

Maria Cantwell S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Federal Water Pollution Control Act improve the ability to respond to discharges of hazardous substances.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

(no.) _____

(title) _____

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. CANTWELL

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . VESSEL RESPONSE PLAN AUDIT.**
- 3 (a) REQUIREMENT FOR AUDIT.—Not later than 1
- 4 year after the date of the enactment of this Act, the Comp-
- 5 troller General of the United States shall complete and
- 6 submit to the Committee on Commerce, Science, and
- 7 Transportation of the Senate and the Committee on
- 8 Transportation and Infrastructure of the House of Rep-
- 9 resentatives an audit of the verification and approval proc-
- 10 ess of the Coast Guard for vessel response plans required
- 11 under section 311 of the Federal Water Pollution Control
- 12 Act (33 U.S.C. 1321).

1 (b) REVIEW AND RECOMMENDATIONS.—The audit
2 required by subsection (a) shall—

3 (1) review and make recommendations regard-
4 ing the verification and approval process of the
5 Coast Guard for vessel response plans required
6 under section 311 of the Federal Water Pollution
7 Control Act (33 U.S.C. 1321) for—

8 (A) the current Coast Guard staffing
9 model and organization used for such process;

10 (B) the amount of time expended by the
11 Coast Guard verifying and approving such ves-
12 sel response plans; and

13 (C) the amount of time expended by the
14 Coast Guard for verification and approval of a
15 single such vessel response plan; and

16 (2) include a detailed analysis of—

17 (A) such process beginning with initial
18 submission from the vessel through final ap-
19 proval;

20 (B) how such process ensures compliance
21 with applicable statutes and regulations;

22 (C) the role of local and regional Coast
23 Guard units in such process;

1 (D) any public comment or other forms of
2 engagement with regional stakeholders, includ-
3 ing State governments and Indian tribes;

4 (E) any engagement or utilization of Fed-
5 eral or State agency resources and consultation,
6 including weather data systems, oil spill trajec-
7 tory modeling, or risk management information
8 for the purposes of reviewing vessel response
9 plans;

10 (F) how the Coast Guard verifies avail-
11 ability and contractual obligation of resources
12 required in a such a vessel response plan;

13 (G) the resources available and used by the
14 Coast Guard to verify operational capability
15 and capacity of equipment listed in a vessel re-
16 sponse plan for the applicable operating envi-
17 ronment;

18 (H) how the Coast Guard verifies alternate
19 measures when a vessel cannot meet the Na-
20 tional Planning Criteria;

21 (I) the weather data, modeling software,
22 and information systems available and used by
23 the Coast Guard when determining compliance
24 for response resource mobilization times stipu-
25 lated in regulation;

1 (J) how the Coast Guard factors in re-
2 regional specific adverse weather, as defined in
3 section 155.1020 of title 33, Code of Federal
4 Regulations, in determining compliance for re-
5 sponse resource mobilization times stipulated in
6 regulation;

7 (K) how the Coast Guard reviews and
8 verifies previously approved vessel response
9 plans for compliance when there is a change in
10 statute or regulation which effects response
11 planning criteria or resource mobilization times;

12 (L) the Coast Guard process for calcu-
13 lating compliance for response resource mobili-
14 zation times stipulated in statute and regula-
15 tion;

16 (M) how the Coast Guard verifies avail-
17 ability and compliance with response resource
18 mobilization requirements for different geo-
19 graphic regions;

20 (N) how the Coast Guard ensures vessel
21 response plans are adapted and updated to ac-
22 count for new regional response needs, such as
23 regional trends of transportation of heavy oils
24 and volume of traffic;

- 1 (O) the Coast Guard processes and actions
2 taken if an approved vessel response plan is dis-
3 covered to be noncompliant;
4 (P) how such process could be improved;
5 and
6 (Q) the resources needed to improve such
7 process.