



Oil Spill Legislation in the 112th Congress

Jonathan L. Ramseur
Specialist in Environmental Policy

March 11, 2011

Congressional Research Service

7-5700

www.crs.gov

R41684

Summary

The 2010 *Deepwater Horizon* oil spill in the Gulf of Mexico continues to generate interest in a variety of oil spill-related issues. This report summarizes key provisions of selected legislative proposals in the 112th Congress that address oil spill-related policy issues, many of which were raised after the 2010 *Deepwater Horizon* incident.

This report focuses primarily on oil spill policy matters that concern prevention, preparedness, response, liability and compensation, and Gulf restoration. For the most part, the underlying statutes for these provisions are found in either the Oil Pollution Act of 1990 (OPA, P.L. 101-380; 33 U.S.C. 2701 et seq.), the Clean Water Act (CWA) and its amendments (33 U.S.C. 1251 et seq.), or the Outer Continental Shelf Lands Act (OCSLA) and its amendments (43 U.S.C. § 1331 et seq.).

As of the date of this report, the most comprehensive proposal is H.R. 501 (Markey). This proposal includes many of the provisions that were part of H.R. 3534 (CLEAR Act), which passed the House in the 111th Congress on July 30, 2010. In addition, H.R. 501 seeks to implement some of the recommendations offered in the final report (January 2011) from the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

Contents

Introduction 1

Tables

Table 1. Oil Spill Legislation in the 112th Congress—House Proposals 2
Table 2. Oil Spill Legislation in the 112th Congress—Senate Proposals 10

Contacts

Author Contact Information 12

Introduction

On April 20, 2010, an explosion occurred at the *Deepwater Horizon* drilling platform in the Gulf of Mexico, resulting in 11 fatalities. The incident disabled the facility and led to a full evacuation before the platform sank into the Gulf on April 22, 2010. A significant release of oil at the sea floor was soon discovered. According to the National Incident Command's Flow Rate Technical Group estimate, the well released approximately 206 million gallons of oil (4.9 million barrels) before it was contained July 15, 2010.¹

The 2010 Gulf oil spill has generated considerable interest in a variety of oil spill-related issues. Members in the 111th Congress introduced more than 150 oil spill-related legislative proposals, enacting three bills into law (P.L. 111-191, P.L. 111-212, and P.L. 111-281). Provisions in these laws generally concerned short-term matters that will not have a lasting impact on oil spill governance. However, H.R. 3619, the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, which the President signed October 15, 2010 (P.L. 111-281), includes more substantial changes. In addition to the enacted legislation, the House in the 111th Congress passed several bills, including H.R. 3534 (the Consolidated Land, Energy, and Aquatic Resources Act—CLEAR Act) that included multiple oil spill provisions. The Senate had comparable bills on its Legislative Calendar, but did not vote on their passage.²

Table 1 (House proposals) and **Table 2** (Senate proposals) provide a snapshot of oil spill-related bills in the 112th Congress, most of which were (at least in part) offered in response to issues raised by the *Deepwater Horizon* oil spill.³ Some of the bills are similar (if not identical) to proposals from the 111th Congress. Other bills reflect recommendations by the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.⁴ The most comprehensive proposal to date, H.R. 501 (Markey), includes both provisions of the 111th Congress CLEAR Act and recommendations of the Commission. For the most part, the underlying statutes for these provisions are found in either the Oil Pollution Act of 1990 (OPA, P.L. 101-380; 33 U.S.C. 2701 et seq.), the Clean Water Act (CWA) and its amendments (33 U.S.C. 1251 et seq.), or the Outer Continental Shelf Lands Act (OCSLA) and its amendments (43 U.S.C. § 1331 et seq.).

The bills included in the below tables do not represent an exhaustive list of bills that may have some impact on oil spill policy. This report focuses primarily on oil spill policy matters that concern prevention, preparedness, response, liability and compensation, and Gulf restoration. The bills identified in the tables are listed in (descending) order by bill number.

¹ Approximately 35 million gallons was recovered directly from the wellhead. The Federal Interagency Solutions Group, *Oil Budget Calculator Science and Engineering Team, Oil Budget Calculator—Deepwater Horizon: Technical Documentation*, November 2010.

² For activity in the 111th Congress, see CRS Report R41453, *Oil Spill Legislation in the 111th Congress*, by Jonathan L. Ramseur.

³ CRS Report R41407, *Deepwater Horizon Oil Spill: Highlighted Actions and Issues*, by Curry L. Hagerty and Jonathan L. Ramseur.

⁴ The Commission's final report (January 2011) and supporting documents are available at <http://www.oilspillcommission.gov/>.

Table I. Oil Spill Legislation in the 112th Congress—House Proposals

Does not include resolutions

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
H.R. 52	Connolly	January 5, 2011	Oil Pollution Environmental Review Act (OPERA)	Referred to the House Committee on Natural Resources	Amends the Outer Continental Shelf Lands Act (OCSLA) to require the head of any federal agency to treat the issuance of exploration plans, development production plans, development operation coordination documents, and lease sales as a major federal action for National Environmental Policy Act (NEPA) purposes.
H.R. 53	Connolly	January 5, 2011		Referred to the House Committee on Ways and Means	Amends tax code to (retroactively) prohibit tax deductions for expenses related to costs or damages associated with oil spill liability.
H.R. 54	Connolly	January 5, 2011	Stand by your Oil Pollution Act	Referred to the House Committee on Transportation and Infrastructure	Amends the Oil Pollution Act (OPA) definition (retroactively) of responsible party to include any person having an ownership interest (of more than 25%) of any of the responsible party categories (e.g., vessels, facilities, pipelines). Liability limit for this new category of responsible party is based on the percentage of the aggregate ownership interests.
H.R. 56	Scalise	January 5, 2011	Gulf Coast Restoration Act	Referred to the House Committee on Natural Resources; and Committee on Transportation and Infrastructure	Creates a Gulf Coast Ecosystem Restoration task force, staffed by high-ranking federal agency officials, and appointees from Gulf states and local governments. The President appoints the chair. State governors (Alabama, Florida, Louisiana, Mississippi, and Texas) submit coastal ecosystem restoration plans for approval by the chair of the task force. Establishes a Gulf Coast Ecosystem Restoration Fund, financed by not less than 80% of any <i>Deepwater Horizon</i> -related penalties, settlements, and fines under Sections 309 and 311 of the Clean Water Act (CWA). The task force chair will distribute monies from the fund to states in support of their restoration plans.
H.R. 261	Pallone	January 11, 2011	No New Drilling Act of 2011	Referred to the House Committee on Natural Resources	Amends the OCSLA to prohibit all oil/gas OCS leasing.

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
H.R. 264	Thompson	January 26, 2011	Northern California Ocean and Coastal Protection Act	Referred to the House Committee on Natural Resources	Amends the OCSLA to prohibit oil/gas OCS leases off the coast of Mendocino, Humboldt, and Del Norte counties in California.
H.R. 480	Castor	January 26, 2011	Gulf of Mexico Economic and Environmental Restoration Act of 2011	Referred to the House Committee on Natural Resources and other committees	<p>Establishes a Gulf of Mexico Recovery Council composed of senior federal agency officials, and appointees (made by the President) from Gulf states (Louisiana, Alabama, Mississippi, and Texas) governments; and tribal representatives. Council duties include reviewing state restoration plans and allocating funds to states with approved plans; creating a Gulf Observation System, a sea grant program, a seafood marketing program, a clean energy program, and a Gulf working group composed of Council members and local parties; submitting an annual report to Congress.</p> <p>Establishes the Gulf of Mexico Economic and Environmental Recovery Fund financed by not less than 80% of any Gulf oil spill penalties, settlements, and fines under Sections 309 and 311 of the CWA. Subject to appropriations, the fund is available to the Council for redevelopment, restoration, and public health rehabilitation. Council shall distribute 80% of available funds (in each fiscal year) to support state restoration plans. Allocation to states based on formula: 60% based on state's proportionate length of Gulf coast shoreline—per the National Oceanic and Atmospheric Administration (NOAA) Office of Coast Survey—and 40% based on state's proportionate share of population of counties within the Gulf coast boundaries.</p> <p>Remaining 20% of funds allocated as follows: 40% to observation system; 30% to clean energy program; 15% to sea grant program; and 15% to seafood marketing program.</p>
H.R. 492	Holt	January 26, 2011	Big Oil Bailout Prevention Act of 2011	Referred to the House Committee on House Transportation and Infrastructure	Amends OPA (retroactively) to eliminate the liability limit for offshore facilities.

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
H.R. 501	Markey	January 26, 2011	Implementing the Recommendations of the BP Oil Spill Commission Act of 2011	Referred to the House Committee on Natural Resources and other committees	<p>Title I: Among other provisions,^a reorganizes the federal agency in charge of overseeing offshore oil and gas operations.^b</p> <p>Title II: Directs Secretary of the Interior to implement regulations that require (1) third-party certification for blowout preventers (BOPs), well casing, and cementing; (2) require mandatory safety and environmental management systems for operators; (3) set specific requirements for BOPs, well design, and cement jobs. New requirements apply to state waters unless state can demonstrate an equal level of safety.</p> <p>To obtain leases, easements, or right-of-ways, parties must certify that several conditions are met, including potential responsible party obligations under OPA for removal costs and damages.</p> <p>Instructs Secretary of the Interior to publish (every five years) estimates of worst-case scenario discharges in each OCS region. Increases the review time from 30 to 90 days for exploration plans, allowing additional review time in certain circumstances. Requires additional response/containment information be submitted with exploration plans. Requires engineering review and completion of a safety and environmental management plan before issuance of drilling permits. Creates additional requirements to meet before issuing exploration permits: consultation with Secretary of Commerce; available equipment/technology to remediate a worst-case discharge.</p> <p>Stipulates that exploration plan approvals require environmental assessments or environmental impact statements in accordance with NEPA.^c Removes the OCSLA exemption for western and central Gulf of Mexico operations to submit a development and production plan, the approval (or significant revision) of which shall require an environmental assessment or environmental impact assessment per NEPA.</p> <p>Modifies general policy of the leasing program to direct Secretary of the Interior to balance national energy needs with environment and natural resource protection. Directs Secretary of the Interior to consider NOAA's input regarding the leasing program. Directs Secretary of the Interior to request a review of a proposed leasing program from the Secretary of Commerce and publish reasons for modifying or rejecting Commerce's recommendations. Requires Secretary of the Interior's environmental studies (in 43 U.S.C. 1346) to be in cooperation with Secretary of Commerce and to conduct research of deepwater oil spills.</p> <p>Removes an "economically feasible" clause, regarding the use of best available and safest economically feasible technologies. Directs Secretary of the Interior to publish (every three years) a list of the best available technologies for</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
					<p>offshore operations, including BOP and spill response. Instructs Secretary of the Interior to promulgate regulations (to take effect no later than five years later) requiring a "safety case" be submitted with each new permit to drill.</p> <p>Modifies inspection regulations by requiring scheduled, monthly inspections at OCS facilities. Adds loss of well control to list of events for which the Coast Guard must make an investigation and prepare a public report. Requires an annual certification that various drilling equipment and processes are in place and functioning properly. Requires third-party certification of equipment changes or upgrades.</p> <p>Increases time period (from 60 to 90 days) for filing a petition for a judicial review of certain leasing program decisions made by the Secretary of the Interior. Increases civil and criminal penalty amounts in OCSLA.</p> <p>Requires lessees to submit daily reports, generated either by the lessee or its contractor, to Secretary of the Interior no more than 24 hours after the day they should have been generated.</p> <p>Repeals royalty relief provisions of the Energy Policy Act of 2005 for deepwater production in the Gulf of Mexico.</p> <p>Directs Secretary of the Interior to create a research and risk assessment program; and submit a report to Congress on costs of conducting baseline environmental studies needed to implement OCSLA.</p> <p>Allows for states to submit recommendations concerning exploration plans (in addition to lease sales and development and production plans). Provides a non-preemption clause for state and local governments.</p> <p>Title III: Among other provisions, modifies oil and gas royalty payments.^d</p> <p>Title IV: Creates a Gulf Coast Ecosystem Restoration Task Force, staffed by high-ranking federal agency officials, and appointees from Gulf states and local governments. The President appoints the chair. State governors (Alabama, Florida, Louisiana, Mississippi, and Texas) submit coastal ecosystem restoration plans for approval by the chair of the task force. Establishes a Gulf Coast Ecosystem Restoration Fund, financed by not less than 80% of the <i>Deepwater Horizon</i>-related penalties, settlements, and fines under Sections 309 and 311 of the CWA. The task force chair will distribute monies from the fund to states in support of their restoration plans.</p> <p>Title V: Directs chairman of the Council on Environmental Quality to establish/designate a Regional Coordination Council for each region. Directs the Councils to prepare (1) an initial assessment of data and information</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
					<p>deficiencies regarding, among other things, conservation and management of water resources; and (2) a regional strategic plan to foster sustainable uses of the region's resources. Chairman of CEQ must approve the strategic plans. Establishes in the Treasury the Ocean Resources Conservation and Assistance (ORCA) Fund, subject to appropriations. ORCA funds allocated (per formula) for various grant programs and other purposes.</p> <p>Title VI: Removes (retroactively) the liability limit for offshore facilities; modifies the liability limit provisions for mobile offshore drilling units (MODUs). Directs the President to revise the liability limits for vessels, onshore facilities, and deepwater ports at least once every three years after enactment; revisions should reflect the greater of (1) liability amount commensurate with risk (as determined by the President) or (2) an increase in Consumer Price Index.</p> <p>Amends definition of "removal costs" to include related federal enforcement activities. Makes a corresponding addition to removal costs liability provision. Expands definition of "responsible party" for onshore facilities. Amends the CWA definition of "discharge (in 33 U.S.C. 1321) to also exclude discharges incidental to salvage activities authorized by the President in accordance with the National Contingency Plan (NCP).^e Adds "salvage activities" to the list of activities exempt from liability. Modifies cost recovery provisions. Removes a defense (willful misconduct of the responsible party) for claims against the guarantor.</p> <p>Adds (retroactively) human health, including mental health, to the categories of damages for which a responsible party is liable. Amends OPA liability by adding Indian Tribes to government revenue and public services damage categories. Amends OPA definition of responsible party to include any person having an ownership interest (of more than 25%) of any of the responsible party categories (e.g., vessels, facilities, pipelines). Amends OPA to shorten the timeframe from 90 to 45 days for claimants waiting on a responsible party to address a submitted claim.</p> <p>Adds considerations for natural resource trustees when determining the means of addressing natural resource damages; eliminates the "rebuttable presumption" provision that applies to trustees' natural resource damage assessments in administrative or judicial proceedings.</p> <p>Increases the amount of financial responsibility that offshore facilities must demonstrate to \$300 million, but allows for President to establish alternate amounts based on several factors, including (among others) the insurance market, discharge risk, asset value of offshore facility company. Alternate</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
					<p>amounts must be at least \$105 million for facilities seaward of state waters boundary and \$30 million for facilities landward of a state waters boundary. Directs President to review all financial responsibility amounts every three years and revise upward based on various factors.</p> <p>Directs the President to develop regulations allowing advance payments from the Oil Spill Liability Trust Fund (OSLTF)^f to states and localities to prepare for and mitigate oil spills. Amends the tax code (26 U.S.C. 9509) to eliminate the \$1 billion per-incident cap on the OSLTF; allows for advances from the General Treasury to the OSLTF.</p> <p>Adds provision stating during a spill of national significance (SONS) the President may exercise authorities to ensure that the presentation, filing, processing, settlement, and adjudication of claims occurs within the areas affected by the spill to greatest extent practicable. Authorizes the President to require (during a SONS) a responsible party to provide information related to its claims process. Required information includes claim processing time and “any other data ... necessary to ensure the performance of the responsible party or the guarantor with regard to the processing and adjudication of such claims.”</p> <p>Adds provision to shipping code (46 U.S.C. §12111) requiring that vessels (including MODUs) engaged in EEZ resource activities be registered and owned by a U.S. citizen (i.e., U.S. flagged). Amends OPA to require that offshore facilities used for oil exploration, development, or production in, on, above, or below the EEZ must be built in the United States. Allows the Secretary of Homeland Security to grant waiver under certain conditions.</p> <p>Requires MODU safety management plans pursuant to 46 U.S.C. §3203 plans that address drilling operations; requires a MODU operator to obtain a specific license. Directs the Secretary of Homeland Security to enhance vessel safety standard regulations by addressing worst-case discharges; shortens the double-hull transition period (from 2015 to 2011) for single-hull tankers offloading oil at deepwater ports or in lightering zones.</p> <p>Increases certain CWA penalty amounts; modifies the administrative penalty provisions.</p> <p>Amends the CWA to require changes to the NCP regarding dispersant use and regulation, including toxicity thresholds, independent testing, ranking of dispersants by region, ingredient disclosure; directs EPA to conduct dispersant risk study; authorizes fee collection to cover EPA’s dispersant evaluation costs; adds NCP provision concerning containment booms, response planning for worst-case discharges.</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
					<p>Removes ability for tank vessels and offshore/onshore facilities to operate without a response plan if a submitted plan is awaiting official approval. Allows the President to designate which offshore facilities would require response plan review from the Secretary of the Department of Homeland Security (DHS); requires that response plans contain additional information (e.g., risk analysis); grants additional authority concerning response plan oversight (e.g., biennial report to Congress) and enforcement. Amends CWA to more explicitly describe the oil spill prevention and response duties of EPA, the Coast Guard, DOT, and the Interior. Directs the President to implement or revise memorandums of understanding to clarify oil spill prevention roles and responsibilities of various federal agencies. Amends the CWA response plan provisions to require plans to specify redundancies if planned actions fail; requires response plans be “vetted by impartial experts.” Amends the OCSLA to prohibit the Secretary of the Interior from issuing a license or permit for drilling unless the applicant has an approved facility response plan. Requires the Coast Guard to inventory and maintain a database of all vessels capable of oil spill response.</p> <p>Authorizes additional appropriations from the Oil Spill Liability Trust Fund to support DHS, EPA, and DOT.</p> <p>Modifies provisions in OPA Title VII (Research and Development); reduces membership of Interagency Committee to Coast Guard, NOAA, Interior, and EPA. Establishes a Science and Technology Advisory Board that assists the Committee. Authorizes new and increased funding for the regional research program. Sec. 321 provides \$48 million for FY2012-FY2016 (without further appropriation) from oil and gas royalty payments (see Title III of this bill). Of this amount, the bill authorizes (subject to appropriations) specific funding to NOAA for research activities.</p> <p>Title VII: Amends Coastal Zone Management Act of 1972 by authorizing grants to states to revise management programs to implement oil spill response capabilities. Directs the Comptroller General to evaluate (and submit a report to Congress three years after enactment) the effectiveness of reforms required by this act. Directs preparation of a study from the National Academy of Engineering regarding drilling a relief well in tandem with an exploration/production well. Establishes a permanent Flow Rate Technical Group chaired by the Director of the U.S. Geologic Survey and composed of representatives from the Coast Guard, NOAA, Department of Energy, national laboratories, and academic institutions.</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
H.R. 612	Garamendi	February 10, 2011	West Coast Ocean Protection Act of 2011	Referred to the House Committee on Natural Resources	Amends the OCSLA to prohibit oil/gas leases in the OCS off the coast of the California, Oregon, or Washington.
H.R. 832	Capps	February 28, 2011	Gulf Coast Health Monitoring and Research Program Act of 2011	Referred to the House Committee on Energy and Commerce	Establishes a health screening, monitoring, and research program for oil spill workers, Gulf residents, and food safety affected by the <i>Deepwater Horizon</i> spill. Creates a Gulf Coast Health Research Advisory Committee to provide advice to agencies involved in the program. Directs Secretary of Health and Human Services to submit an annual report to Congress regarding the program.

Source: Prepared by CRS.

Notes: The bills included in this table do not represent an exhaustive list of legislative proposals offered by Members of Congress in response to issues raised by the 2010 Gulf oil spill. The table includes bills that generally focus on oil spill policy matters that concern prevention, preparedness, response, liability and compensation, and Gulf restoration.

- a. Titles VIII and IX of H.R. 501 are not included in this table, because the issues are beyond the scope of this report.
- b. This issue is beyond the scope of this report. For more information, see CRS Report R41485, *Reorganization of the Minerals Management Service in the Aftermath of the Deepwater Horizon Oil Spill*, by Henry B. Hogue.
- c. For more information, see CRS Report R41265, *The 2010 Oil Spill: MMS/BOEMRE and NEPA*, by Kristina Alexander.
- d. This issue is beyond the scope of this report. For more information, see CRS Report RL33404, *Offshore Oil and Gas Development: Legal Framework*, by Adam Vann. See also CRS Report RS22567, *Royalty Relief for U.S. Deepwater Oil and Gas Leases*, by Marc Humphries.
- e. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) contains the federal government’s regulatory and operative requirements for responding to an oil spill (or hazardous substance release) into or on navigable waters and other specified locations. First developed through administrative processes in 1968, the NCP has been amended by subsequent laws, including the CWA and the OPA in 1990. Oil spill response actions required under the regulations of the NCP are binding and enforceable, per these enforcement authorities.
- f. Congress created the Oil Spill Liability Trust Fund (OSLTF) in 1986, but did not authorize its use or provide its funding until OPA. The National Pollution Funds Center (NPFCC), an office within the Coast Guard, manages the trust fund. Key functions of the trust fund are (1) to provide funds (e.g., to agencies such as EPA) for immediate oil spill response, and (2) to compensate parties for injuries/damages from the oil spill, if the responsible party (for whatever reason) denies payment, and the NPFCC determines the damages are compensable under the statute. The trust fund is primarily financed through an 8 cents per-barrel tax on domestic and imported oil. See CRS Report RL33705, *Oil Spills in U.S. Coastal Waters: Background and Governance*, by Jonathan L. Ramseur.

Table 2. Oil Spill Legislation in the 112th Congress—Senate Proposals

Does not include resolutions

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
S. 183	Rockefeller	January 25, 2011	Deepwater Horizon Survivors' Fairness Act	Referred to the Senate Committee on Commerce, Science, and Transportation	<p>Amends Shipowner's Liability Act of 1851 by adding claims related to injury or wrongful death arising from <i>Deepwater Horizon</i> incident to the list of claims that are not subject to limitation.</p> <p>Expands liability under Death on the High Seas Act (46 U.S.C. Chapter 303) and Jones Act (46 U.S.C. § 30104).</p>
S. 203	Begich	January 26, 2011	Responsible Arctic Energy Development Act of 2011	Referred to the Senate Committee on Commerce, Science, and Transportation	<p>Directs the Secretary of Commerce (acting through the NOAA Administrator) to conduct research to improve oil spill prevention, response, and recovery in Arctic waters.</p> <p>Directs the Coast Guard to assess U.S. capability to respond to maritime disaster in the Arctic region and take actions to improve capabilities.</p> <p>Amends OPA's oil pollution research provisions, creating two vice chairmen for the Interagency Committee: NOAA and EPA. Directs the Interagency Committee to request a risk assessment from the National Research Council regarding Arctic oil spill operations.</p> <p>States that testing of oil spill technologies would not constitute a major federal action for NEPA purposes.^a Authorizes the EPA (with NOAA and Interior consultation) to waive any provisions of any laws that limits testing of oil spill capabilities in U.S. waters.</p> <p>Authorizes up to \$20 million annually (without further appropriations) to NOAA from the OSLTF for marine species rescue, rehabilitation, and recovery.</p>
S. 204	Begich	January 26, 2011	Resources for Oil Spill Research and Prevention Act	Referred to the Senate Committee on Finance	<p>Increases the OSLTF per-barrel tax financing rate from 8 to 11 cents for domestic crude and from 8 to 15 cents for other crude oil (i.e., imported). Repeals the termination date of the tax.</p> <p>Amends OPA to allow the increased tax collections (3 cents and 7 cents, respectively) to pay for NOAA, Coast Guard, and other agency oil spill research, prevention, and response functions; environmental assessment studies; and grants to affected states and other entities for OCS oil discharge research.</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
S. 214	Menendez	January 27, 2011	Big Oil Bailout Prevention Unlimited Liability Act of 2011	Referred to the Senate Committee on Environment and Public Works	Amends OPA to (retroactively) eliminate the liability limit for offshore facilities.
S. 215	Menendez	January 27, 2011	Big Oil Bailout Prevention Trust Fund Act of 2011	Referred to the Senate Committee on Finance	Amends the tax code (26 U.S.C. 9509) to eliminate the \$1 billion per-incident cap on the OSLTF; allows for advances from the General Treasury to the OSLTF.
S. 338	Feinstein	February 14, 2011	Deepwater Drilling Royalty Relief Prohibition Act	Referred to the Senate Committee on Energy and Natural Resources	Repeals royalty relief provisions of the Energy Policy Act of 2005 for deepwater production in the Gulf of Mexico; amends OCSLA to remove authority for Secretary of the Interior to modify royalty payments for leases in water depths of more than 400 meters.
S. 405	Nelson (FL)	February 17, 2011	Gulf Stream Protection Act of 2011	Referred to the Senate Committee on Energy and Natural Resources	Amends OCSLA to prohibit the Secretary of the Interior from granting an OCS oil/gas lease to a party conducting oil/gas operations in Cuban waters, unless the party has a Cuban oil spill response plan and can demonstrate financial responsibility to address an oil spill in Cuban waters that would impact U.S. waters. Directs the Secretary of the Interior to prepare an oil spill risk analysis and planning process for response plans for nondomestic oil spills in the Gulf of Mexico. Instructs NOAA to conduct modeling of Cuban waters to support the risk analysis.

Source: Prepared by CRS.

Notes: The bills included in this table do not represent an exhaustive list of legislative proposals offered by Members of Congress in response to issues raised by the 2010 Gulf oil spill. The table includes bills that generally focus on oil spill policy matters that concern prevention, preparedness, response, liability and compensation, and Gulf restoration.

- a. For more information, see CRS Report R41265, *The 2010 Oil Spill: MMS/BOEMRE and NEPA*, by Kristina Alexander.

Author Contact Information

Jonathan L. Ramseur
Specialist in Environmental Policy
jramseur@crs.loc.gov, 7-7919