



Oil Spill Legislation in the 112th Congress

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Summary

Congressional interest in oil spill legislation has historically waxed and waned. In the wake of recent oil spills, some Members have expressed an increased level of interest in oil spill legislation. At other times, when petroleum prices are high and oil spills are a more distant memory, oil spill issues have typically generated minimal interest among policymakers.

The 2010 *Deepwater Horizon* oil spill in the Gulf of Mexico continues to generate some interest in a variety of oil spill-related issues. In addition, two recent pipeline spills—Kalamazoo River (2010) and Yellowstone River (2011)—have spurred related interest.

This report identifies legislation that addresses oil spill-related issues. For the purposes of this report, oil spill-related issues include

- oil spill prevention,
- oil spill preparedness,
- oil spill response,
- oil spill liability and compensation, and
- Gulf Coast restoration.

For the most part, the underlying statutes for these provisions are found in the Oil Pollution Act of 1990 (OPA; 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.).

On January 3, 2012, the President signed as P.L. 112-90 one bill with oil spill-related provisions—H.R. 2845 (the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011). Among other provisions, this act increases civil penalties for violating safety requirements and requires automatic and remote-controlled shutoff valves on newly constructed transmission pipelines. It also directs the Department of Transportation to analyze leak detection systems, and after a review by Congress, issue requirements based on this analysis.

The House passed H.R. 3408 (the PIONEERS Act) on February 16, 2012, which, among other provisions, would create a Gulf Coast Restoration Trust Fund in the U.S. Treasury, financed by 80% of any *Deepwater Horizon*-related penalties, settlements, and fines under CWA Section 311. The Trust Fund could be used to support Gulf Coast restoration—both natural resources and the regional economy. Unlike similar legislative proposals, monies in the Trust Fund would not be immediately available, but would require further congressional action to appropriate the funds.

In the Senate, the Committee on Environment and Public Works reported S. 1400 (the RESTORE Act) on December 11, 2011 (S.Rept. 112-100). This legislation would distribute potential CWA penalties from the *Deepwater Horizon* oil spill to support various objectives, including restoration projects and economic development in the Gulf states.

Although not within the scope of this report, some Members have offered proposals that seek to spur offshore oil exploration and development. One bill with such provisions was enacted and several other such bills passed the House.

Contents

Introduction..... 1

Tables

Table 1. List of Acronyms for Table 2 and Table 3..... 4
Table 2. Oil Spill Legislation in the 112th Congress—House Proposals..... 5
Table 3. Oil Spill Legislation in the 112th Congress—Senate Proposals 18

Contacts

Author Contact Information..... 25

Introduction

Congressional interest in oil spill legislation has historically waxed and waned. Recent oil spills have led some Members to express an increased level of interest in oil spill legislation. At other times, when petroleum prices have increased and oil spills are a more distant memory, oil spill issues have typically generated minimal interest among policymakers.

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 (4.9 million barrels) of oil before it was contained July 15, 2010.¹

The 2010 Gulf oil spill continues to generate some interest in a variety of oil spill-related issues. In addition, two recent pipeline spills—Kalamazoo River (2010)² and Yellowstone River (2011)³—have spurred related interest.

This report identifies legislation that addresses oil spill-related issues. For this report, oil spill-related issues include oil spill policy matters that concern prevention, preparedness, response, liability and compensation, and Gulf restoration. Oil spill issues do not generally include questions regarding offshore leasing and drilling.

Table 2 (House proposals) and **Table 3** (Senate proposals) provide a snapshot of oil spill-related bills in the 112th Congress, many of which were (at least in part) offered in response to issues raised by the *Deepwater Horizon* oil spill.⁴

Some of the bills are similar (if not identical) to proposals from the 111th Congress. (See Text Box below.) Other bills reflect recommendations by the National Commission on the BP *Deepwater Horizon* Oil Spill and Offshore Drilling.⁵ For the most part, the underlying statutes for these provisions are found in either the Oil Pollution Act of 1990 (OPA),⁶ the Clean Water Act (CWA) and its amendments,⁷ or the Outer Continental Shelf Lands Act (OCSLA) and its amendments.⁸

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 On July 26, 2010, a pipeline released approximately 800,000 gallons of crude oil into Talmadge Creek, a waterway that flows into the Kalamazoo River (Michigan). For more up-to-date information, see EPA's Enbridge oil spill website at <http://www.epa.gov/enbridgespill/index.html>.

³ On July 1, 2011, an ExxonMobil pipeline ruptured and released oil into the Yellowstone River near Billings, MT. According to the pipeline owner (and cited on EPA's website), the incident discharged an estimated 42,000 gallons. For more up-to-date information, see EPA's Yellowstone River spill website, <http://www.epa.gov/yellowstoneriverspill/>.

⁴ CRS Report R41407, *Deepwater Horizon Oil Spill: Highlighted Actions and Issues*, by Curry L. Hagerty and Jonathan L. Ramseur.

⁵ The final report from the National Commission on the BP *Deepwater Horizon* Oil Spill and Offshore Drilling and supporting documents are available at <http://www.oilspillcommission.gov/>.

⁶ Primarily codified at 33 U.S.C. §§2701 et seq. OPA amended other sections of the *U.S. Code*, including the Clean Water Act (e.g., 33 U.S.C. §1321) and portions of the tax code (26 U.S.C. §4611 and §9509).

⁷ 33 U.S.C. §§1251 et seq.

Oil Spill-Related Legislation in the 111th Congress

In the wake of the *Deepwater Horizon* oil spill, 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.⁹

To date, the 112th Congress has enacted one bill with oil spill-related provisions—H.R. 2845 (the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011). The President signed this act January 3, 2012 (P.L. 112-90). Among other provisions, the act

- increases the maximum amount of civil penalties for violations of safety requirements;
- authorizes the Secretary of Transportation to require the installation of automatic and remote-controlled shutoff valves on newly constructed transmission pipelines; and
- directs the Secretary of Transportation to submit a report analyzing leak detection systems and issues involved in requiring them. Based on this analysis (and after a review period by Congress), the Secretary of Transportation may issue leak detection requirements.

On February 16, 2012, the House passed H.R. 3408 (PIONEERS Act), which, among other provisions, would create a Gulf Coast Restoration Trust Fund in the U.S. Treasury, financed by 80% of any *Deepwater Horizon*-related penalties, settlements, and fines under CWA Section 311. The Trust Fund could be used to support Gulf Coast restoration—both natural resources and the regional economy. Unlike similar legislative proposals, monies in the Trust Fund would not be immediately available, but would require further congressional action to appropriate the funds.

In the Senate, the Committee on Environment and Public Works reported S. 1400 (the RESTORE Act) on December 11, 2011 (S.Rept. 112-100). This legislation would distribute potential CWA penalties from the *Deepwater Horizon* oil spill to support various objectives, including restoration projects and economic development in the Gulf states.

In addition, the Senate considered S. 953 on May 11, 2011. Among other provisions, this bill would require exploration plans to include a third-party review; would direct the Secretary of Energy to report on methodologies and technological responses to oil spills and mitigating the effects of oil spills; and would require the Government Accountability Office (GAO) to report on existing federal government capabilities and legal authorities to prevent and respond to an oil spill.

(...continued)

⁸ 43 U.S.C. §§1331 et seq.

⁹ For activity in the 111th Congress, see CRS Report R41453, *Oil Spill Legislation in the 111th Congress*, by Jonathan L. Ramseur.

The bills included in the tables below are not an exhaustive list of bills that may have some impact on oil spill policy. For example, some Members have offered proposals that seek to spur offshore oil exploration and development. As highlighted below, one enacted bill included such a provision and several other such bills passed the House:

- P.L. 112-74, the Consolidated Appropriations Act, 2012 (signed December 23, 2011), included a provision that amends the Clean Air Act (CAA), transferring air emission authority in the OCS off Alaska’s north coast from the U.S. Environmental Protection Agency (EPA) to the Department of the Interior (DOI).¹⁰
- H.R. 1230 (passed the House May 5, 2011) would direct the DOI Secretary to conduct four oil and gas lease sales—three in the Gulf of Mexico and one off the coast of Virginia—within specific time frames.
- H.R. 1229 (passed the House May 11, 2011) would amend the permit process time frame and change the venue for judicial review.
- H.R. 1231 (passed the House May 12, 2011) would direct the DOI Secretary to make certain areas of OCS available for leasing based on estimates of oil and gas resources.
- H.R. 2021 (passed the House June 22, 2011) would amend the CAA to modify the definition of OCS source, to exclude counting support vessel emissions, and to eliminate Environmental Appeal Board authority over exploration permits.

In contrast, some Members have introduced bills that would prohibit oil and gas development in particular areas. The focus of these proposals generally involves environmental protection, particularly oil spill prevention. As such, these latter proposals are included in the tables below, but the former proposals are not. The bills identified in the tables are listed in (descending) order by bill number.

¹⁰ For more information on this issue, see CRS Report R42123, *Controlling Air Emissions from Outer Continental Shelf Sources: A Comparison of Two Programs—EPA and DOI*, by Jonathan L. Ramseur.

Table 1. List of Acronyms for Table 2 and Table 3

BOP	Blowout preventer
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DHS	Department of Homeland Security
DOI	Department of the Interior
DOT	Department of Transportation
EEZ	Exclusive Economic Zone
EPA	Environmental Protection Agency
GAO	Government Accountability Office
MODU	Mobile offshore drilling unit
NEPA	National Environmental Policy Act
NOAA	National Oceanic and Atmospheric Administration
OCS	Outer continental shelf
OCSLA	Outer Continental Shelf Lands Act
OPA	Oil Pollution Act
OSLTF	Oil Spill Liability Trust Fund
SONS	Spill of National Significance

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

Bills marked with an asterisk indicate committee or chamber action

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 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 under NEPA.
H.R. 53	Connolly	January 5, 2011		Referred to the House Committee on Ways and Means	Amends the tax code retroactively to 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 retroactively the 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). 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 §309 and §311 of CWA. The task force chair is to 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 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 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 CWA §309 and §311. Subject to appropriations, the fund is available to the Council for redevelopment, restoration, and public health rehabilitation. The Council is to distribute 80% of available funds in each fiscal year to support state restoration plans. Allocation to states are based on a formula: 60% on state's proportionate length of Gulf coast shoreline—per the National Oceanic and Atmospheric Administration (NOAA) Office of Coast Survey—and 40% on state's proportionate share of population in counties that border the Gulf coast.</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 DOI Secretary to implement regulations that (1) require third-party certification for 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 DOI Secretary 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 DOI Secretary to balance national energy needs with environment and natural resource protection. Directs DOI Secretary to consider NOAA input regarding the leasing program. Directs DOI Secretary to request a review of a proposed leasing program from the Secretary of Commerce and publish reasons for modifying or rejecting Commerce recommendations. Requires DOI Secretary'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 DOI Secretary to publish every three years a list of the best available technologies for offshore operations, including BOP and spill response. Instructs DOI Secretary 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>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
					<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 from 60 to 90 days the time period for filing a petition for a judicial review of certain leasing program decisions made by the DOI Secretary. 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 DOI Secretary no more than 24 hours after the required date.</p> <p>Repeals royalty relief provisions of the Energy Policy Act of 2005 for deepwater production in the Gulf of Mexico.</p> <p>Directs DOI Secretary 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 CWA §309 and §311. The task force chair is to distribute monies from the fund to states in support of their restoration plans.</p> <p>Title V: Directs CEQ chairman to establish/designate a Regional Coordination Council for each region. Directs the Councils to prepare (1) an initial assessment of data and information 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. CEQ chairman must approve the strategic plans. Establishes in the Treasury the Ocean Resources Conservation and Assistance (ORCA) Fund, subject to appropriations. ORCA funds allocated by formula for various grant programs and other purposes.</p> <p>Title VI: Removes retroactively the liability limit for offshore facilities; modifies the</p>

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					<p>liability limit provisions for 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 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 time frame 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 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 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 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</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
					<p>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 DHS Secretary 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 DHS Secretary to enhance vessel safety standard regulations by addressing worst-case discharges; shortens the double-hull transition period (from 2015 to 2011) for certain single-hull tankers.</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> <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 DHS Secretary; 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 DOI. Directs the President to implement or revise memoranda 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 DOI Secretary 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>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
					<p>Modifies provisions in OPA Title VII (Research and Development); reduces membership of Interagency Committee to Coast Guard, NOAA, DOI, and EPA. Establishes a Science and Technology Advisory Board that assists the Committee. Authorizes new and increased funding for the regional research program: §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 CZMA by authorizing grants to states to revise management programs to implement oil spill response capabilities. Directs GAO to evaluate (and submit a report to Congress three years after enactment) the effectiveness of reforms required by this act. Directs 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>
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.
H.R. 1228	Landry	March 29, 2011	Natural Resources Restoration Act of 2011	Referred to the House Committee on Transportation and Infrastructure	Directs EPA to create a panel, in consultation with the National Academy of Sciences and federal and state trustees, to prepare a preliminary report of natural resource damages. Requires resource trustees to prepare a "special assessment" in amount equal to 30% of costs of restoring natural resources (or a mutually agreed amount). Responsible parties must pay this amount, which will be used to for restoration projects.

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
H.R. 1333	Miller	April 1, 2011	Gulf Coast Economic and Tourism Restoration Act	Referred to the House Committee on Transportation and Infrastructure Committee on Energy and Commerce	Establishes a Gulf Coast Economic Restoration Fund, financed by not less than 40% of the <i>Deepwater Horizon</i> -related penalties, settlements, and fines under CWA §§309 and 311. Creates a Gulf Coast Economic Restoration Task Force to distribute monies, subject to appropriations, from the Fund to Gulf states to support Gulf coast economic development and tourism.
H.R. 1393	Buchanan	April 6, 2011	Oil Spill Prevention Act of 2011	Referred to the House Committee on Natural Resources and Committee on Transportation and Infrastructure	Amends OPA retroactively to eliminate the liability limit for offshore facilities. Directs the Bureau of Ocean Energy Management, Regulation and Enforcement to conduct monthly inspections of vessels/facilities drilling for offshore oil/gas. Prohibits categorical exemptions from any federal requirement or restriction for oil/gas operations in water over 1,000 feet deep.
H.R. 1520	Inslee	April 13, 2011	Offshore Drilling Safety Improvement Act	Referred to the House Committee on Natural Resources and Committee on Energy and Commerce	Amends the OCSLA to require OCS oil and gas drilling and production operations to have safety and environmental management systems, including BOPs and additional backup emergency shutoff equipment. The equipment must use the "best available and safest technologies." Implementing regulations are to consider different requirements for different water depths.
H.R. 1568	Woolsey	April 14, 2011	Oil Pollution Research and Development Program Reauthorization Act of 2011	Referred to the House Committee on Science, Space, and Technology	Amends multiple provisions in OPA Title VII (research and development): alters structure of the interagency committee; directs committee to meet annually and to develop an information clearinghouse; amends implementation plan provisions; creates an Oil Pollution Research Advisory Committee to support the Interagency Committee; increases authorization for appropriations for various provisions.
H.R. 1597	Capps	April 15, 2011	California Ocean and Coastal Protection Act	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.
H.R. 1664	Young	April 15, 2011	SAFEGUARDS Act of 2011	Referred to the House Committee on Natural Resources and Committee on Transportation and Infrastructure	Amends the OCSLA to require that the Coast Guard approve a facility response plan before a facility receives a permit for exploration or production activities. Requires the appropriate official to conduct water quality monitoring 48 hours after an oil or hazardous substance discharge occurs. Extends review time for exploration plans from 30 to 90 days and allows for an additional 60-day extension. Prohibits exploration plans from receiving a NEPA categorical exclusion.

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
H.R. 1762	Bonner	May 5, 2011	Gulf Coast Restoration Act	Referred to the House Committee on Transportation and Infrastructure and other committees	Establishes a Gulf Coast Restoration Fund, financed by not less than 80% of any <i>Deepwater Horizon</i> -related penalties, settlements, and fines under CWA §§309 and 311. Creates a Gulf Coast Restoration Task Force, staffed by high-ranking federal agency officials, and appointees from Gulf states and local governments. Directs Task Force to distribute Fund monies to the states to support economic development, tourism promotion, and ecosystem restoration. At least 80% of a state's allotment must go to local governments affected by the 2010 oil spill.
H.R. 1814	Engel	May 10, 2011	Offending Oil Polluters Act of 2011	Referred to the House Committee on Ways and Means	Amends the tax code to establish conditions for oil spill responsible parties who may seek certain tax deductions or credits.
H.R. 1870	Connolly	May 12, 2011	Increase American Energy Production Now Act of 2011	Referred to the House Committee on Natural Resources and other committees	<i>Provisions nearly identical to H.R. 501 (above).</i>
H.R. 1890	Tsongas	May 12, 2011	SAFER Drilling Act	Referred to the House Committee on Natural Resources	Amends the OCSLA to require exploration and development and production plans to include an oil spill containment and cleanup plan that can address a worst-case discharge. EPA must approve the containment/cleanup plan.
H.R. 2386	Markey	June 24, 2011	Oil Spill Victims Redress Act	Referred to the House Committee on Transportation and Infrastructure	Amends state court jurisdiction provisions in OPA; amends state authority regarding additional oil spill liability. Changes effective for any claim that is pending on, or filed on or after, the date of enactment.
H.R. 2845*	Shuster	September 7, 2011	Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011	Passed House December 12, 2011 (H. Rept 112-297); passed Senate December 13, 2011; signed by President January 3, 2012 (P.L. 112-90)	Among other provisions, ⁸ increases the maximum amount of civil penalties for violations of safety requirements. Authorizes the DOT Secretary to issue a rule requiring automatic and remote-controlled shutoff valves on newly constructed transmission pipelines. Directs DOT Secretary to submit report analyzing leak detection systems and issues involved in requiring them. Based on analysis and after a review period, allows DOT Secretary to issue leak detection requirements.
H.R. 3096	Scalise	October 5, 2011	Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived	Referred to the House Committee on Transportation and Infrastructure and other committees	Establishes a Gulf Coast Restoration Fund, financed by 80% of any <i>Deepwater Horizon</i> -related penalties, settlements, and fines under CWA §311. Directs the Secretary of the Treasury to administer the fund. Fund money will be distributed as follows: (1) 35% to the Gulf Coast States in equal shares to support eligible activities, some of which cover a broad range (e.g., "workforce development and job creation, and other

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
			Economies of the Gulf Coast States Act of 2011		<p>economic development projects.”)</p> <p>(2) 60% to the newly created Gulf Coast Ecosystem Restoration Council, which distributes funds based on a Comprehensive Plan. Funding priorities (e.g., restoration, previous plans, large-scale) apply. Projects must qualify as one of the specific eligible activities. Annual distributions are subject to a formula that allocates project funding to states based on (1) miles of oiled shoreline, (2) oiled shoreline distance to the well head, and (3) coastal population. These criteria are not weighted equally.</p> <p>(3) 5% to support research efforts. Equal shares to a newly created Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program and a newly created Fisheries and Ecosystem Endowment.</p> <p>(4) 50% of interest earned to support a newly created Gulf of Mexico Research Endowment; other earned interest would remain in the fund until expended.</p>
H.R. 3393	Rivera	November 4, 2011	Foreign Oil Spill Liability Act of 2011	Referred to the House Committee on Transportation and Infrastructure	Amends OPA to make the owner/operator of a foreign offshore unit (e.g., oil well) liable as an OPA responsible party; amends CWA to subject such units to CWA discharge penalties.
H.R. 3408*	Lamborn	November 14, 2011	PIONEERS Act	Reported by the House Committee on Natural Resources (H. Rept. 112-392) on February 9, 2012; passed House February 16, 2012	<p>Among other provisions, the passed version included an amendment (H.Amdt. 951, offered by Scalise) that added the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (“RESTORE Act”).</p> <p>This act would establish a Gulf Coast Restoration Trust Fund in the Treasury, financed by 80% of any <i>Deepwater Horizon</i>-related penalties, settlements, and fines under CWA §311. Monies in the Fund would be available through future congressional action to support Gulf Coast restoration—both natural resources and the regional economy.</p>
H.R. 3426	Connolly	November 16, 2011	Protecting Neighborhoods from Oil Pollution Act of 2011	Referred to the House Committee on Transportation and Infrastructure	Directs EPA to issue regulations requiring the closure of an oil storage facility if certain conditions apply: (1) facility is located within 1 mile of 100 residents and 2 or more spills have occurred within 10 years; and (2) facility’s oil spill led to groundwater contamination affecting 100 or more residents.
H.R. 3472	Young	November 17, 2011	Pirate Fishing Vessel Disposal Act of 2011	Referred to the House Committee on Transportation and Infrastructure and other committees	Amends underlying code of OSLTF (26 U.S.C. 9509) to allow the trust fund to finance activities concerning forfeited fishing vessels, including sinking, scrapping, and recycling vessels.

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
H.R. 3757	Richardson	December 20, 2011	Securing Health for Ocean Resources and Environment (SHORE) Act	Referred to the House Committee on Transportation and Infrastructure and other committees	<p>Title I: Directs NOAA Administrator to review NOAA's capacity to respond to oil spills and report to Congress; develop and maintain oil spill trajectory models; update the environmental sensitivity index products for each U.S. coastal area and offshore leasing area; prepare a review of subsea hydrocarbons, including their effects with dispersants on marine resources; establish a hydrocarbon monitoring and assessment program; set up an Interagency Coordinating Committee on Oil Pollution Research; establish an initiative examining threat and fate of oil spills from aging or abandoned infrastructure; prepare inventory of offshore abandoned/sunken vessels; submit report after enactments and every five years thereafter describing leasing regions' ecological baselines and risks posed by hydrocarbon development.</p> <p>Amends OPA to provide OSLTF monies to NOAA without further appropriation.</p> <p>Amends the CZMA to allow Secretary of Commerce to issue grants, not to exceed \$750,000 per year for one state, to states for specific purposes, including programs to identify and implement policies that address oil spill response and impacts (environmental, economic, and social) at the state level. Grants do not require state matching funds.</p> <p>Directs the Secretary of Commerce to establish a long-term (10-year minimum) marine environmental monitoring and research program for the Gulf, ensuring access to independent, peer-reviewed data regarding impacts associated with <i>Deepwater Horizon</i> spill. Requires biennial reports to Congress. Data to be available to public after review and approval of Attorney General.</p> <p>Directs NOAA with collaboration from other agencies to direct research and perform actions to improve oil spill prevention, response, and recovery in Arctic waters.</p> <p>Title II: Directs Coast Guard to assess and take action to reduce the risk and improve the capability of the United States to respond to a maritime disaster in the U.S. Beaufort and Chukchi Seas.</p> <p>Requires oil spill response plans be updated every five years.</p> <p>Directs DHS Secretary to establish a program for the formal evaluation and validation of oil pollution containment and removal technologies and methods. At each validation, the Secretary is to determine if the process or technology should be designated as "best available."</p> <p>Instructs the DHS Secretary to increase the frequency and comprehensiveness of safety inspections for U.S. and foreign-flagged vessels.</p> <p>Adds offshore oil/gas exploration/production facilities (and components such drilling systems, risers and blowout preventers) to the list of vessels subject to Coast Guard</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
					<p>inspection (33 U.S.C. §3301).</p> <p>Directs the Coast Guard Commandant, in consultation with NOAA, to identify areas of U.S. waters in which routing or other navigational measures should be established to reduce oil spill risks. If identified, the DHS Secretary and NOAA Administrator are to seek to establish such areas through the International Maritime Organization. Instructs the Coast Guard Commandant to submit quarterly data to Congress on data collected in support of this section.</p> <p>Allows a state to require 24-hour notification to the state and Coast Guard if a person transfers more than 250 barrels of oil to, from, or within a vessel in state waters.</p> <p>Amends OPA to establish a Gulf of Mexico Regional Citizens' Advisory Council composed of Gulf stakeholders to (in general) monitor OCS facility and tanker activities, particularly regarding environmental impacts, and recommend standards to minimize impacts.</p> <p>Amends OPA to modify the liability limits for vessels. Increases limits for tank vessels without double-hulls. Creates new liability limits specific to tank barges.</p> <p>Requires the Coast Guard Commandant to make publicly available (on a website) all prepared and approved Incident Action Plans associated with an oil spill response that is within the Coast Guard's jurisdiction. The plans are to be posted no later than 12 hours after an associated action has begun.</p> <p>Authorizes increased appropriations to the Coast Guard for oil spill research and development.</p> <p>Title III: Directs NOAA, in coordination with DHS and EPA, to develop national protocols concerning shoreline characterization data.</p> <p>Requires DOI to consider suggestions from Commerce and Coast Guard when proposing lease sales.</p> <p>Prior to the approval of any program, lease, exploration plan, or development and production plan, DOI must consult with NOAA on adverse impacts (e.g., oil spills). NOAA may recommend alternatives.</p> <p>Establishes a Federal Oil Spill Research Committee (replacing the Interagency Committee in OPA Title VII), represented by NOAA (chair), the Coast Guard, and EPA, to coordinate oil pollution research and development. Committee is to assess state of technology and research needs and report to Congress. Committee is to submit a research implementation plan with assistance from the National Academy of Sciences. Creates a grant program to carry out research efforts.</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
H.R. 3852	Hastings (FL)	January 31, 2012	NA	Referred to the House Committee on Ways and Means	Amends the tax code (26 U.S.C. §162) to prohibit deductions for monies used to pay oil spill response costs or damage claims.

Source: Prepared by CRS.

Note: The bills included in this table do not represent an exhaustive list but include 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 (NPFC), 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 NPFC 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.
- g. For more information, see CRS Report R41536, *Keeping America’s Pipelines Safe and Secure: Key Issues for Congress*, by Paul W. Parfomak.

Table 3. Oil Spill Legislation in the 112th Congress—Senate Proposals

Bills marked with an asterisk indicate committee or chamber action

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 NOAA 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 disasters in the Arctic region and take actions to improve capabilities.</p> <p>Amends OPA 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 under NEPA. Authorizes EPA, with NOAA and DOI 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 imported crude oil. 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 retroactively to 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 DOI Secretary 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 DOI Secretary 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 affect 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.
S. 594	Whitehouse	March 16, 2011	Oil Spill Victims Redress Act	Referred to the Senate Committee on Environment and Public Works	Amends state court jurisdiction provisions in OPA; amends state authority regarding additional oil spill liability. Changes effective for any claim that is pending on, or filed on or after, the date of enactment.
S. 661	Lautenberg	March 29, 2011	Safe Dispersants Act	Referred to the Senate Committee on Environment and Public Works	Amends CWA to establish conditions in which a dispersant may be used: the harm from use of the dispersant must be less than the harm of other oil mitigation options. Directs EPA to establish regulations to require further information (e.g., effects on various organisms) about dispersants listed on the Product Schedule. Instructs EPA to conduct dispersant study regarding impacts and governance.
S. 662	Vitter	March 29, 2011	Natural Resources Restoration Act of 2011	Referred to the Senate Committee on Environment and Public Works	Directs EPA to create a panel, in consultation with the National Academy of Sciences and federal and state trustees, to prepare a preliminary report of natural resource damages. Requires resource trustees to prepare a "special assessment" in amount equal to 30% of costs of restoring natural resources (or a mutually agreed amount). Responsible parties must pay this amount, which will be used to for restoration projects.

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
S. 861	Landrieu	April 14, 2011	Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2011	Referred to the Senate Committee on Environment and Public Works	<p>Establishes a Gulf Coast Restoration Fund, financed by 80% of any <i>Deepwater Horizon</i>-related penalties, settlements, and fines under CWA §311. Directs the Secretary of the Treasury to administer the fund. Fund money will be distributed as follows:</p> <p>(1) 35% to the Gulf Coast States in equal shares to support eligible activities;</p> <p>(2) 60% to the newly created Gulf Coast Ecosystem Restoration Council, which distributes funds based on a Comprehensive Plan. Funding priorities (e.g., restoration, previous plans, large-scale) apply. Projects must qualify as one of the specific eligible activities.</p> <p>(3) 5% to support Gulf Coast Ecosystem Restoration Science, Monitoring, and Technology Program.</p>
S. 862	Nelson (FL)	April 14, 2011	Comprehensive Gulf of Mexico Recovery, Restoration, and Resiliency Act	Referred to the Senate Committee on Environment and Public Works	<p>Creates a Gulf of Mexico Recovery Fund, financed by not less than 100% of any <i>Deepwater Horizon</i>-related penalties, settlements, and fines under CWA §§309 and 311. Establishes a Gulf of Mexico Recovery Council with the same members as Gulf Coast Ecosystem Restoration Task Force (established by Executive Order 13554). Council must develop a comprehensive recovery plan. Funds distributed as follows:</p> <p>(1) 45% of the funds for local government grants to support economic development, ecosystem restoration, and public health rehabilitation;</p> <p>(2) 50% of the funds for grants to other groups, including federal/state agencies and academic institutions for same purposes;</p> <p>(3) 5% of the funds available to administer a newly created Fishery Endowment.</p> <p>Allocation to states based on formula considering proportion of Gulf coastline and population on Gulf coastline. Creates a Citizens' Advisory Committee that will submit biennial reports to Congress regarding the extent of achievement of safe oil and gas activities in the Gulf and related issues. Creates a Scientific Advisory Committee to advise the Council regarding relevant scientific issues.</p>
S. 870	Tester	May 3, 2011	Pollution Accountability Act of 2011	Referred to the Senate Committee on Environment and Public Works	<p>Amends CWA §311 civil penalty provisions by stating that the penalty amount shall be the higher of \$25,000/day or \$1,000/barrel of oil discharged. (Note that these statutory amounts have been increased for inflation through EPA regulations.)</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
S. 917	Bingaman	May 9, 2011	Outer Continental Shelf Reform Act of 2011	Referred to the Senate Committee on Energy and Natural Resources.	<p>Among other provisions, amends OCSLA policy declaration (§1332) to require best available technology for operations in the OCS. Directs the DOI Secretary to create an Outer Continental Shelf Safety and Environmental Advisory Board to provide independent, peer-reviewed advice.</p> <p>Disqualifies parties from bidding for OCS leases if, after prior public notice and opportunity for a hearing, they are identified as a responsible party in an oil spill and not in compliance with OPA compensation obligations.</p> <p>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. Allows DOI to disapprove an exploration plan under certain conditions (namely risk of environmental harm).</p> <p>Requires lease holders seeking to operate in water depths of 500 feet or more to submit and receive DOI approval for a deepwater operations plan.</p> <p>Requires drilling permits to be reviewed by two agency engineers; requires submission and approval of a safety and environmental management plan before issuance of a drilling permit.</p> <p>Amends principles of OCSLA leasing program to give equal consideration to economic, social, and environmental values of the OCS.</p> <p>Directs DOI to develop research to support OCS resource decisions. Calls for research and development for OCS risk assessment, environmental protection, and spill response.</p> <p>Amends OCLSA provisions regarding best available technology by removing considerations of increased costs.</p> <p>Directs DOI to develop regulations requiring submission of a safety case with a drilling permit.</p> <p>Directs Coast Guard to expand its investigations to apply to loss of well control and BOP activation (along with fires and major oil spills).</p> <p>Allows DOI to request an incident investigation from the National Transportation Safety Board; directs DOI to create public database of causes and corrective actions for investigated incidents.</p> <p>Creates fee program to fund inspections at offshore facilities.</p> <p>Amends OCLSA to increase civil penalty amounts from \$20,000/day to \$75,000/day. Increases criminal penalty amount from \$100,000 to \$10 million.</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
					<p>Requires lessees in the Gulf of Mexico to submit a development and production plan. Lessees in other locations are currently required to submit this plan.</p> <p>Directs the Energy Information Administration to report to Congress on the economic effects of the moratoria on deepwater drilling established after the 2010 Gulf oil spill.</p> <p>Modifies underlying objectives of research/development program created by Energy Policy Act of 2005; expands scope to address deepwater rather than “ultra-deepwater” activities. Alters award funding available per §999H of the act to encourage safe operations and preventative technologies. Directs Secretary of Energy to publish results of research efforts in <i>Federal Register</i>. Alters advisory committee provisions of §999D of the act.</p> <p>Creates within the legislative branch the National Commission on Outer Continental Shelf Oil Spill Prevention to examine/report on the causes relating to the 2010 <i>Deepwater Horizon</i> incident. Provides subpoena power to the Commission.</p> <p>Directs DOI and the Coast Guard to issue joint regulations regarding offshore facility systems. Requires certification and classification by third parties.</p>
S. 926	Menendez	May 9, 2011	Clean Ocean and Safe Tourism Anti-Drilling Act	Referred to the Senate Committee on Energy and Natural Resources	Amends the OCSLA to prohibit leasing in the Mid- or North Atlantic planning areas.
S. 953*	McConnell	May 11, 2011	Offshore Production and Safety Act of 2011	Considered in the Senate May 18, 2011, and ultimately withdrawn	Among other provisions, amends OCSLA to require that exploration plans include a third-party review describing the means and timeline for subsea containment of a discharge specific to planned operation. Directs the Secretary of Energy to report on methodologies and technological responses to oil spills and mitigating the effects of oil spills. Directs GAO to report on existing federal government capabilities and legal authorities to prevent and respond to an oil spill.
S. 983	Nelson	May 12, 2011	NA	Referred to the Senate Committee on Finance	Amends the tax code (26 U.S.C. §162) to prohibit deductions for monies used to pay oil spill response costs or damage claims.
S. 973	Whitehouse	May 12, 2011	National Endowment for the Oceans Act	Referred to the Senate Committee on Commerce, Science, and Transportation	Creates a National Endowment for the Oceans funded by interest earned by the OSLTF, when the fund balance exceeds \$1.5 billion. In addition, 10% of various civil penalties associated with OCS activity would fund the endowment.

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
S. 1140	Rockefeller	May 26, 2011	Gulf Coast Restoration Act	Referred to the Senate Committee on Commerce, Science, and Transportation	<p>Creates a Gulf Coast Ecosystem Restoration task force, staffed by high-ranking federal agency officials, and appointees from four of the Gulf states and local governments. The President appoints the chair. State governors (Alabama, Florida, Louisiana, and Mississippi) must submit coastal ecosystem restoration plans for approval by the chair of the task force.</p> <p>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 CWA §§309 and 311. The task force chair is to distribute monies from the fund to states in support of their restoration plans.</p>
S. 1321	Lugar	June 30, 2011	Practical Energy Plan Act of 2011	Referred to the Senate Committee on Finance	Among other provisions, directs DOI to report to Congress before issuing the first 10 drilling permits in selected areas, describing oil spill preparedness, containment, and response. Amends the OCSLA to require exploration plans include a third-party review describing the means and timeline for subsea containment of a discharge specific to planned operation.
S. 1400*	Landrieu	July 21, 2011	Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE) of the Gulf Coast States Act of 2011	Reported from the Senate Committee on Environment and Public Works (S.Rept. 112-100)	<p>Establishes a Gulf Coast Restoration Fund, financed by 80% of any <i>Deepwater Horizon</i>-related penalties, settlements, and fines under CWA §311. Directs the Secretary of the Treasury to administer the fund and distribute as follows:</p> <p>(1) 35% to the Gulf Coast States in equal shares to support eligible activities, some of which cover a broad range (e.g., “workforce development and job creation.”)</p> <p>(2) 60% to a newly created Gulf Coast Ecosystem Restoration Council, which distributes funds based on a Comprehensive Plan. Funding priorities (e.g., restoration, previous plans, large-scale) apply. Projects must qualify as one of the specific eligible activities. Annual distributions are subject to a formula that allocates project funding to states based on (1) miles of oiled shoreline, (2) oiled shoreline distance to the well head, and (3) coastal population. These criteria are not weighted equally.</p> <p>(3) 5% to support research efforts. Equal shares go to a newly created Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program and a newly created Fisheries and Ecosystem Endowment.</p> <p>(4) interest earned goes to support a newly created National Endowment for Oceans and a newly created Gulf of Mexico Research Endowment.</p>

Bill Number	Sponsor	Introduced Date	Short Title	Major Actions	Key Provisions
S. 1502	Baucus	August 2, 2011	Clean Rivers Act of 2011	Referred to the Senate Committee on Commerce, Science, and Transportation	Among other provisions, requires oil spill response plans be made publicly available. Directs the Pipeline and Hazardous Materials Safety Administration to craft regulations requiring consultation with local officials when developing response plans. Calls for the NCP regulations to be revised to include more local involvement.
S. 1836	Menendez	November 9, 2011	Foreign Oil Pollution Act	Referred to the Senate Committee on Environment and Public Works	Amends OPA to make the owner/operator of a foreign offshore unit (e.g., oil well) liable under OPA. These units would not have a liability limit under OPA. The OSLTF per-incident expenditure cap (currently \$1 billion) would not apply to spills from these units.
S. 1890	Begich	November 17, 2011	Pirate Fishing Vessel Disposal Act of 2011	Referred to the Senate Committee on Commerce, Science, and Transportation	Amends underlying code of the Oil Spill Liability Trust Fund (26 U.S.C. §9509) to allow the trust fund to finance activities concerning forfeited fishing vessels, including sinking, scrapping, and recycling vessels.

Source: Prepared by CRS.

Note: The bills included in this table do not represent an exhaustive list but include bills that generally focus on oil spill policy matters that concern prevention, preparedness, response, liability and compensation, and Gulf restoration.

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