

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To require the Commandant of the Coast Guard to establish a process to update the vessel response plan program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To require the Commandant of the Coast Guard to establish a process to update the vessel response plan program, 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 Re-  
5 view Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Even a minor oil spill can cause significant  
9 harm to individual organisms, entire populations,  
10 and ecosystems.

1           (2) The impacts from certain oil spills can last  
2 for years or even decades.

3           (3) The 2010 *Deepwater Horizon* oil spill in the  
4 Gulf of Mexico released more than 100,000,000 gal-  
5 lons of oil before it was contained 86 days later.

6           (4) The 1989 *Exxon Valdez* spill released about  
7 11,000,000 gallons of oil, and cleanup efforts contin-  
8 ued intermittently for 3 years.

9           (5) Since 2018, the Coast Guard has only  
10 verified the accuracy of salvage and marine fire-  
11 fighting information in 71 of over 3,000 submitted  
12 VRPs.

13           (6) The National Response Center collects oil  
14 spill incident data, but data are often initial,  
15 unverified estimates.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

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

20           (2) **ACP.**—The term “ACP” means an area  
21 contingency plan.

22           (3) **VRP.**—The term “VRP” means a vessel re-  
23 sponse plan.

1 **SEC. 4. INCREASING DATA COLLECTION AND**  
2 **VERIFICATION TO UPDATE THE VRP PRO-**  
3 **GRAM.**

4 (a) **IN GENERAL.**—The Commandant shall develop  
5 and carry out a process to update its review of VRPs,  
6 which are required to be submitted to the Coast Guard  
7 under part 155 of title 33, Code of Federal Regulations,  
8 by increasing the collection and improving the quality of  
9 incident data on oil spill location and response capability.

10 (b) **ACTIVITIES.**—In developing and carrying out the  
11 process required by subsection (a), the Commandant  
12 shall—

13 (1) not less frequently than every 3 years,  
14 verify the efficacy of—

15 (A) information submitted to the Com-  
16 mandant pursuant to part 300 of title 40, Code  
17 of Federal Regulations (or successor regula-  
18 tions), through random selection and auditing  
19 of all reported information from not less than  
20 30 percent of—

21 (i) submitted VRPs;

22 (ii) area drills conducted pursuant to  
23 section 311(j)(7) of the Federal Water Pol-  
24 lution Control Act (33 U.S.C. 1321(j)(7));

25 and

1 (iii) responses to oil spill incidents  
2 that require mobilization of contracted re-  
3 sponse resources; and

4 (B) oil spill data stored in the Marine In-  
5 formation for Safety and Law Enforcement  
6 database and reported by on-scene coordinators  
7 pursuant to section 300.300 of title 40, Code of  
8 Federal Regulations (or any successor regula-  
9 tion);

10 (2) not less frequently than annually, review,  
11 and update as necessary—

12 (A) the information contained in the Coast  
13 Guard Response Resource Inventory and other  
14 tools used to document the availability and sta-  
15 tus of oil spill response equipment so as to en-  
16 sure that such information and tools remain  
17 current and accurate; and

18 (B) processes for data submission to the  
19 Response Resource Inventory to ensure that Oil  
20 Spill Removal Organizations and other partici-  
21 pating entities submit accurate and regularly  
22 updated information;

23 (3) establish procedures for—

24 (A) incorporating oil spill incident data  
25 from oil spill reports and VRP exercises into—

1 (i) VRPs, including alternative plan-  
2 ning criteria review and approval proc-  
3 esses; and

4 (ii) ACP development;

5 (B) mitigating the impact of military per-  
6 sonnel rotations in Coast Guard field units on  
7 knowledge and awareness of VRP requirements,  
8 including knowledge relating to the evaluation  
9 of proposed alternatives to national planning re-  
10 quirements; and

11 (C) evaluating the consequences of report-  
12 ing inaccurate data in VRPs submitted to the  
13 Commandant pursuant to part 300 of title 40,  
14 Code of Federal Regulations, and submitted for  
15 storage in the Marine Information for Safety  
16 and Law Enforcement database pursuant to  
17 section 300.300 of that title (or any successor  
18 regulation);

19 (4) develop standard tools, job aids, and guid-  
20 ance that—

21 (A) may be shared with vessel owners and  
22 operators and Coast Guard field units to assist  
23 with accurately calculating and measuring the  
24 performance and viability of proposed alter-

1 natives against national planning criteria re-  
2 quirements and coastal zone ACPs; and

3 (B) recognize regionally specific challenges;

4 (5) review subcontracts related to submitted  
5 VRPs to ensure that all necessary equipment and re-  
6 sponse resources are obligated to satisfy the VRP  
7 planning requirements and respond to an oil spill, as  
8 applicable;

9 (6) not less frequently than every 5 years, re-  
10 view, and revise as necessary, Coast Guard planning,  
11 preparedness, and oil spill response strategies based  
12 on analyses of—

13 (A) incident data on oil spill location and  
14 response capability;

15 (B) oil spill risk assessments;

16 (C) oil spill response effectiveness and the  
17 effects of such response on the environment;  
18 and

19 (D) oil spill response exercises conducted  
20 pursuant to section 311(j)(7) of the Federal  
21 Water Pollution Control Act (33 U.S.C.  
22 1321(j)(7)); and

23 (7) collaborate with the heads of other Federal  
24 agencies to increase Federal Government engage-  
25 ment with State, local, and Tribal agencies and

1 stakeholders, including regulated entities, for the  
2 purpose of strengthening coordination and efficiency  
3 of oil spill responses.

4 (c) PUBLIC AVAILABILITY OF DATA.—Subject to sec-  
5 tion 552 of title 5, United States Code, the Commandant  
6 shall make available to the public the data described in  
7 subsection (b)(1).

8 (d) ANNUAL REPORT.—Not less frequently than an-  
9 nually, the Commandant shall submit to Congress a report  
10 on the status of ongoing and planned efforts to improve  
11 the policies, guidance, and processes of the VRP program,  
12 including actions of the Maritime Oil Spill Response Plan  
13 Advisory Group, based on feedback, public comment, and  
14 other engagement from the Coast Guard and maritime  
15 transportation industry stakeholders.

16 **SEC. 5. EXPENDITURE PURPOSES OF OIL SPILL LIABILITY**  
17 **TRUST FUND.**

18 Section 9509(c)(1) of title 26, United States Code,  
19 is amended—

20 (1) in subparagraph (E), by striking “and” at  
21 the end;

22 (2) in subparagraph (F), by striking the period  
23 at the end and inserting “, and”; and

24 (3) by adding at the end the following:

1                   “(G) ) to increase support for marine pol-  
2                   lution disaster planning, preparedness, and re-  
3                   sponse strategies, including for—

4                   “(i) incident data collection and  
5                   verification and for regular updates to ves-  
6                   sel response plans and area contingency  
7                   plan review; and

8                   “(ii) training and equipping residents  
9                   of Tribal and remote communities with re-  
10                  sources and information for effective plan-  
11                  ning, preparedness, and response.”.

12 **SEC. 6. NATIONAL OIL SPILL RESPONSE STUDY.**

13           (a) IN GENERAL.—The Comptroller General of the  
14 United States shall conduct a study on Coast Guard and  
15 Environmental Protection Agency oversight of national,  
16 regional, and local area oil spill response frameworks.

17           (b) ELEMENTS.—The study required by subsection  
18 (a) shall include the following:

19                   (1) An assessment of lessons learned with re-  
20                   spect to oil spill responses based on research con-  
21                   ducted as a result of the *Deepwater Horizon* oil spill  
22                   in 2010 and other marine pollution disasters, which  
23                   shall include an assessment of—

24                           (A) oil spill response and prevention tech-  
25                           nologies; and



1 (B) methods and best practices for oil spill  
2 mitigation and prevention.

3 (2) An analysis of major changes in national,  
4 regional, and local area oil spill response frameworks  
5 since 2010 for the purpose of assessing whether  
6 such changes have improved oil spill responses.

7 (3) An analysis of available information on the  
8 short-term and long-term effects of the use of chem-  
9 ical dispersants and potential alternatives in oil spill  
10 and marine pollution responses.

11 (4) Recommendations for legislative and regu-  
12 latory action that would facilitate better implementa-  
13 tion of best available technologies and methods for  
14 effective oil spill response.

15 (c) REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after  
17 the date of the enactment of this Act, the Comp-  
18 troller General shall submit to Congress a report on  
19 the results of the study conducted under subsection  
20 (a).

21 (2) PUBLIC AVAILABILITY.—The report sub-  
22 mitted under paragraph (1) shall be made publicly  
23 available on the internet website of the Comptroller  
24 General.