

135TH CONGRESS
1ST SESSION

H.R.1

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2020

Mr. JACOB of Ohio and Ms. KYOUKO of New York (for the James Administration, Mr. CARTON, Mr. OBAMA, Mr. PLURIBUS, Mr. ROBINSON, Mr. ROOSEVELT) introduced the following bill; which was authored by Vice President Halpert.

AN ACT

To respond to the Great Lakes Oil Spill crisis, with the goals of assessing damage, enacting efficient and expedited recovery, and to induce preventative measures.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress Assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spilled Oil Assessment
5 and Recovery Act of 2020,” or the “S.O.A.R. Act of 2020”

6 **SEC. 2. FINDINGS.**

7 (a) *Whereas*, On November 13th, 2020, an oil tanker
8 transporting 1.5 million (one million and five
9 hundred thousand) barrels of oil on Lake Ontario
10 collided and sank, spilling oil into the lake.

11 (b) *Whereas*, the oil spill has caused mass disruption to

1 local wildlife, marine animals, and local residents,
2 with the capacity of disrupting further oil supply
3 and the potential destruction of the Great Lakes
4 environment.

5 (c) *Whereas*, executive action has prioritized the
6 immediate response, investigation, and clean-up to
7 the aforementioned events, legislative action is
8 necessary to address future events and continue
9 recovery efforts.

10 **SEC. 3. GREAT LAKES ASSESSMENT.**

11 (a) DEFINITIONS.— In this section:

12 (i) Oil spill.— Refers to the November 13th,
13 2020 oil spill crisis on Lake Ontario, as
14 further defined in Section 2(a).

15 (ii) Great Lakes.— The series of large inter-
16 connected freshwater lakes in the upper
17 mid-east region of North America, Lake
18 Superior, Lake Michigan, Lake Huron, Lake
19 Erie, and Lake Ontario.

20 (iii) Under Secretary.— The Under Secretary for
21 the National Oceanic and Atmospheric
22 Administration.

23 (b) IN GENERAL.— Assessment of the Great Lakes, in
24 general, and of the oil spill's effects shall be ordered
25 to specifically analyze the short and long-term
26 quality of the environment.

27 (c) INITIAL ASSESSMENT.— Not later than 14 days

1 after the date of the enactment of this Act, the
2 Under Secretary for Oceans and Atmosphere shall
3 commence the assessment and environmental
4 sensitivity index products of the coastal area Great
5 Lakes, with the focus on the oil spill's effects.

6 (d) FURTHER AND PERIODIC UPDATES.— the
7 Under Secretary of the National Oceanic and
8 Atmospheric Administration shall.—

9 (i) endeavor to update the Environmental
10 Sensitivity Index Products For Great Lakes
11 periodically, during a period no greater than
12 once every 5 (five) years.

13 (ii) consider for the Environmental Sensitivity
14 Index Products For Great Lakes.—

15 (1) the occurrence of environmentally
16 changing events, past or present;

17 (2) the volume of traffic on the Great
18 Lakes; and

19 (3) the potential vulnerability to spilled
20 pollutants.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—

22 (i) IN GENERAL.— \$10,000,000 is authorized to
23 carry out the provisions of this section, under
24 the discretion of the Under Secretary.

25 (ii) AVAILABILITY.— The amounts appropriated
26 under section 3(e) shall be made available till
27 expended to the Under Secretary.

1 **SEC. 4. OIL SPILL ACTION PLAN.**

2 (a) IN GENERAL.— In response to the oil spill crisis of
3 November 13th, 2020, in Lake Ontario, and for
4 future consideration of oil spill events, the
5 Commandant of the Coast Guard, when applicable,
6 shall publish an Incident Action Plan.

7 (b) INCIDENT ACTION PLAN.— For the purposes of
8 establishing a formal plan of action and publicizing
9 the incident events, the Commandant of the Coast
10 Guard, serving as the Federal On-Scene
11 Coordinator shall:

12 (i) Publish an Incident Action Plan, promptly
13 after the Unified Command approves such a
14 plan, with respect to Coast Guard resources,
15 the Incident Action Plan shall endeavor to.—

16 (1) include the brief outline of events
17 preceding the incident;

18 (2) include the hypothesized total impact
19 of the incident; and

20 (3) include the action plan of response for
21 the quick recovery and assessment of
22 the circumstance.

23 (4) remain up-to-date and publically
24 accessible

25 (ii) Redact any information from the Incident
26 Action Plan published to comply with privacy
27 laws and other requirements necessary.

1 **SEC. 5. FURTHER SAFETY INSPECTION.**

2 (a) IN GENERAL.— The Secretary of Homeland
3 Security or the relevant Secretary administrating
4 the Department of Homeland Security shall:

5 (i) increase the frequency of safety inspection on
6 those United States and foreign-flagged
7 vessels entering a United States port or
8 place, and other vessels the Secretary deems
9 necessary within law; and

10 (ii) adopt additional procedures, within reason,
11 for the verification of structural condition and
12 security of tank vessels, with consideration to
13 the Condition Assessment Scheme adopted by
14 the International Maritime Organization by
15 Resolution 94(46) on April 27, 2001.

16 (b) AMENDMENTS.— Public Law 104–324, title VI,
17 § 605(a) (46 U.S. Code § 3307) is amended:

18 (i) by striking, “(1) each passenger vessel,
19 nautical school vessel, and small passenger
20 vessel allowed to carry more than 12
21 passengers on a foreign voyage shall be
22 inspected at least once a year; and” and
23 replacing it with:

24 (1) “(1) each passenger vessel, nautical
25 school vessel, and small passenger
26 vessel allowed to carry more than 12
27 passengers on a foreign voyage shall be

1 inspected at least once a year;”
2 (ii) by striking, “(2) any other vessel shall be
3 inspected at least once every 5 years.” and
4 replacing it with:
5 (1) “(2) any tank vessel shall be inspected
6 at least once every 3 years; and”
7 (iii) by inserting after, “(2) any tank vessel shall
8 be inspected at least once every 3 years; and”:
9 (1) “(3) any other vessel shall be inspected
10 at least once every 5 years.”

11 **SEC. 6. VESSEL RESPONSIBILITY.**

12 (a) IN GENERAL.— To amend 33 USC 2701, the Oil
13 Pollution Act of 1990 to ensure full responsibility of
14 any vessel.

15 (b) AMENDMENTS.— Section 1001(32)(A) of the Oil
16 Pollution Act of 1990, 33 U.S. Code § 2701 is
17 amended:

18 (i) by striking, “with a single hull after
19 December 31, 2010.”

20 **SEC. 7. IMPROVEMENTS TO SPILL RESPONSE.**

21 (a) IN GENERAL.— To improve spill response, the
22 assessment of efficacy and capability of the
23 response, containment, and prevention of the
24 National Oceanic and Atmospheric Administration
25 is necessary.

26 (b) COMPREHENSIVE REVIEW.— Not later than 6
27 (six) months after the enactment of this act, the

1 Under Secretary for Oceans and Atmosphere shall
2 order a comprehensive review of the capacity of the
3 National Oceanic and Atmospheric Administration
4 to respond to oil spills. This review shall:

5 (i) develop and analyse recommendations for the
6 improvement of forecasting oil spills, their
7 effect, trajectory, and otherwise prescribed by
8 the Under Secretary;

9 (ii) include the total inventory of the equipment
10 of the National Oceanic and Atmospheric
11 Administration used to assess oil spills;

12 (iii) the assessment of the current plans in place
13 to respond to the effects of an oil spill;

14 (iv) the assessment of the efficacy of developing
15 new funds to combat initial oil spill impacts,
16 and the long-term environmental impact of
17 oil spills. This shall include the assessment
18 of:

19 (1) marine environment, in general;

20 (2) marine wildlife and animals;

21 (3) marine corals; and

22 (4) other animals relevant to oil spills,
23 with consideration of potential harm to
24 these animals; and

25 (v) take place at least once every 2 years.

26 (vi) REPORT.—

27 (1) Upon the completion of the review, the

1 Under Secretary shall submit to the
2 Congress a report on the review,
3 including the findings and further
4 recommendations.

5 (c) MODERN OIL INFRASTRUCTURE INITIATIV-

6 E.— With aging oil infrastructure and those
7 abandoned can post a great risk of oil spill. Not
8 later than 60 (sixty) days after the enactment of this
9 act, the Under Secretary of Commerce for Oceans
10 and Atmosphere shall establish the Modern Oil
11 Infrastructure Initiative, which shall:

- 12 (i) to the greatest extent possible, investigate
13 and determine the significance of aging oil
14 infrastructure; and
15 (ii) following the determination of aging oil
16 infrastructure, formulate recommendations
17 to combat such aging infrastructure.

18 **SEC. 8. GRANT PROGRAMS ESTABLISHED.**

19 (a) IN GENERAL.— A federal grant program shall be
20 established for the purposes of responding to oil
21 spills and their prevention.

22 (b) DEFINITIONS.—

23 (i) ELIGIBLE ENTITY.—

24 (1) an entity located in a region located
25 with a current and standing threat of
26 oil spill;

27 (2) an entity with the involvement of fields

1 related to resources of the ocean,
2 coastal, river, or the Great Lakes;

3 (3) a state in which.—

4 a) is subject to a current and
5 standing threat of oil spill;

6 (4) an entity with the involvement of
7 responding to oil spills; or

8 (5) an entity with the involvement of
9 assessing oil spills.

10 (ii) SECRETARY.— Refers to the Secretary of
11 Homeland Security or the relevant Secretary
12 administrating the Department of Homeland
13 Security.

14 (c) ESTABLISHMENT.— For the purpose of
15 responding to oil spills, and to ensure the proper
16 understanding of such oil spills and appropriate
17 response, there is established.—

18 (i) a federal grant program for eligible entities to
19 conduct research and technological
20 advancements for the purpose of oil spill
21 response and prevention; and

22 (ii) a federal grant program for an eligible entity
23 to receive grants and/or funding for the
24 conduction of oil spill prevention, as
25 determined by the Secretary.

26 (d) APPLICATIONS.— To be eligible to receive a grant
27 under a program established by paragraph (c) an

1 eligible entity shall submit to the Secretary an
2 application at such time, in such manner, and
3 containing such information as the Secretary
4 determines to be appropriate.

5 (e) FUNDING.—

6 (i) To carry out the grant program established
7 by paragraph (c)(i), \$25,000,000 shall be
8 made available for the next Fiscal Month.

9 (ii) To carry out the grant program established
10 by paragraph (c)(ii), \$45,000,000 shall be
11 made available for the next Fiscal Month.

12 (iii) Funding shall be made available at the
13 beginning of the following fiscal month after
14 the act's effective date. This is with the
15 exception of:

16 (1) response to the oil spill crisis of
17 November 13th, 2020, in Lake Ontario;
18 and

19 (2) when the Secretary deems necessary to
20 dispatch grant funding, before the
21 enactment date of this section.

22 **SEC. 9. EFFECTIVE DATE.**

23 This act shall be made effective immediately after its
24 passage, unless otherwise stated in the provisions of this
25 act.