

112TH CONGRESS
1ST SESSION

H. R. 1228

To provide for payments to certain natural resource trustees to assist in restoring natural resources damaged as a result of the Deepwater Horizon oil spill, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2011

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

A BILL

To provide for payments to certain natural resource trustees to assist in restoring natural resources damaged as a result of the Deepwater Horizon oil spill, 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 “Natural Resources
5 Restoration Act of 2011”.

1 **SEC. 2. DEEPWATER HORIZON OIL SPILL DAMAGE ASSESS-**
2 **MENT.**

3 Title I of the Oil Pollution Act of 1990 (33 U.S.C.
4 2701 et seq.) is amended by adding at the end the fol-
5 lowing:

6 **“SEC. 1021. DEEPWATER HORIZON OIL SPILL DAMAGE AS-**
7 **SESSMENT.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ADMINISTRATOR.—The term ‘Adminis-
10 trator’ means the Administrator of the Environ-
11 mental Protection Agency.

12 “(2) DEEPWATER HORIZON OIL SPILL.—The
13 term ‘Deepwater Horizon Oil Spill’ means the blow-
14 out and explosion of the mobile offshore drilling unit
15 Deepwater Horizon that occurred on April 20, 2010,
16 the resulting hydrocarbon releases into the environ-
17 ment, and the various response actions that injured
18 natural resources in the Gulf of Mexico and in State
19 water and land bordering the Gulf of Mexico.

20 “(3) PANEL.—The term ‘panel’ means the
21 panel established under subsection (b).

22 “(4) TRUSTEE.—The term ‘trustee’ means each
23 of the Federal and State trustees designated under
24 paragraphs (2) and (3) of section 1006(b) with re-
25 spect to natural resource damages relating to the
26 Deepwater Horizon Oil Spill.

1 “(b) DEEPWATER HORIZON OIL SPILL DAMAGE AS-
2 SESSMENT.—

3 “(1) ESTABLISHMENT OF PANEL.—The Admin-
4 istrator shall enter into an arrangement with the
5 National Academies under which the National Acad-
6 emies shall convene, in consultation with the trust-
7 ees, a panel of scientists with appropriate expertise
8 to conduct, in coordination with the trustees, a pre-
9 liminary evaluation of the natural resource damages
10 from the Deepwater Horizon Oil Spill.

11 “(2) REPORT.—

12 “(A) IN GENERAL.—Based on the prelimi-
13 nary evaluation conducted under paragraph (1),
14 the panel shall prepare a report that includes
15 an estimate of—

16 “(i) the cost for each trustee of—

17 “(I) restoring the natural re-
18 sources under the trusteeship of the
19 trustee injured by the Deepwater Ho-
20 rizon Oil Spill; and

21 “(II) compensating the trustee
22 for the loss of natural resource serv-
23 ices under the trusteeship of the
24 trustee during the period beginning on
25 April 20, 2010, and ending on the

1 date on which the natural resources
2 are fully restored; and

3 “(ii) the total of the estimated costs
4 described in clause (i) for all trustees.

5 “(B) CONSIDERATIONS.—In preparing the
6 report under subparagraph (A), the panel shall
7 consider—

8 “(i) the results of the study conducted
9 under section 2004(3) of the Supplemental
10 Appropriations Act, 2010 (Public Law
11 112–212; 124 Stat. 2338); and

12 “(ii) any appropriate and available in-
13 formation that has been generated through
14 the natural resources damages assessment
15 being conducted by the trustees under sec-
16 tion 1006(d) with respect to the Deepwater
17 Horizon Oil Spill.

18 “(C) TIMELINE.—

19 “(i) PRELIMINARY DRAFT.—Not later
20 than 90 days after the date of enactment
21 of this Act, the panel shall prepare a pre-
22 liminary draft of the report required under
23 subparagraph (A).

24 “(ii) COMMENT PERIOD.—

1 “(I) IN GENERAL.—In accord-
2 ance with subclause (II), the panel
3 shall provide for a comment period
4 during which the panel shall solicit
5 from trustees and responsible parties
6 comments on the preliminary draft re-
7 port.

8 “(II) TIMELINE.—Comments
9 shall be solicited under subclause (I)
10 during the 30-day period beginning on
11 the date of completion of the prelimi-
12 nary draft report under subparagraph
13 (A).

14 “(iii) FINAL REPORT.—Not later than
15 30 days after the date on which the com-
16 ment period ends under clause (ii), the
17 panel shall—

18 “(I) submit to Congress a final
19 version of the report required under
20 subparagraph (A); and

21 “(II) publish in the Federal Reg-
22 ister notice that the final report has
23 been completed.

24 “(3) SPECIAL ASSESSMENT.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law, in making an assessment
3 of natural resource damages with respect to the
4 Deepwater Horizon Oil Spill under paragraph
5 (1) or (2) of section 1006(c), a trustee shall in-
6 clude a special assessment in an amount that is
7 equal to—

8 “(i) 30 percent of the cost of restoring
9 the natural resources under the trusteeship
10 of the trustee injured by the Deepwater
11 Horizon Oil Spill and compensating the
12 trustee for the loss natural resource serv-
13 ices under the trusteeship of the trustee
14 during the period beginning on April 20,
15 2010, and ending on the date on which the
16 natural resources are fully restored, as es-
17 timated in the report prepared under para-
18 graph (2); or

19 “(ii) an amount mutually agreed to by
20 the responsible parties and the trustees.

21 “(B) PAYMENT OF SPECIAL ASSESS-
22 MENT.—The responsible parties shall be respon-
23 sible for paying the amounts assessed under
24 subparagraph (A), in accordance with the provi-
25 sions of this Act.

1 “(C) USE.—

2 “(i) IN GENERAL.—Any amounts as-
3 sessed under subparagraph (A) shall be
4 used by a trustee to conduct projects to re-
5 store natural resources injured by the
6 Deepwater Horizon Oil Spill.

7 “(ii) APPLICABLE LAW.—Any activi-
8 ties carried out by the trustees using
9 amounts assessed under subparagraph (A)
10 shall be carried out in accordance with ap-
11 plicable laws (including regulations) relat-
12 ing to natural resource damages assess-
13 ment and restoration, including laws relat-
14 ing to public participation.

15 “(D) CREDITS.—There shall be credited
16 toward any other natural resource damages as-
17 sessed against the responsible parties for the
18 Deepwater Horizon Oil Spill, in accordance
19 with applicable laws (including regulations) any
20 amounts assessed under subparagraph (A).

21 “(E) REGULATIONS.—As soon as prac-
22 ticable after the date of enactment of this sec-
23 tion, the Administrator shall promulgate regula-
24 tions establishing a program under which re-
25 sponsible parties can purchase credits for the

1 cost of any projects carried out by a trustee
2 under subparagraph (C)(i).”.

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