

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Deepwater Port Act of 1974 to improve community outreach, public participation, and the consideration of community and environmental impacts with respect to the issuance of a license under that Act, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. MARKEY (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend the Deepwater Port Act of 1974 to improve community outreach, public participation, and the consideration of community and environmental impacts with respect to the issuance of a license under that Act, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nautical Oversight,  
5 Safety, and Protection of Inflammable Liquids by Law in  
6 the Sea Act of 2024” or the “NO SPILLS Act of 2024”.

1 **SEC. 2. DEFINITIONS.**

2 Section 3 of the Deepwater Port Act of 1974 (33  
3 U.S.C. 1502) is amended—

4 (1) in paragraph (5), in the first sentence, by  
5 striking “including waters” and inserting “(includ-  
6 ing waters”;

7 (2) by redesignating paragraphs (10), (11), and  
8 (12) through (19) as paragraphs (13), (16), and  
9 (18) through (25), respectively;

10 (3) by inserting after paragraph (9) the fol-  
11 lowing:

12 “(10) ENVIRONMENT.—The term ‘environment’  
13 includes—

14 “(A) water, air, and land; and

15 “(B) the interrelationship that exists  
16 among and between water, air, and land and all  
17 present and future generations of living beings.

18 “(11) ENVIRONMENTAL JUSTICE COMMU-  
19 NITY.—The term ‘environmental justice community’  
20 means a community with significant representation  
21 of communities of color, low-income communities, or  
22 Tribal and Indigenous communities, that experi-  
23 ences, or is at risk of experiencing, higher or more  
24 adverse human health or environmental effects.

25 “(12) ENVIRONMENTAL PROTECTION; PROTEC-  
26 TION OF THE ENVIRONMENT.—The terms ‘environ-

1       mental protection’ and ‘protection of the environ-  
2       ment’ mean wide-ranging measures to prevent or  
3       mitigate negative impacts to the environment, in-  
4       cluding the preservation of ocean ecosystems and the  
5       mitigation of air pollutants.”;

6               (4) by inserting after paragraph (13) (as so re-  
7       designated) the following:

8               “(14) IMPACTED COMMUNITY.—The term ‘im-  
9       pacted community’ means—

10               “(A) residents of an adjacent coastal State  
11       who may be impacted, including through eco-  
12       logical harm, economic disruption, or social dis-  
13       placement, by—

14               “(i) the permitting of a deepwater  
15       port; or

16               “(ii) a spill, leak, or other disaster at  
17       a deepwater port; and

18               “(B) workers who may be impacted, and  
19       labor organizations and worker advocacy orga-  
20       nizations representing workers who may be im-  
21       pacted, by—

22               “(i) the permitting of a deepwater  
23       port; or

24               “(ii) a spill, leak, or other disaster at  
25       a deepwater port.

1           “(15) INDIAN TRIBE.—The term ‘Indian Tribe’  
2           has the meaning given the term in section 4 of the  
3           Indian Self-Determination and Education Assistance  
4           Act (25 U.S.C. 5304).”;

5           (5) by inserting after paragraph (16) (as so re-  
6           designated) the following:

7           “(17) LOW-INCOME COMMUNITY.—The term  
8           ‘low-income community’ means a census block group  
9           in which 30 percent or more of the population are  
10          individuals with an annual household income equal  
11          to, or less than, the greater of—

12                 “(A) an amount equal to 80 percent of the  
13                 median income of the area in which the house-  
14                 hold is located, as reported by the Department  
15                 of Housing and Urban Development; and

16                 “(B) 200 percent of the Federal poverty  
17                 line.”.

18 **SEC. 3. CONDITIONS FOR ISSUANCE OF A LICENSE FOR**  
19 **THE OWNERSHIP, CONSTRUCTION, AND OP-**  
20 **ERATION OF A DEEPWATER PORT.**

21           (a) IN GENERAL.—Section 4(c) of the Deepwater  
22           Port Act of 1974 (33 U.S.C. 1503(c)) is amended—

23                 (1) in paragraph (3), by striking “and environ-  
24                 mental quality” and inserting “, protection of the

1 environment, and protection of environmental justice  
2 communities and impacted communities”; and

3 (2) in paragraph (8), by striking “State” and  
4 all that follows through “approves” and inserting  
5 “State, and the governing body of each Indian  
6 Tribe, within which there are impacted communities,  
7 approves”.

8 (b) LIMITS ON LIABILITY.—Section 1004(a) of the  
9 Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amend-  
10 ed—

11 (1) in paragraph (1)(C)—

12 (A) in clause (i)—

13 (i) in subclause (I), by striking  
14 “\$22,000,000” and inserting  
15 “\$70,000,000”; and

16 (ii) in subclause (II), by striking  
17 “\$16,000,000” and inserting  
18 “\$60,000,000”; and

19 (B) in clause (ii)—

20 (i) in subclause (I), by striking  
21 “\$6,000,000” and inserting  
22 “\$32,000,000”; and

23 (ii) in subclause (II), by striking  
24 “\$4,000,000” and inserting  
25 “\$26,000,000”; and

1 (2) in paragraph (2)—

2 (A) by striking “\$950” and inserting  
3 “\$4,000”; and

4 (B) by striking “\$800,000” and inserting  
5 “\$2,000,000”.

6 (c) FINANCIAL RESPONSIBILITY REQUIREMENTS.—

7 Section 1016(c)(1) of the Oil Pollution Act of 1990 (33  
8 U.S.C. 2716(c)(1)) is amended—

9 (1) in subparagraph (B)—

10 (A) in clause (i), by striking  
11 “\$35,000,000” and inserting “\$105,000,000”;  
12 and

13 (B) in clause (ii), by striking  
14 “\$10,000,000” and inserting “\$70,000,000”;  
15 and

16 (2) in subparagraph (C), by striking  
17 “\$150,000,000” and inserting “\$300,000,000”.

18 **SEC. 4. OUTREACH TO IMPACTED COMMUNITIES, PUBLIC**  
19 **COMMENT, AND PUBLIC HEARINGS.**

20 Section 5(g) of the Deepwater Port Act of 1974 (33  
21 U.S.C. 1504(g)) is amended—

22 (1) by striking “(g) A license” and inserting the  
23 following:

24 “(g) OUTREACH, PUBLIC NOTICE, PUBLIC COM-  
25 MENT, AND PUBLIC HEARINGS.—

1 “(1) IN GENERAL.—A license”;

2 (2) in paragraph (1) (as so designated)—

3 (A) in the first sentence, by striking “pub-  
4 lic notice and public hearings” and inserting  
5 “public notice, comment, and hearings”; and

6 (B) in the second sentence, by striking “At  
7 least” and inserting the following:

8 “(2) OUTREACH.—The Secretary shall conduct  
9 active and ongoing outreach to impacted commu-  
10 nities, especially those that are also environmental  
11 justice communities, including through representa-  
12 tive civil, business, environmental, neighborhood,  
13 health, education, labor, and other organizations.

14 “(3) PUBLIC NOTICE, COMMENT, AND HEAR-  
15 INGS.—

16 “(A) NOTICE.—Notice of a public com-  
17 ment period or public hearing shall be provided  
18 through multiple communication methods acces-  
19 sible to an impacted community, which may in-  
20 clude—

21 “(i) electronic media;

22 “(ii) newspapers;

23 “(iii) radio;

24 “(iv) direct mailings;

25 “(v) canvassing; and

1                   “(vi) other outreach methods particu-  
2                   larly targeted at environmental justice  
3                   communities.

4                   “(B) PUBLIC COMMENT PERIODS.—All  
5                   public comment periods associated with a pro-  
6                   posed deepwater port project shall be 90 days  
7                   or longer.

8                   “(C) PUBLIC HEARINGS.—

9                   “(i) NOTICE.—Notice of a public  
10                  hearing shall be provided at least 30 days  
11                  before the date of the hearing.

12                  “(ii) REQUIREMENT.—At least”; and  
13                  (3) in paragraph (3) (as so designated)—

14                  (A) in subparagraph (C) (as so des-  
15                  ignated)—

16                  (i) in clause (ii) (as so designated), in  
17                  the second sentence, by striking “Any in-  
18                  terested” and inserting the following:

19                  “(iii) PARTICIPATION.—Any inter-  
20                  ested”;

21                  (ii) in clause (iii) (as so designated),  
22                  in the second sentence, by striking “After  
23                  hearings in each adjacent coastal State”  
24                  and inserting the following:

25                  “(iv) ADJUDICATORY HEARING.—



1 “(I) IN GENERAL.—After all  
2 hearings under clause (ii)”;

3 (iii) in clause (iv) (as so designated)—

4 (I) in subclause (I) (as so des-  
5 ignated), in the second sentence, by  
6 striking “The record” and inserting  
7 the following:

8 “(II) USE OF RECORD.—The  
9 record”; and

10 (II) in subclause (II) (as so des-  
11 ignated), in the second sentence, by  
12 striking “Hearings held” and insert-  
13 ing the following:

14 “(v) CONSOLIDATION OF HEARINGS.—

15 “(I) INTERAGENCY CONSOLIDA-  
16 TION.—Hearings held”; and

17 (iv) in clause (v)(I) (as so designated),  
18 in the second sentence, by striking “All  
19 public” and inserting the following:

20 “(II) CONSOLIDATION WITHIN  
21 APPLICATION AREAS.—All public”;

22 and

23 (B) by adding at the end the following:

24 “(D) DOCUMENTS.—All documents made  
25 available for public review shall be translated



1 (C) by redesignating paragraphs (1)  
2 through (5), (6), and (7) as subparagraphs (A)  
3 through (E), (G), and (N), respectively, and in-  
4 denting appropriately;

5 (D) by inserting after subparagraph (E)  
6 (as so redesignated) the following:

7 “(F) the effect on air quality from all ac-  
8 tivities related to operation and construction of  
9 the deepwater port;”;

10 (E) by inserting after subparagraph (G)  
11 (as so redesignated) the following:

12 “(H) the health and climate impact on—

13 “(i) impacted communities; and

14 “(ii) environmental justice commu-  
15 nities nationwide;

16 “(I) the effect on—

17 “(i) national policy goals; and

18 “(ii) the commitment of the United  
19 States to transition away from fossil fuels  
20 to clean renewable energy;

21 “(J) the effect on threatened and endan-  
22 gered species, their critical habitat, and their  
23 ability to adapt to a changing environment;

24 “(K) compliance with the National Envi-  
25 ronmental Policy Act of 1969 (42 U.S.C. 4321

1 et seq.), the Endangered Species Act of 1973  
2 (16 U.S.C. 1531 et seq.), the Federal Water  
3 Pollution Control Act (33 U.S.C. 1251 et seq.),  
4 the Clean Air Act (42 U.S.C. 7401 et seq.), and  
5 the Marine Mammal Protection Act of 1972 (16  
6 U.S.C. 1361 et seq.);

7 “(L) the effect of all upstream and down-  
8 stream activities on all outcomes described in  
9 subparagraphs (A) through (K);

10 “(M) the cumulative effect, on all outcomes  
11 described in subparagraphs (A) through (K), of  
12 all activities relating to the deepwater port com-  
13 bined with the cumulative effect of all activities  
14 relating to all deepwater ports proposed, under  
15 construction, or operating in the same geo-  
16 graphic region; and”;

17 (F) in the matter preceding subparagraph  
18 (A) (as so redesignated), by striking “Act. Such  
19 criteria” and inserting the following: “Act of  
20 1969 (42 U.S.C. 4321 et seq.).

21 “(2) USE OF CRITERIA.—The criteria estab-  
22 lished pursuant to paragraph (1)”;

23 (G) in the matter preceding paragraph (2)  
24 (as so designated), by striking “The Secretary”  
25 and inserting the following:

1 “(1) IN GENERAL.—The Secretary”; and

2 (2) in subsection (b)—

3 (A) by striking “The Secretary” and in-  
4 serting the following:

5 “(1) IN GENERAL.—The Secretary”; and

6 (B) by adding at the end the following:

7 “(2) REQUIREMENT.—Not later than 1 year  
8 after the date of enactment of the NO SPILLS Act  
9 of 2024, the Secretary, in consultation with the Ad-  
10 ministrator of the Environmental Protection Agency,  
11 the Administrator of the National Oceanic and At-  
12 mospheric Administration, and any other Federal  
13 departments or agencies having jurisdiction over any  
14 aspect of the construction or operation of a deep-  
15 water port, shall update the criteria established pur-  
16 suant to subsection (a).”.

17 **SEC. 7. PROGRAMMATIC ENVIRONMENTAL IMPACT STATE-**  
18 **MENT.**

19 The Deepwater Port Act of 1974 (33 U.S.C. 1501  
20 et seq.) is amended by inserting after section 6 the fol-  
21 lowing:

1 **“SEC. 7. PROGRAMMATIC ENVIRONMENTAL IMPACT STATE-**  
2 **MENT FOR PROJECTS IN THE GULF OF MEX-**  
3 **ICO.**

4 “(a) DEFINITION OF PROGRAMMATIC ENVIRON-  
5 MENTAL IMPACT STATEMENT.—The term ‘programmatic  
6 environmental impact statement’ means an environmental  
7 impact statement (as defined in section 111 of the Na-  
8 tional Environmental Policy Act of 1969 (42 U.S.C.  
9 4336e)) that is a programmatic environmental document  
10 (as defined in that section).

11 “(b) PROGRAMMATIC EIS FOR THE GULF OF MEX-  
12 ICO.—Not later than 1 year after the date of enactment  
13 of the NO SPILLS Act of 2024, the Secretary shall pre-  
14 pare, in accordance with the National Environmental Pol-  
15 icy Act of 1969 (42 U.S.C. 4321 et seq.) and this Act,  
16 a programmatic environmental impact statement to assess  
17 the impacts, including with respect to climate change, of  
18 all deepwater port projects in the Gulf of Mexico proposed,  
19 pending, or approved on or after the date of enactment  
20 of the NO SPILLS Act of 2024.

21 “(c) PROHIBITION.—Notwithstanding any other pro-  
22 vision of law, beginning on the date of enactment of this  
23 Act, the Secretary may not issue a license or permit for  
24 a new deepwater port under this or any other Act until  
25 the date on which the programmatic environmental impact  
26 statement required under subsection (b) is completed.

1       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as are nec-  
3 essary to carry out this section.”.

4 **SEC. 8. PROHIBITION OF LIQUEFIED NATURAL GAS RE-**  
5 **SEARCH IN MARITIME ENVIRONMENTAL AND**  
6 **TECHNICAL ASSISTANCE PROGRAM.**

7       Section 50307 of title 46, United States Code, is  
8 amended by adding at the end the following:

9       “(f) PROHIBITION OF LIQUEFIED NATURAL GAS RE-  
10 SEARCH.—No funds made available under this section  
11 may be used for liquefied natural gas research.”.