

Public Law 101-380
101st Congress

An Act

Aug. 18, 1990
[H.R. 1465]

Oil Pollution Act
of 1990.
Maritime
affairs.
Environmental
protection.
33 USC 2701
note.

To establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Pollution Act of 1990".

SEC. 2. TABLE OF CONTENTS.

The contents of this Act are as follows:

TITLE I—OIL POLLUTION LIABILITY AND COMPENSATION

- Sec. 1001. Definitions.
- Sec. 1002. Elements of liability.
- Sec. 1003. Defenses to liability.
- Sec. 1004. Limits on liability.
- Sec. 1005. Interest.
- Sec. 1006. Natural resources.
- Sec. 1007. Recovery by foreign claimants.
- Sec. 1008. Recovery by responsible party.
- Sec. 1009. Contribution.
- Sec. 1010. Indemnification agreements.
- Sec. 1011. Consultation on removal actions.
- Sec. 1012. Uses of the Fund.
- Sec. 1013. Claims procedure.
- Sec. 1014. Designation of source and advertisement.
- Sec. 1015. Subrogation.
- Sec. 1016. Financial responsibility.
- Sec. 1017. Litigation, jurisdiction, and venue.
- Sec. 1018. Relationship to other law.
- Sec. 1019. State financial responsibility.
- Sec. 1020. Application.

TITLE II—CONFORMING AMENDMENTS

- Sec. 2001. Intervention on the High Seas Act.
- Sec. 2002. Federal Water Pollution Control Act.
- Sec. 2003. Deepwater Port Act.
- Sec. 2004. Outer Continental Shelf Lands Act Amendments of 1978.

TITLE III—INTERNATIONAL OIL POLLUTION PREVENTION AND REMOVAL

- Sec. 3001. Sense of Congress regarding participation in international regime.
- Sec. 3002. United States-Canada Great Lakes oil spill cooperation.
- Sec. 3003. United States-Canada Lake Champlain oil spill cooperation.
- Sec. 3004. International inventory of removal equipment and personnel.
- Sec. 3005. Negotiations with Canada concerning tug escorts in Puget Sound.

TITLE IV—PREVENTION AND REMOVAL

Subtitle A—Prevention

- Sec. 4101. Review of alcohol and drug abuse and other matters in issuing licenses, certificates of registry, and merchant mariners' documents.
- Sec. 4102. Term of licenses, certificates of registry, and merchant mariners' documents; criminal record reviews in renewals.
- Sec. 4103. Suspension and revocation of licenses, certificates of registry, and merchant mariners' documents for alcohol and drug abuse.

- Sec. 4104. Removal of master or individual in charge.
- Sec. 4105. Access to National Driver Register.
- Sec. 4106. Manning standards for foreign tank vessels.
- Sec. 4107. Vessel traffic service systems.
- Sec. 4108. Great Lakes pilotage.
- Sec. 4109. Periodic gauging of plating thickness of commercial vessels.
- Sec. 4110. Overfill and tank level or pressure monitoring devices.
- Sec. 4111. Study on tanker navigation safety standards.
- Sec. 4112. Dredge modification study.
- Sec. 4113. Use of liners.
- Sec. 4114. Tank vessel manning.
- Sec. 4115. Establishment of double hull requirement for tank vessels.
- Sec. 4116. Pilotage.
- Sec. 4117. Maritime pollution prevention training program study.
- Sec. 4118. Vessel communication equipment regulations.

Subtitle B—Removal

- Sec. 4201. Federal removal authority.
- Sec. 4202. National planning and response system.
- Sec. 4203. Coast Guard vessel design.
- Sec. 4204. Determination of harmful quantities of oil and hazardous substances.
- Sec. 4205. Coastwise oil spill response endorsements.

Subtitle C—Penalties and Miscellaneous

- Sec. 4301. Federal Water Pollution Control Act penalties.
- Sec. 4302. Other penalties.
- Sec. 4303. Financial responsibility civil penalties.
- Sec. 4304. Deposit of certain penalties into oil spill liability trust fund.
- Sec. 4305. Inspection and entry.
- Sec. 4306. Civil enforcement under Federal Water Pollution Control Act.

TITLE V—PRINCE WILLIAM SOUND PROVISIONS

- Sec. 5001. Oil spill recovery institute.
- Sec. 5002. Terminal and tanker oversight and monitoring.
- Sec. 5003. Bligh Reef light.
- Sec. 5004. Vessel traffic service system.
- Sec. 5005. Equipment and personnel requirements under tank vessel and facility response plans.
- Sec. 5006. Funding.
- Sec. 5007. Limitation.

TITLE VI—MISCELLANEOUS

- Sec. 6001. Savings provisions.
- Sec. 6002. Annual appropriations.
- Sec. 6003. Outer Banks protection.
- Sec. 6004. Cooperative development of common hydrocarbon-bearing areas.

TITLE VII—OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM

- Sec. 7001. Oil pollution research and development program.

TITLE VIII—TRANS-ALASKA PIPELINE SYSTEM

- Sec. 8001. Short title.

Subtitle A—Improvements to Trans-Alaska Pipeline System

- Sec. 8101. Liability within the State of Alaska and cleanup efforts.
- Sec. 8102. Trans-Alaska Pipeline Liability Fund.
- Sec. 8103. Presidential task force.

Subtitle B—Penalties

- Sec. 8201. Authority of the Secretary of the Interior to impose penalties on Outer Continental Shelf facilities.
- Sec. 8202. Trans-Alaska pipeline system civil penalties.

Subtitle C—Provisions Applicable to Alaska Natives

- Sec. 8301. Land conveyances.
- Sec. 8302. Impact of potential spills in the Arctic Ocean on Alaska Natives.

mate, or operator licensed under section 7101(c) (1) or (3) of this title shall—

“(1) temporarily relieve the master or individual in charge;

“(2) temporarily take command of the vessel;

“(3) in the case of a vessel required to have a log under chapter 113 of this title, immediately enter the details of the incident in the log; and

“(4) report those details to the Secretary—

“(A) by the most expeditious means available; and

“(B) in written form transmitted within 12 hours after the vessel arrives at its next port.”.

SEC. 4105. ACCESS TO NATIONAL DRIVER REGISTER.

(a) **ACCESS TO REGISTER.**—Section 206(b) of the National Driver Register Act of 1982 (23 U.S.C. 401 note) is amended—

(1) by redesignating the second paragraph (5) (as added to the end of that section by section 4(b)(1) of the Rail Safety Improvement Act of 1988) as paragraph (6); and

(2) by adding at the end the following:

“(7)(A) Any individual who holds or who has applied for a license or certificate of registry under section 7101 of title 46, United States Code, or a merchant mariner’s document under section 7302 of title 46, United States Code, may request the chief driver licensing official of a State to transmit to the Secretary of the department in which the Coast Guard is operating in accordance with subsection (a) information regarding the motor vehicle driving record of the individual.

“(B) The Secretary—

“(i) may receive information transmitted by the chief driver licensing official of a State pursuant to a request under subparagraph (A);

“(ii) shall make the information available to the individual for review and written comment before denying, suspending, or revoking the license, certificate of registry, or merchant mariner’s document of the individual based on that information and before using that information in any action taken under chapter 77 of title 46, United States Code; and

“(iii) may not otherwise divulge or use that information, except for the purposes of section 7101, 7302, or 7703 of title 46, United States Code.

“(C) Information regarding the motor vehicle driving record of an individual may not be transmitted to the Secretary under this paragraph if the information was entered in the Register more than 3 years before the date of the request for the information, unless the information relates to revocations or suspensions that are still in effect on the date of the request. Information submitted to the Register by States under the Act of July 14, 1960 (74 Stat. 526), or under this title shall be subject to access for the purpose of this paragraph during the transition to the Register described under section 203(c) of this title.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **REVIEW OF INFORMATION RECEIVED FROM REGISTER.**—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 7505. Review of information in National Driver Register

“The Secretary shall make information received from the National Driver Register under section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note) available to an individual for review and written comment before denying, suspending, revoking, or taking any other action relating to a license, certificate of registry, or merchant mariner’s document authorized to be issued for that individual under this part, based on that information.”

(2) **PENALTY FOR NEGLIGENT OPERATION OF VESSEL.**—Section 2302(c) of title 46, United States Code, is amended by striking “intoxicated” and inserting “under the influence of alcohol, or a dangerous drug in violation of a law of the United States”.

(c) **CLERICAL AMENDMENT.**—The analysis for chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“7505. Review of information in National Driver Register.”

SEC. 4106. MANNING STANDARDS FOR FOREIGN TANK VESSELS.

(a) **STANDARDS FOR FOREIGN TANK VESSELS.**—Section 9101(a) of title 46, United States Code, is amended to read as follows:

“(a)(1) The Secretary shall evaluate the manning, training, qualification, and watchkeeping standards of a foreign country that issues documentation for any vessel to which chapter 37 of this title applies—

“(A) on a periodic basis; and

“(B) when the vessel is involved in a marine casualty required to be reported under section 6101(a) (4) or (5) of this title.

“(2) After each evaluation made under paragraph (1) of this subsection, the Secretary shall determine whether—

“(A) the foreign country has standards for licensing and certification of seamen that are at least equivalent to United States law or international standards accepted by the United States; and

“(B) those standards are being enforced.

“(3) If the Secretary determines under this subsection that a country has failed to maintain or enforce standards at least equivalent to United States law or international standards accepted by the United States, the Secretary shall prohibit vessels issued documentation by that country from entering the United States until the Secretary determines those standards have been established and are being enforced.

“(4) The Secretary may allow provisional entry of a vessel prohibited from entering the United States under paragraph (3) of this subsection if—

“(A) the owner or operator of the vessel establishes, to the satisfaction of the Secretary, that the vessel is not unsafe or a threat to the marine environment; or

“(B) the entry is necessary for the safety of the vessel or individuals on the vessel.”

(b) **REPORTING MARINE CASUALTIES.**—

(1) **REPORTING REQUIREMENT.**—Section 6101(a) of title 46, United States Code, is amended by adding at the end the following:

“(5) significant harm to the environment.”

(2) **APPLICATION TO FOREIGN VESSELS.**—Section 6101(d) of title 46, United States Code, is amended—

(A) by inserting “(1)” before “This part”; and