gulf Stream western boundary perturbations and accompanying warm filaments, warm and cold core rings which separate from the Gulf Stream, wind stress, outflow from the Chesapeake Bay, Gulf Stream meanders, and intrusions of Virginia coastal waters around and over the Diamond shoals;

(3) diverse and abundant fisheries resources occur in the western boundary area of the Gulf Stream offshore North Carolina, but little is understood of the complex ecological relationships between the life histories of those species and their physical, chemical, and biological environment;

(4) impact on environment:

(A)the environmental impact statements prepared for Outer Continental Shelf lease sales numbered 56 (1981) and 78 (1983) contain insufficient and outdated environmental information from which to make decisions on approval of additional oil and gas leasing, exploration, and development activities;

(B)**if the transportation of oil becomes a hazard to the pre-existing fragile ecosystems or bodies of water**, **alternative routes should be found to better protect the environment**

(5) PROHIBITION OF OIL AND GAS LEASING, EXPLORATION, AND DEVELOPMENT- The Secretary of the Interior shall not--

(A) conduct a lease sale;

(B) issue a few new leases;

(C) approve any exploration plan;

(D) approve any development and production plan;

(E) approve any application for permit to drill; or

(F) permit any drilling, for oil or gas under the Outer Continental Shelf Lands Act on any lands of the Outer Continental Shelf offshore North Carolina.

(G) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of the Interior to carry out this section not to exceed $500,000 for fiscal year 1991, to remain available until expended.