

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

# H. R. 1002

To amend the Oil Pollution Act of 1990 to exempt marinas from the financial responsibility requirements applicable to off shore facilities under that Act.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1995

Mr. GEJDENSON introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To amend the Oil Pollution Act of 1990 to exempt marinas from the financial responsibility requirements applicable to off shore facilities under that Act.

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 “Marina Relief Act of  
5 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Oil Pollution Act of 1990 was enacted  
9 in part in response to the EXXON VALDEZ oil  
10 spill, which discharged approximately 11,000,000

1 gallons of crude oil into Prince William Sound,  
2 Alaska.

3 (2) That Act was enacted to prevent similar  
4 disasters in the future and to ensure that companies  
5 transporting and drilling for oil had sufficient finan-  
6 cial resources, insurance, or other means to pay for  
7 comprehensive cleanup and environmental restora-  
8 tion in response to discharges of oil into navigable  
9 waters.

10 (3) That Act required offshore facilities which  
11 could pollute navigable waters of the United States  
12 to provide proof of financial responsibility of at least  
13 \$150,000,000.

14 (4) Marinas sell gasoline and diesel fuel only,  
15 and reported that in fiscal year 1994 only 144 gal-  
16 lons of gasoline and diesel fuel oil were spilled na-  
17 tionwide.

18 (5) Marinas do not have the capital to self-in-  
19 sure or receive letters of credit for \$150,000,000  
20 and insurance policies are unavailable to them for  
21 that amount.

22 (6) Requiring marinas to demonstrate  
23 \$150,000,000 in financial responsibility could drive  
24 many of them out of business with subsequent nega-

1       tive impacts on their owners and employees, boaters,  
2       and coastal residents.

3       **SEC. 3. MARINAS EXEMPTED FROM FINANCIAL RESPON-**  
4                               **SIBILITY REQUIREMENTS APPLICABLE TO**  
5                               **OFFSHORE FACILITIES.**

6       (a) EXEMPTION FROM FINANCIAL RESPONSIBILITY  
7       REQUIREMENT.—Section 1016(c)(1) of the Oil Pollution  
8       Act of 1980 (33 U.S.C. 2716(c)(1))—

9               (1) by inserting “(A)” before “Except as pro-  
10       vided in paragraph (2),”; and

11              (2) by adding at the end the following new sub-  
12       paragraph:

13       “(B) Subparagraph (A) shall not apply to a marina.”.

14       (b) MARINA DEFINED.—Section 1001 of the Oil Pol-  
15       lution Act of 1990 (33 U.S.C. 2701) is amended by strik-  
16       ing “and” after the semicolon at the end of paragraph  
17       (36), by striking the period at the end of paragraph (37)  
18       and inserting “; and”, and by adding at the end the follow-  
19       ing:

20              “(38) ‘marina’ means a facility used primarily  
21       for providing mooring space, dock space, fuel, stor-  
22       age on land, or other services primarily for rec-  
23       reational vessels.”.

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