

117TH CONGRESS
1ST SESSION

H. R. 5634

To amend the Federal Water Pollution Control Act with respect to contracts for oil spill response, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2021

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

A BILL

To amend the Federal Water Pollution Control Act with respect to contracts for oil spill response, 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 “Oil Spill Response En-
5 hancement Act of 2021”.

6 **SEC. 2. OIL AND HAZARDOUS SUBSTANCE REMOVAL.**

7 Section 311(c) of the Federal Water Pollution Con-
8 trol Act (33 U.S.C. 1321(c)) is amended—

9 (1) in paragraph (1)(B)—

1 (A) in clause (ii), by striking “and” at the
2 end;

3 (B) in clause (iii), by striking the period
4 and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(iv) enter into a contract with a person to
7 carry out the removal actions under this sub-
8 paragraph and shall indemnify that person with
9 whom the President has entered into a contract
10 under this clause for liabilities arising out of
11 the performance of the contract, and expenses,
12 incidental thereto, that are not compensated by
13 any insurance required under the contract.”;
14 and

15 (2) by adding at the end the following:

16 “(7) LIMITATIONS ON INDEMNITY.—Indem-
17 nification provided under paragraph (1)(B)(iv) shall
18 be made solely from funds that are available in the
19 Oil Spill Liability Trust Fund established by section
20 9509 of the Internal Revenue Code of 1986 and may
21 not include indemnification for any liability of the
22 person—

23 “(A) who is a responsible party for the dis-
24 charge;

1 “(B) arising from the gross negligence or
2 willful misconduct of the person;

3 “(C) arising from the gross negligence or
4 willful misconduct of a person in the violation
5 of paragraph (3);

6 “(D) arising from the gross negligence or
7 willful misconduct of a person in the breach of
8 an express term of the contract;

9 “(E) for which the contractor has failed to
10 maintain any insurance required by the con-
11 tract; or

12 “(F) that exceeds the per incident limit de-
13 scribed in section 9509(c)(2)(A) of the Internal
14 Revenue Code of 1986.”.

15 **SEC. 3. USES OF THE OIL SPILL LIABILITY TRUST FUND.**

16 (a) IN GENERAL.—Section 1012(a) of the Oil Pollu-
17 tion Act of 1990 (33 U.S.C. 2712(a)) is amended—

18 (1) in paragraph (4), by striking “and” at the
19 end;

20 (2) in paragraph (5)(D), by striking the period
21 and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(6) the indemnification of persons with whom
24 the President has entered into a contract pursuant
25 to paragraph (1)(B)(i) of section 311(c) of the Fed-

1 eral Water Pollution Control Act (33 U.S.C.
2 1321(e)) for liabilities arising out of the perform-
3 ance of the contract, and litigation costs and attor-
4 neys' fees incidental thereto, that are not com-
5 pensated by any insurance required under the con-
6 tract.”.

7 (b) AVAILABILITY.—Section 6002(b) of the Oil Pollu-
8 tion Act of 1990 (33 U.S.C. 2752(b)) is amended by strik-
9 ing “1012(a)(4)” and inserting “1012(a)(4) and (6)”.

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