

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1412

---

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2005

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

---

## AN ACT

To amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, 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 “Delaware River Protec-  
3 tion Act of 2005”.

4 **SEC. 2. REQUIREMENT TO NOTIFY COAST GUARD OF RE-  
5 LEASE OF OBJECTS INTO THE NAVIGABLE  
6 WATERS OF THE UNITED STATES.**

7 The Ports and Waterways Safety Act (33 U.S.C.  
8 1221 et seq.) is amended by adding at the end the fol-  
9 lowing:

10 **“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RE-  
11 LEASE OF OBJECTS INTO THE NAVIGABLE  
12 WATERS OF THE UNITED STATES.**

13 “(a) REQUIREMENT.—As soon as a person has  
14 knowledge of any release from a vessel or facility into the  
15 navigable waters of the United States of any object that  
16 creates an obstruction prohibited under section 10 of the  
17 Act of March 3, 1899, popularly known as the Rivers and  
18 Harbors Appropriations Act of 1899 (chapter 425; 33  
19 U.S.C. 403), such person shall notify the Secretary and  
20 the Secretary of the Army of such release.

21 “(b) RESTRICTION ON USE OF NOTIFICATION.—Any  
22 notification provided by an individual in accordance with  
23 subsection (a) shall not be used against such individual  
24 in any criminal case, except a prosecution for perjury or  
25 for giving a false statement.”.

1 **SEC. 3. LIMITS ON LIABILITY.**

2 (a) ADJUSTMENT OF LIABILITY LIMITS.—

3 (1) TANK VESSELS.—Section 1004(a)(1) of the  
4 Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is  
5 amended—

6 (A) by redesignating subparagraph (B) as  
7 subparagraph (C);

8 (B) by striking subparagraph (A) and in-  
9 serting the following:

10 “(A) with respect to a single-hull vessel,  
11 including a single-hull vessel fitted with double  
12 sides only or a double bottom only—

13 “(i) \$1,550 per gross ton for an inci-  
14 dent that occurs in 2005;

15 “(ii) \$1,900 per gross ton for an inci-  
16 dent that occurs in 2006; or

17 “(iii) \$2,250 per gross ton for an inci-  
18 dent that occurs in 2007 or in any year  
19 thereafter; or

20 “(B) with respect to a double-hull vessel  
21 (other than any vessel referred to in subpara-  
22 graph (A))—

23 “(i) \$1,350 per gross ton for an inci-  
24 dent that occurs in 2005;

25 “(ii) \$1,500 per gross ton for an inci-  
26 dent that occurs in 2006; and

1 “(iii) \$1,700 per gross ton for any in-  
2 cident that occurs in 2007 or in any year  
3 thereafter; or”; and

4 (C) in subparagraph (C), as redesignated  
5 by subparagraph (A) of this paragraph—

6 (i) in clause (i) by striking  
7 “\$10,000,000” and inserting  
8 “\$14,000,000”; and

9 (ii) in clause (ii) by striking  
10 “\$2,000,000” and inserting “\$2,500,000”.

11 (2) LIMITATION ON APPLICATION.—In the case  
12 of an incident occurring before the date of the enact-  
13 ment of this Act, section 1004(a)(1) of the Oil Pol-  
14 lution Act of 1990 (33 U.S.C. 2704(a)(1)) shall  
15 apply as in effect immediately before the effective  
16 date of this subsection.

17 (b) ADJUSTMENT TO REFLECT CONSUMER PRICE  
18 INDEX.—Section 1004(d)(4) of the Oil Pollution Act of  
19 1990 (33 U.S.C. 2704(d)(4)) is amended to read as fol-  
20 lows:

21 “(4) ADJUSTMENT TO REFLECT CONSUMER  
22 PRICE INDEX.—The President shall, by regulations  
23 issued no later than 3 years after the date of the en-  
24 actment of the Delaware River Protection Act of  
25 2005 and no less than every 3 years thereafter, ad-

1 just the limits on liability specified in subsection (a)  
2 to reflect significant increases in the Consumer Price  
3 Index.”.

4 **SEC. 4. REQUIREMENT TO UPDATE PHILADELPHIA AREA**  
5 **CONTINGENCY PLAN.**

6 The Philadelphia Area Committee established under  
7 section 311(j)(4) of the Federal Water Pollution Control  
8 Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12  
9 months after the date of the enactment of this Act and  
10 not less than annually thereafter, review and revise the  
11 Philadelphia Area Contingency Plan to include available  
12 data and biological information on environmentally sen-  
13 sitive areas of the Delaware River and Delaware Bay that  
14 has been collected by Federal and State surveys.

15 **SEC. 5. SUBMERGED OIL REMOVAL.**

16 (a) AMENDMENTS.—Title VII of the Oil Pollution  
17 Act of 1990 is amended—

18 (1) in section 7001(e)(4)(B) (33 U.S.C.  
19 2761(e)(4)(B)) by striking “RIVERA,” and insert-  
20 ing “RIVERA and the T/V ATHOS I;”; and

21 (2) by adding at the end the following:

22 **“SEC. 7002. SUBMERGED OIL PROGRAM.**

23 “(a) PROGRAM.—

24 “(1) ESTABLISHMENT.—The Undersecretary of  
25 Commerce for Oceans and Atmosphere, in conjunc-

1       tion with the Commandant of the Coast Guard, shall  
2       establish a program to detect, monitor, and evaluate  
3       the environmental effects of submerged oil. Such  
4       program shall include the following elements:

5               “(A) The development of methods to re-  
6               move, disperse or otherwise diminish the per-  
7               sistence of submerged oil.

8               “(B) The development of improved models  
9               and capacities for predicting the environmental  
10              fate, transport, and effects of submerged oil.

11              “(C) The development of techniques to de-  
12              tect and monitor submerged oil.

13              “(2) REPORT.—The Secretary of Commerce  
14              shall, no later than 3 years after the date of the en-  
15              actment of the Delaware River Protection Act of  
16              2005, submit to the Committee on Transportation  
17              and Infrastructure of the House of Representatives  
18              and the Committee on Commerce, Science, and  
19              Transportation and the Committee on Environment  
20              and Public Works of the Senate a report on the ac-  
21              tivities carried out under this subsection and activi-  
22              ties proposed to be carried out under this subsection.

23              “(3) FUNDING.—There is authorized to be ap-  
24              propriated to the Secretary of Commerce \$1,000,000

1 for each of fiscal years 2006 through 2010 to carry  
2 out this subsection.

3 “(b) DEMONSTRATION PROJECT.—

4 “(1) REMOVAL OF SUBMERGED OIL.—The  
5 Commandant of the Coast Guard, in conjunction  
6 with the Undersecretary of Commerce for Oceans  
7 and Atmosphere, shall conduct a demonstration  
8 project for the purpose of developing and dem-  
9 onstrating technologies and management practices to  
10 remove submerged oil from the Delaware River and  
11 other navigable waters.

12 “(2) FUNDING.—There is authorized to be ap-  
13 propriated to the Commandant of the Coast Guard  
14 \$2,000,000 for each of fiscal years 2006 through  
15 2010 to carry out this subsection.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
17 in section 2 of such Act is amended by inserting after the  
18 item relating to section 7001 the following:

“Sec. 7002. Submerged oil program.”.

19 **SEC. 6. DELAWARE RIVER AND BAY OIL SPILL ADVISORY**  
20 **COMMITTEE.**

21 (a) ESTABLISHMENT.—There is established the Dela-  
22 ware River and Bay Oil Spill Advisory Committee (in this  
23 section referred to as the “Committee”).

24 (b) FUNCTIONS.—

1           (1) IN GENERAL.—The Committee shall, by not  
2 later than 1 year after the date the Commandant of  
3 the Coast Guard (in this section referred to as the  
4 “Commandant”) completes appointment of the mem-  
5 bers of the Committee, make recommendations to  
6 the Commandant, the Committee on Transportation  
7 and Infrastructure of the House of Representatives,  
8 and the Committee on Commerce, Science, and  
9 Transportation of the Senate on methods to improve  
10 the prevention of and response to future oil spills in  
11 the Delaware River and Delaware Bay.

12           (2) MEETINGS.—The Committee—

13                   (A) shall hold its first meeting not later  
14 than 60 days after the completion of the ap-  
15 pointment of the members of the Committee;  
16 and

17                   (B) shall meet thereafter at the call of the  
18 Chairman.

19           (c) MEMBERSHIP.—The Committee shall consist of  
20 15 members who have particular expertise, knowledge, and  
21 experience regarding the transportation, equipment, and  
22 techniques that are used to ship cargo and to navigate  
23 vessels in the Delaware River and Delaware Bay, as fol-  
24 lows:



1           (1) Three members who are employed by port  
2 authorities that oversee operations on the Delaware  
3 River or have been selected to represent these enti-  
4 ties, of whom—

5                   (A) one member must be an employee or  
6 representative of the Port of Wilmington;

7                   (B) one member must be an employee or  
8 representative of the South Jersey Port Cor-  
9 poration; and

10                  (C) one member must be an employee or  
11 representative of the Philadelphia Regional Port  
12 Authority.

13           (2) Two members who represent organizations  
14 that operate tugs or barges that utilize the port fa-  
15 cilities on the Delaware River and Delaware Bay.

16           (3) Two members who represent shipping com-  
17 panies that transport cargo by vessel from ports on  
18 the Delaware River and Delaware Bay.

19           (4) Two members who represent operators of oil  
20 refineries on the Delaware River and Delaware Bay.

21           (5) Two members who represent environmental  
22 and conservation interests.

23           (6) Two members who represent State-licensed  
24 pilots who work on the Delaware River and Dela-  
25 ware Bay.

1           (7) One member who represents labor organiza-  
2           tions that load and unload cargo at ports on the  
3           Delaware River and Delaware Bay.

4           (8) One member who represents the general  
5           public.

6           (d) APPOINTMENT OF MEMBERS.—The Commandant  
7           shall appoint the members of the Committee, after solici-  
8           iting nominations by notice published in the Federal Reg-  
9           ister.

10          (e) CHAIRMAN AND VICE CHAIRMAN.—The Com-  
11          mittee shall elect, by majority vote at its first meeting,  
12          one of the members of the Committee as the Chairman  
13          and one of the members as the Vice Chairman. The Vice  
14          Chairman shall act as Chairman in the absence of or inca-  
15          pacity of the Chairman, or in the event of vacancy in the  
16          Office of the Chairman.

17          (f) PAY AND EXPENSES.—

18               (1) PROHIBITION ON PAY.—Members of the  
19               Committee who are not officers or employees of the  
20               United States shall serve without pay. Members of  
21               the Committee who are officers or employees of the  
22               United States shall receive no additional pay on ac-  
23               count of their service on the Committee.

24               (2) EXPENSES.—While away from their homes  
25               or regular places of business, members of the Com-

1        mittee may be allowed travel expenses, including per  
2        diem, in lieu of subsistence, as authorized by section  
3        5703 of title 5, United States Code.

4        (g) TERMINATION.—The Committee shall terminate  
5        one year after the completion of the appointment of the  
6        members of the Committee.

7        **SEC. 7. MARITIME FIRE AND SAFETY ACTIVITIES.**

8        The Maritime Transportation Security Act of 2002  
9        (Public Law 107–295) is amended—

10            (1) in section 407—

11                    (A) in the heading by striking “**LOWER**  
12                    **COLUMBIA RIVER**”; and

13                    (B) by striking “\$987,400” and inserting  
14                    “\$1,500,000”; and

15            (2) in the table of contents in section 1(b) by  
16        striking the item relating to section 407 and insert-  
17        ing the following:

“Sec. 407. Maritime fire and safety activities.”.

Passed the House of Representatives June 27, 2005.

Attest:                                JEFF TRANDAHL,  
*Clerk.*