

111TH CONGRESS
2^D SESSION

H. R. 2693

AN ACT

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,*

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.

19 “(iv) The Environmental Protection
20 Agency.

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

24 “(i) The National Institute of Stand-
25 ards and Technology.

26 “(ii) The Department of Energy.

1 “(iii) The Department of Transpor-
2 tation, including the Maritime Administra-
3 tion and the Pipeline and Hazardous Mate-
4 rials Safety Administration.

5 “(iv) The Department of Defense, in-
6 cluding the Army Corps of Engineers and
7 the Navy.

8 “(v) The Department of Homeland
9 Security, including the United States Fire
10 Administration in the Federal Emergency
11 Management Agency.

12 “(vi) The National Aeronautics and
13 Space Administration.

14 “(vii) The National Science Founda-
15 tion.

16 “(viii) Other Federal agencies, as ap-
17 propriate.”.

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

21 “(4) CHAIR.—

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

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

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

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

7 “(iii) the annual reports required
8 under subsection (e) are completed and
9 submitted;

10 “(iv) the Interagency Committee
11 meets in accordance with the requirements
12 of paragraph (5); and

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

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

19 “(5) ACTIVITIES.—

20 “(A) ONGOING, COORDINATED EFFORTS.—

21 The Interagency Committee shall ensure that
22 the research, development, and demonstration
23 efforts authorized by this section are coordi-
24 nated and conducted on an ongoing basis.

25 “(B) MEETINGS.—

1 “(i) IN GENERAL.—The Interagency
2 Committee shall meet, or otherwise com-
3 municate, as appropriate, to—

4 “(I) plan program-related activi-
5 ties; and

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

11 “(ii) FREQUENCY.—In no event shall
12 the Interagency Committee meet less than
13 once per year.

14 “(C) INFORMATION EXCHANGE.—The
15 Interagency Committee, acting through the Ad-
16 ministrator of the National Oceanic and Atmos-
17 pheric Administration, shall develop a national
18 information clearinghouse on oil discharge
19 that—

20 “(i) includes scientific information
21 and research on preparedness, response,
22 and restoration; and

23 “(ii) serves as a single electronic ac-
24 cess and input point for Federal agencies,
25 emergency responders, the research com-

1 munity, and other interested parties for
2 such information.”.

3 **SEC. 3. OIL POLLUTION RESEARCH AND TECHNOLOGY**
4 **PLAN.**

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

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

13 (2) by striking subparagraph (A) and inserting
14 the following:

15 “(A) identify the roles and responsibilities
16 of each member agency of the Interagency
17 Committee under subsection (a)(3)(A) and each
18 of the collaborating agencies under subsection
19 (a)(3)(B);”;

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

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

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

1 (6) in subparagraph (F)—

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

7 (B) by striking the period at the end and
8 inserting a semicolon; and

9 (7) by adding at the end the following new sub-
10 paragraphs:

11 “(G) identify the information needed to
12 conduct risk assessment and risk analysis re-
13 search to effectively prevent oil discharges, in-
14 cluding information on human factors and deci-
15 sionmaking, and to protect the environment;
16 and

17 “(H) identify a methodology that—

18 “(i) provides for the solicitation, eval-
19 uation, preapproval, funding, and utiliza-
20 tion of technologies and research projects
21 developed by the public and private sector
22 in advance of future oil discharges; and

23 “(ii) where appropriate, ensures that
24 such technologies are readily available for
25 rapid testing and potential deployment and

1 that research projects can be implemented
2 during an incident response.”.

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

6 “(2) ADVICE AND GUIDANCE.—

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

10 “(i) the Oil Pollution Research Advi-
11 sory Committee established under sub-
12 section (f);

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

17 “(iii) third party standard-setting or-
18 ganizations on issues relating to voluntary
19 consensus standards; and

20 “(iv) the public in accordance with
21 subparagraph (B).

22 “(B) PUBLIC COMMENT.—Prior to the
23 submission of the research plan to Congress
24 under paragraph (1), the research plan shall be
25 published in the Federal Register and subject

1 to a public comment period of 30 days. The
2 Chair shall review the public comments received
3 and incorporate those comments into the plan,
4 as appropriate.”.

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

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

12 “(A) to review the research plan;

13 “(B) to assess the adequacy of the re-
14 search plan; and

15 “(C) to submit a report to Congress on the
16 conclusions of the assessment.

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

22 **SEC. 4. OIL POLLUTION RESEARCH AND DEVELOPMENT**
23 **PROGRAM.**

24 (a) ESTABLISHMENT.—Section 7001(c)(1) of such
25 Act (33 U.S.C. 2761(c)(1)) is amended by striking “re-

1 search and development, as provided in this subsection”
2 and inserting “research, development, and demonstration,
3 as provided in this subsection and subsection (a)(2)”.

4 (b) INNOVATIVE OIL POLLUTION TECHNOLOGY.—
5 Section 7001(c)(2) of such Act (33 U.S.C. 2761(c)(2)) is
6 amended—

7 (1) in the matter before subparagraph (A), by
8 striking “preventing or mitigating” and inserting
9 “preventing, detecting, containing, recovering, or
10 mitigating”;

11 (2) by striking subparagraph (I);

12 (3) by redesignating subparagraph (J) as sub-
13 paragraph (I);

14 (4) by striking the period at the end of sub-
15 paragraph (I) (as so redesignated) and by inserting
16 at the end a semicolon; and

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

18 “(J) technologies and methods to address
19 oil discharge on land and in inland waters,
20 coastal areas, offshore areas, including deep-
21 water and ultra-deepwater areas, and polar and
22 other icy areas; and

23 “(K) modeling and simulation capabilities,
24 including tools and technologies, that can be
25 used to facilitate effective recovery and contain-

1 ment of oil discharge during incident re-
2 sponse.”.

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

6 “(3) OIL POLLUTION TECHNOLOGY EVALUA-
7 TION.—The program established under this sub-
8 section shall provide for the evaluation of oil pollu-
9 tion prevention, containment, and mitigation tech-
10 nologies, including—

11 “(A) the evaluation of the performance and
12 effectiveness of such technologies in preventing,
13 detecting, containing, recovering, and miti-
14 gating oil discharges;

15 “(B) the evaluation of the environmental
16 effects of the use of such technologies;

17 “(C) the evaluation and testing of tech-
18 nologies developed independently of the research
19 and development program established under
20 this subsection, including technologies developed
21 by small businesses;

22 “(D) the establishment, with the advice
23 and guidance of the National Institute of
24 Standards and Technology, of standards and
25 testing protocols traceable to national standards

1 to measure the performance of oil pollution pre-
2 vention, containment, or mitigation tech-
3 nologies;

4 “(E) an evaluation of the environmental
5 effects and utility of controlled field testing;

6 “(F) the use, where appropriate, of con-
7 trolled field testing to evaluate real-world appli-
8 cation of new or improved oil discharge preven-
9 tion, response, containment, recovery, or mitiga-
10 tion technologies;

11 “(G) an evaluation of the effectiveness of
12 oil pollution prevention technologies based on
13 probabilistic risk analyses of the system; and

14 “(H) research conducted by the Environ-
15 mental Protection Agency and other appro-
16 priate Federal agencies for the evaluation and
17 testing of technologies which demonstrate—

18 “(i) maximum effectiveness, including
19 application and delivery mechanisms; and

20 “(ii) minimum effects, including tox-
21 icity, to human health and the environment
22 in both the near-term and long-term.”.

23 (d) OIL POLLUTION EFFECTS RESEARCH.—Section
24 7001(c)(4) of such Act (33 U.S.C. 2761(c)(4)) is amend-
25 ed—

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

3 “(A) IN GENERAL.—

4 “(i) ESTABLISHMENT.—The Inter-
5 agency Committee, acting through the Ad-
6 ministrator of the National Oceanic and
7 Atmospheric Administration, shall estab-
8 lish a research program to monitor and
9 scientifically evaluate the environmental ef-
10 fects, including long-term effects, of oil dis-
11 charge.

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

14 “(I) Research on and the devel-
15 opment of effective tools to detect,
16 measure, observe, analyze, monitor,
17 model, and forecast the presence,
18 transport, fate, and effect of an oil
19 discharge throughout the environ-
20 ment, including tools and models to
21 accurately measure and predict the
22 flow of oil discharged.

23 “(II) The development of meth-
24 ods, including economic methods, to
25 assess and predict damages to natural

1 resources, including air quality, result-
2 ing from oil discharges, including in
3 economically disadvantaged commu-
4 nities and areas.

5 “(III) The identification of types
6 of ecologically sensitive areas at par-
7 ticular risk from oil discharges, such
8 as inland waters, coastal areas, off-
9 shore areas, including deepwater and
10 ultra-deepwater areas, and polar and
11 other icy areas.

12 “(IV) The preparation of sci-
13 entific monitoring and evaluation
14 plans for the areas identified under
15 subclause (III) to be implemented in
16 the event of major oil discharges in
17 such areas.

18 “(V) The collection of environ-
19 mental baseline data in the areas
20 identified under subclause (III) if
21 such data are insufficient.

22 “(VI) The use of both onshore
23 and offshore air quality monitoring to
24 study the effects of an oil discharge
25 and oil discharge cleanup technologies

1 on air quality; and making the results,
2 health, and safety warnings readily
3 available to the public, including
4 emergency responders, the research
5 community, local residents, and other
6 interested parties.

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

15 (2) in subparagraph (B)—

16 (A) by striking “(B) The Department of
17 Commerce” and all that follows through “fu-
18 ture oil discharges.” and inserting the following:

19 “(B) CONDITIONS.—The Interagency Com-
20 mittee, acting through the Administrator of the
21 National Oceanic and Atmospheric Administra-
22 tion, shall conduct research activities under
23 subparagraph (A) for areas in which—

24 “(i) the amount of oil discharged ex-
25 ceeds 250,000 gallons; and

1 “(ii) a study of the long-term environ-
2 mental effects of the discharge would be of
3 significant scientific value, especially for
4 preventing or responding to future oil dis-
5 charges.”;

6 (B) by striking “ATHOS I, and” and in-
7 serting “ATHOS I;”; and

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

13 (3) in subparagraph (C) by striking “Research”
14 and inserting “COORDINATION.—Research”.

15 (e) DEMONSTRATION PROJECTS.—Section
16 7001(c)(6) of such Act (33 U.S.C. 2761(c)(6)) is amend-
17 ed—

18 (1) by striking the first sentence and inserting
19 the following: “The United States Coast Guard, in
20 conjunction with such agencies as the President may
21 designate, shall conduct a total of 2 port oil pollu-
22 tion minimization demonstration projects, 1 with the
23 Ports of Los Angeles and Long Beach, California,
24 and 1 with a port on the Great Lakes, for the pur-
25 pose of developing and demonstrating integrated

1 port oil pollution prevention and cleanup systems
2 that utilize the information and implement the im-
3 proved practices and technologies developed from the
4 research, development, and demonstration program
5 established in this section.”; and

6 (2) in the second sentence by striking “oil spill”
7 and inserting “oil discharge”.

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

13 (g) REGIONAL RESEARCH PROGRAM.—

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

16 (A) in subparagraph (A)—

17 (i) by striking “program of competi-
18 tive grants” and inserting “program of
19 peer-reviewed, competitive grants”; and

20 (ii) by striking “(1989)” and inserting
21 “(2009)”;

22 (B) in subparagraph (C) by striking “the
23 entity or entities which” and inserting “at least
24 one entity that”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(H) In carrying out this paragraph, the
4 Interagency Committee shall coordinate the
5 program of peer-reviewed, competitive grants to
6 universities or other research institutions, in-
7 cluding Minority Serving Institutions as defined
8 under section 371(a) of the Higher Education
9 Act of 1965 (20 U.S.C. 1067q(a)), and provide
10 consideration to such institutions in the rec-
11 ommendations for awarding grants.”.

12 (2) FUNDING.—Section 7001(c)(9) of such Act
13 (33 U.S.C. 2761(c)(9)) is amended by striking
14 “1991” and all that follows through “shall be avail-
15 able” and inserting “2011, 2012, 2013, 2014, and
16 2015, there are authorized to be appropriated from
17 amounts in the Fund \$12,000,000”.

18 **SEC. 5. INTERNATIONAL COOPERATION.**

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

21 “(d) INTERNATIONAL COOPERATION.—In accordance
22 with the research plan submitted under subsection (b), the
23 Interagency Committee shall engage in international co-
24 operation by—

1 “(1) harnessing global expertise through col-
2 laborative partnerships with foreign governments
3 and research entities, and domestic and foreign pri-
4 vate actors, including nongovernmental organizations
5 and private sector companies; and

6 “(2) leveraging public and private capital, tech-
7 nology, expertise, and services towards innovative
8 models that can be instituted to conduct collabo-
9 rative oil pollution research, development, and dem-
10 onstration activities, including controlled field tests
11 of oil discharges and other activities designed to im-
12 prove oil recovery and cleanup.”.

13 **SEC. 6. ANNUAL REPORTS.**

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

16 “(e) ANNUAL REPORT.—

17 “(1) Concurrent with the submission to Con-
18 gress of the President’s annual budget request in
19 each year after the date of enactment of the Oil Pol-
20 lution Research and Development Program Reau-
21 thorization Act of 2010, the Chair of the Inter-
22 agency Committee shall submit to Congress a report
23 describing the—

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

1 “(i) a description of major research
2 conducted on oil discharge prevention, de-
3 tection, containment, recovery, and mitiga-
4 tion techniques in all environments by each
5 agency described in subsection (a)(3)(A)
6 and (B); and

7 “(ii) a summary of—

8 “(I) projects in which the agency
9 contributed funding or other re-
10 sources;

11 “(II) major projects undertaken
12 by State and tribal governments, and
13 foreign governments; and

14 “(III) major projects undertaken
15 by the private sector and educational
16 institutions;

17 “(B) activities being carried out under this
18 section in the current fiscal year, including a
19 description of major research and development
20 activities on oil discharge prevention, detection,
21 containment, recovery, and mitigation tech-
22 nologies and techniques in all environments that
23 each agency will conduct or contribute to; and

24 “(C) activities proposed to be carried out
25 under this section in the subsequent fiscal year,

1 including an analysis of how these activities will
2 further the purposes of the program authorized
3 by this section.

4 “(2) If the National Academy of Sciences pro-
5 vides recommendations on the research plan under
6 section 7001(b)(3), the Chair shall include, in the
7 first annual report under paragraph (1) of this sub-
8 section, a description of those recommendations in-
9 corporated into the research plan, and a description
10 of, and explanation for, any recommendations that
11 are not included in such plan.”

12 **SEC. 7. ADVISORY COMMITTEE.**

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

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

17 (2) by inserting after subsection (e) the fol-
18 lowing:

19 “(f) **ADVISORY COMMITTEE.**—

20 “(1) **ESTABLISHMENT.**—Not later than 90 days
21 after the date of enactment of the Oil Pollution Re-
22 search and Development Program Reauthorization
23 Act of 2010, the Chair of the Interagency Com-
24 mittee shall establish an advisory committee to be
25 known as the Oil Pollution Research Advisory Com-

1 mittee (in this subsection referred to as the ‘advisory
2 committee’).

3 “(2) MEMBERSHIP.—

4 “(A) IN GENERAL.—The advisory com-
5 mittee shall be composed of members appointed
6 by the Chair, in consultation with the each
7 member agency described in subsection (a)(3),
8 including—

9 “(i) individuals with extensive knowl-
10 edge and research experience or oper-
11 ational knowledge of prevention, detection,
12 response, containment, and mitigation of
13 oil discharges;

14 “(ii) individuals broadly representative
15 of stakeholders affected by oil discharges;
16 and

17 “(iii) other individuals, as determined
18 by the Chair.

19 “(B) LIMITATIONS.—The Chair shall—

20 “(i) appoint no more than 25 mem-
21 bers that shall not include representatives
22 of the Federal Government, but may in-
23 clude representatives from State, tribal,
24 and local governments; and

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

5 “(C) TERMS OF SERVICE.—

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

10 “(ii) VACANCIES.—Vacancy appoint-
11 ments shall be for the remainder of the un-
12 expired term of the vacancy.

13 “(iii) SPECIAL RULE.—If a member is
14 appointed to fill a vacancy and the remain-
15 der of the unexpired term is less than 1
16 year, the member may subsequently be ap-
17 pointed for 2 full terms.

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

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

4 “(A) Management and functioning of the
5 Interagency Committee.

6 “(B) Collaboration of the Interagency
7 Committee and the agencies listed in subsection
8 (a)(3)(B).

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

11 “(D) The use of cost-effective research
12 mechanisms.

13 “(E) Research, computation, and modeling
14 needs and other resources needed to develop a
15 comprehensive program of oil pollution re-
16 search.

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

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

22 “(6) REPORT.—The advisory committee shall
23 submit biennial reports to the Interagency Com-
24 mittee and Congress on the function, activities, and

1 progress of the Interagency Committee and the pro-
2 grams established under this section.

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

6 **SEC. 8. FUNDING.**

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

10 “(g) FUNDING.—

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

15 “(2) SPECIFIC ALLOCATIONS.—From the
16 amounts in paragraph (1), there are authorized to
17 be appropriated—

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

21 “(B) \$2,000,000 for each of fiscal years
22 2011, 2012, 2013, and 2014 to carry out the
23 activities in subsection (c)(6).”.

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

4 “(C) notwithstanding section 9509(f) of
5 the Internal Revenue Code of 1986, not more
6 than \$48,000,000 in each fiscal year shall be
7 available to carry out title VII of this Act;
8 and”.

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

10 Section 7001 of such Act (33 U.S.C. 2761) is amend-
11 ed by adding at the end the following new subsection:

12 “(h) ACCESS TO RESEARCH DURING AN EMER-
13 GENCY.—Any entity that receives Federal funding for re-
14 search, the methodologies or results of which may be use-
15 ful for response activities in the event of an oil discharge
16 incident described in sections 300.300-334 of title 40 of
17 the Code of Federal Regulations, shall, upon request to
18 that entity, make the methodologies or results of such re-
19 search available to the Interagency Committee and the
20 Federal On-Scene Coordinator (as defined in section
21 311(a)(21) of the Federal Water Pollution Control Act
22 (33 U.S.C. 1321(a)(21)). Any methodologies or research
23 results made available under this subsection shall be for
24 use only for purposes of the response activities with re-
25 spect to the oil discharge incident, and shall not be avail-

1 able for disclosure under section 552 of title 5, United
2 States Code, or included in information made publicly
3 available pursuant to this Act.”.

Passed the House of Representatives July 21, 2010.

Attest:

Clerk.

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