

111TH CONGRESS
2^D SESSION

H. R. 5356

To amend the Oil Pollution Act of 1990 to increase the cap on liability for economic damages resulting from an oil spill, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2010

Mr. BLUNT (for himself, Mr. MILLER of Florida, and Mr. BONNER, introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Oil Pollution Act of 1990 to increase the cap on liability for economic damages resulting from an 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Oil Spill Response and Assistance Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COMPENSATION

Sec. 101. Emergency preparedness.

Sec. 102. Oil pollution liability and compensation.

Sec. 103. Effective date.

TITLE II—REPORTS

Sec. 201. Reports regarding Gulf of Mexico oil spill.

1 **TITLE I—COMPENSATION**

2 **SEC. 101. EMERGENCY PREPAREDNESS.**

3 (a) IN GENERAL.—Title IV of the Oil Pollution Act
4 of 1990 (Public Law 101–380; 104 Stat. 509) is amended
5 by adding at the end the following:

6 **“Subtitle D—Emergency** 7 **Preparedness for Discharges**

8 **“SEC. 4401. EMERGENCY PREPAREDNESS.**

9 “(a) IN GENERAL.—Not later than 2 years after the
10 date of enactment of this subtitle, the Secretary shall by
11 regulation require the development and deployment of cer-
12 tain technology for use in the event of a breach or explo-
13 sion at, or a significant discharge of oil from, a deepwater
14 port, offshore facility, or tank vessel (referred to in this
15 section as a ‘covered event’).

16 “(b) REQUIREMENTS.—The regulations shall re-
17 quire—

18 “(1)(A) the development, for use in capping un-
19 derwater oil wells affected by a covered event, tech-
20 nology that is—

21 “(i) capable of funneling discharges of oil
22 from an underwater oil well to a containment
23 vessel at the ocean surface; and

1 “(ii) effective at water depths at least
2 2,000 feet deeper than the limits of oil and gas
3 production on the outer Continental Shelf as of
4 the date of enactment of this subtitle; and

5 “(B) the purchase and deployment by the Sec-
6 retary of those engineered capping technologies in
7 such number of locations throughout the United
8 States (including the navigable waters), to be deter-
9 mined by the Secretary, as would permit deployment
10 and use of the domes to respond to a covered event
11 not later than 24 hours after the time at which the
12 covered event occurred;

13 “(2)(A) the development of flame-proof booms
14 capable of functioning in the open ocean with waves
15 of not more than 6 feet in height; and

16 “(B) the purchase and deployment by the Sec-
17 retary of those booms at such locations and in such
18 lengths or quantities as would permit, as determined
19 by the Secretary—

20 “(i) the use of the booms in response to a
21 covered event not later than 24 hours after the
22 time at which the covered event occurred; and

23 “(ii) the complete surrounding of 100
24 square miles of open ocean within that period
25 of time; and

1 “(3) the development, and purchase and deploy-
2 ment by the Secretary, of remote operated vehicles
3 for use in the open ocean that are—

4 “(A) equipped with acoustic technology;

5 “(B) capable of welding and cutting or
6 torching below 15,000 feet of water; and

7 “(C) stationed at such locations, as deter-
8 mined by the Secretary, as would enable the re-
9 mote operated vehicles to be available for use in
10 an area affected by a covered event not later
11 than 24 hours after the time at which the cov-
12 ered event occurred.”.

13 (b) TABLE OF CONTENTS.—The table of contents for
14 the Oil Pollution Act of 1990 (33 U.S.C. prec. 2701) is
15 amended by inserting at the end of the items relating to
16 title IV the following:

“Subtitle D—Emergency Preparedness for Discharges of Oil
“Sec. 4401. Emergency preparedness.”.

17 **SEC. 102. OIL POLLUTION LIABILITY AND COMPENSATION.**

18 Section 1004 of the Oil Pollution Act of 1990 (33
19 U.S.C. 2704) is amended by striking subsection (a) and
20 inserting the following:

21 “(a) LIMITS.—

22 “(1) IN GENERAL.—Except as otherwise pro-
23 vided in this section, subject to paragraph (2), the
24 total of the liability of a responsible party under sec-

1 tion 1002 and any removal costs incurred by, or on
2 behalf of, the responsible party, with respect to each
3 incident shall not exceed, as indexed for United
4 States dollar inflation from the date of enactment of
5 the Oil Spill Response and Assistance Act (as meas-
6 ured by the Consumer Price Index)—

7 “(A) for a tank vessel, the greater of—

8 “(i) with respect to a single-hull ves-
9 sel, including a single-hull vessel fitted
10 with double sides only or a double bottom
11 only, \$6,000 per gross ton;

12 “(ii) with respect to a vessel other
13 than a vessel referred to in clause (i),
14 \$3,800 per gross ton; or

15 “(iii)(I) with respect to a vessel great-
16 er than 3,000 gross tons that is—

17 “(aa) a vessel described in clause
18 (i), \$44,000,000; or

19 “(bb) a vessel described in clause
20 (ii), \$32,000,000; or

21 “(II) with respect to a vessel of 3,000
22 gross tons or less that is—

23 “(aa) a vessel described in clause
24 (i), \$12,000,000; or

1 “(bb) a vessel described in clause
2 (ii), \$8,000,000;

3 “(B) for any other vessel, \$1,900 per gross
4 ton or \$1,600,000, whichever is greater;

5 “(C) for an offshore facility except a deep-
6 water port, the total of all removal costs plus
7 \$150,000,000; and

8 “(D) for any onshore facility and a deep-
9 water port, \$700,000,000.

10 “(2) ALTERNATIVE LIMITATION.—If the aggre-
11 gate amount of net after-tax profits of a responsible
12 party generated during the 4 full financial reporting
13 quarters preceding the date of an incident involving
14 a vessel or facility described in paragraph (1) ex-
15 ceeds the limitation on liability for the category of
16 incident described in that paragraph, the total of the
17 liability of the responsible party under section 1002
18 and any removal costs incurred by, or on behalf of,
19 the responsible, with respect to each such incident
20 shall not exceed, as indexed for United States dollar
21 inflation from the date of enactment of the Oil Spill
22 Response and Assistance Act (as measured by the
23 Consumer Price Index), an amount equal to that ag-
24 gregate amount of those profits.”.

1 **SEC. 103. EFFECTIVE DATE.**

2 This title and the amendments made by this title take
3 effect on April 15, 2010.

4 **TITLE II—REPORTS**

5 **SEC. 201. REPORTS REGARDING GULF OF MEXICO OIL**
6 **SPILL.**

7 (a) DEFINITIONS.—In this section:

8 (1) HEAD OF AN APPROPRIATE FEDERAL AGEN-
9 CY.—The term “head of an appropriate Federal
10 agency” means the head of a Federal agency that
11 has carried out an activity with respect to the oil
12 spill.

13 (2) OIL SPILL.—The term “oil spill” means the
14 oil spill that occurred in the Gulf of Mexico in April
15 2010.

16 (b) STUDY.—As soon as practicable after the date of
17 enactment of this Act, each head of an appropriate Fed-
18 eral agency shall carry out a study—

19 (1) to examine the effectiveness of the coordina-
20 tion of actions carried out by the Federal Govern-
21 ment relating to the oil spill; and

22 (2) to determine the success of each action car-
23 ried out by the Federal Government in response to
24 the oil spill.

25 (c) REPORT.—Not later than September 1, 2010,
26 each head of an appropriate Federal Agency shall submit

1 to the appropriate committees of Congress a report that
2 contains a description of—

3 (1) the results of the study carried out under
4 subsection (b); and

5 (2) the effectiveness and success of each activity
6 carried out by the Federal Government in response
7 to the oil spill.

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