

A REQUEST FOR BUDGET AMENDMENTS FOR FISCAL
YEAR 2011

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REQUEST FOR BUDGET AMENDMENTS FOR FISCAL YEAR 2010
PROPOSALS IN THE FISCAL YEAR 2011 BUDGET FOR THE DE-
PARTMENT OF HOMELAND SECURITY



MAY 14, 2010.—Referred to the Committee on Appropriations and ordered
to be printed

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THE WHITE HOUSE,
Washington, May 12, 2010.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: The oil spill in the Gulf of Mexico is a massive and potentially unprecedented environmental disaster that can seriously damage the economy and environment of our Gulf States and jeopardize the livelihoods of thousands of Americans who live throughout the Gulf region.

That is why since the initial explosion on the drilling rig occurred, the Federal Government has launched and coordinated a unified and relentless response to this crisis.

From day one of this spill, we made preparations to stage equipment and personnel for a worst-case scenario, and there is underway a sustained, multi-agency response to this disaster. My Administration and I will not rest—or be satisfied—until the leak is stopped at the source, the oil on the Gulf is contained and cleaned up, and the people of this region are able to go back to their lives and livelihoods.

Part of that effort is to hold BP, and other responsible parties in this spill, accountable for the crisis. The Federal Government will aggressively pursue full compensation for the containment and clean up, as well as any damages incurred because of this spill.

At the same time, I will spare no effort to clean up whatever damage is caused, assist those whose livelihoods have been affected by this spill, and restore the Gulf coast. We cannot allow the potentially protracted pursuit of claims to prevent us from swift action to help those harmed by this spill.

That is why I ask the Congress to consider the enclosed amendment to Fiscal Year (FY) 2010 proposals in my FY 2011 Budget.

The amendment includes General Provision proposals for the Departments of Labor, Agriculture, Commerce, Justice, the Interior, Health and Human Services, Homeland Security, and the Treasury, and the Environmental Protection Agency. I request these proposals be considered as emergency requirements, since this request responds to urgent and essential needs.

The details of this request are set forth in the enclosed letter from the Director of the Office of Management and Budget. Together, these amendments will provide critical funds and authorities needed to respond to this spill as well as changes to current law to better prepare the Nation for any future spills.

The people of the Gulf region—the hardworking individuals, families, and business owners—have already begun to incur significant economic losses due to this disaster. They face the prospect of greater losses as the full impact becomes clear, in large part because of the unique relationship between their traditional liveli-

hoods and the fragile environment. The Gulf coast is one of the richest and most beautiful ecosystems on the planet, and for centuries, its residents have enjoyed and made a living from the fish that swim in these waters and the wildlife that inhabit these shores. We will do everything in our power to support those who are affected by the spill, protect our natural resources, demand reimbursement from the responsible parties for costs incurred, rebuild what has been damaged, and help this region persevere as it has done so many times before.

Sincerely,

BARACK OBAMA.

Enclosure.



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 12, 2010

The President
The White House

Submitted for your consideration is an amendment to Fiscal Year (FY) 2010 proposals in your FY 2011 Budget. The amendment includes General Provision proposals for the Departments of Labor, Agriculture, Commerce, Justice, the Interior, the Environmental Protection Agency, the Departments of Health and Human Services, Homeland Security, and the Treasury in the wake of a spill of national significance.

This request responds to urgent and essential needs and, therefore, the specific proposals are being requested as emergency requirements. These General Provision proposals are described below and in more detail in the enclosures:

Department of Labor

- Sec. 3. This section would create a new program of unemployment assistance for workers who are unemployed as a result of a spill of national significance and who have no entitlement to any other unemployment compensation.
- Sec. 4. This section would amend the Workforce Investment Act of 1998 to create an oil spill relief employment assistance program. This proposal also provides \$50 million to carry out oil spill relief employment assistance.
- Sec. 5. This section would allow the reservation of up to one percent of funds provided under sections 3 and 4 to administer and support the Oil Spill Unemployment Assistance program authorized by section 3 of this Act and the Oil Spill Relief Employment Assistance program authorized by section 4 of this Act, as well as worker protection and other activities in conjunction with the Department of Labor's response to an oil spill of national significance.

Department of Agriculture (USDA)

- Sec. 6. This section would authorize the Disaster Supplemental Nutrition Assistance Program for individuals and families in areas affected by a spill of national significance. This section would also authorize the use of Section 32 funds to acquire commodities for use in implementing existing USDA emergency feeding assistance programs and would

allow the Secretary to replenish the food inventories of States if the States, in carrying out such programs, had diverted food products previously provided to it by USDA.

Department of Commerce

- Sec. 7. This section would provide \$15 million to the Secretary of Commerce to be available if other sources do not sufficiently mitigate economic impacts on fishermen and fishery-dependent businesses in the event of a commercial fisheries failure pursuant to either the Magnuson-Stevens Fishery Conservation and Management Act or the Interjurisdictional Fisheries Act.

This section would also provide \$5 million for the National Oceanic and Atmospheric Administration for activities that support the response to the Deepwater Horizon oil spill, but may not qualify as recoverable from the responsible parties or the Oil Spill Liability Trust Fund.

- Sec. 8. This section would provide \$5 million for the Economic Development Administration's Economic Adjustment Assistance program (EAA). EAA will award grants to State, local, and non-profit entities in the affected region for strategic planning and technical assistance. Potential activities to be funded include short- and long-term economic recovery plans, and State and local economic recovery coordinators.

Department of Justice

- Sec. 9. This section would provide \$10 million for the Attorney General for litigation expenses related to affirmative and defensive litigation associated with the Deepwater Horizon oil spill that may not qualify as recoverable from the Responsible Parties or the Oil Spill Liability Trust Fund.

Department of the Interior

- Sec. 10. This section would provide \$29 million for the Secretary of the Interior for additional inspections, enforcement, studies and other activities that may not qualify as recoverable from the responsible parties or the Oil Spill Liability Trust Fund.
- Sec. 11. This section would extend the time allowed by statute for the Department to review and approve oil and gas lessee exploration plans to provide additional time for the required review.

Environmental Protection Agency

- Sec. 12. This section would provide \$2 million for a study of long-term risks and impacts from crude oil releases and use of chemical dispersants led by the Environmental Protection Agency in coordination with the National Oceanic and Atmospheric Administration and the Minerals Management Service.

Department of Health and Human Services

- Sec. 13. This section would provide \$2 million to the FDA to monitor and respond to the environmental impact of the oil on seafood fished from the gulf and surrounding areas. These efforts could include, but are not limited to, testing and deploying technology to speed the analysis of seafood samples for contamination that could harm consumers.

Department of Homeland Security

- Sec. 14. This section would permit the Coast Guard to obtain one or more advances - (up to \$100 million each) from the Principal Fund within the Oil Spill Liability Trust Fund to underwrite Federal response activities with regard to discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon. This proposal permits advances only up to the total expenditures limitation allowed under current law, as amended by section 15 of these general provisions.
- Sec. 15. This section would, for any single incident, raise (1) the statutory expenditure limitation for the Oil Spill Liability Trust Fund from \$1 billion to \$1.5 billion and (2) the cap on natural resource damage assessments and claims from \$500 million to \$750 million. The proposal would also raise the limitation on liability for responsible parties. The Administration looks forward to working with the Congress to develop levels for the various caps that provide for substantial, and proportional, increases.

The section would also amend the Oil Pollution Act's judicial review provision for assessments of damages to natural resources in order to clarify that the review should follow established administrative law principles. It would also amend the Oil Pollution Act to allow the President to require a responsible party to provide data related to the responsible party's claims process activity to the government. This will allow the Government to exercise appropriate oversight of the responsible parties' required actions under the Oil Pollution Act. The proposal would clarify the provisions under the Act to place tribal governments on equal footing with States and local governments to avail themselves of the same benefits afforded under the section 1002(b)(2)(D) and (F) of the Act when recovering damages to revenues and public services from a responsible party or parties.

Department of the Treasury

- Sec.16. This section would adjust the rate of tax per barrel of oil to replenish the Oil Spill Liability Trust Fund.

Recommendation

I have carefully reviewed this request and am satisfied that it is necessary at this time. Therefore, I join the heads of the affected agencies in recommending that you transmit this proposal to the Congress.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Orszag', written in a cursive style.

Peter R. Orszag
Director

Enclosure

GENERAL PROVISIONS—THIS ACT

House Doc. No. 111–92

Page: 6

FY 2011 Budget Appendix Page: 1366

FY 2010 Pending Request: —

Proposed Amendment: Language

Revised Request: —

(In the appropriations language under the above heading, add the following seventeen new sections directly following section 2:)

SEC. 3. OIL SPILL UNEMPLOYMENT ASSISTANCE.

(a) *OIL SPILL UNEMPLOYMENT ASSISTANCE.*—*Upon a determination by the President that additional resources are necessary to respond to an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) (“covered incident”), the Secretary of Labor is authorized to provide to any individual unemployed as a result of a covered incident such benefit assistance as the Secretary deems appropriate while such individual is unemployed for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of the Internal Revenue Code of 1986) or waiting period credit. Such assistance as the Secretary shall provide shall be available to an individual as long as the individual’s unemployment caused by a covered incident continues or until the individual is reemployed in a suitable position, but no longer than 26 weeks after the individual’s unemployment that resulted from the covered incident. Oil spill unemployment assistance payments for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State affected by a covered incident. The Secretary is directed to provide such assistance through agreements with States that, in the Secretary’s judgment, have an adequate system for administering such assistance through existing State agencies.*

(b) *FEDERAL-STATE AGREEMENTS.*—*Any State affected by a covered incident which desires to do so may enter into and participate in an agreement under this section with the Secretary. Any State which is a party to an agreement under this section may, upon providing 30 days’ written notice to the Secretary, terminate such agreement.*

(c) *PROVISIONS OF AGREEMENT.*—*Any agreement under subsection (b) shall provide that the State agency of the State will—*

(1) *make payments of oil spill unemployment assistance to individuals who—*

(A) *are unemployed as a result of a covered incident;*

(B) *have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and*

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(2) refer individuals receiving oil spill unemployment assistance under this section to One-Stop Career Centers established under title I of the Workforce Investment Act of 1998 for reemployment services or training provided under such Act, the Wagner-Peyser Act, or other Federal law.

(d) **WEEKLY BENEFIT AMOUNT, DUE PROCESS RIGHTS.**—For purposes of any agreement under this section, the terms and conditions of Federal law and regulations which apply to claims for disaster unemployment assistance and to the payment thereof shall apply to claims for oil spill unemployment assistance and the payment thereof, except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section.

(e) **UNAUTHORIZED ALIENS INELIGIBLE.**—A State shall require as a condition of oil spill unemployment assistance under this section that each alien who receives such assistance must be legally authorized to work in the United States, as defined for purposes of the Federal Unemployment Tax Act (26 U.S.C. 3101 et seq.). In determining whether an alien meets the requirements of this subsection, a State must follow the procedures provided in section 1137(d) of the Social Security Act (42 U.S.C. 1320b-7(d)).

(f) **FRAUD AND OVERPAYMENTS.**—

(1) **IN GENERAL.**—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of oil spill unemployment assistance under this section to which such individual was not entitled, such individual—

(A) shall be ineligible for further oil spill unemployment assistance under this section in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

(2) **REPAYMENT.**—In the case of individuals who have received amounts of oil spill unemployment assistance under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such oil spill unemployment assistance to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such oil spill unemployment assistance was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

(3) **PREVENTION AND DETECTION BY STATE AGENCY.**—The State agency shall submit a weekly payment file of all benefit payments to the National Directory of New Hires, and shall

make arrangements for the cross match of the benefit payment recipients' social security numbers with the National Directory of New Hires Reported Hire and Benefit payment databases a minimum of once each week and investigate all matches.

(4) RECOVERY BY STATE AGENCY.—

(A) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any oil spill unemployment assistance payable to such individual under this section or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the oil spill unemployment assistance to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(B) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(5) REVIEW.—Any determination by a State agency under this subsection shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(g) PAYMENTS TO STATES.—

(1) BENEFITS.—There shall be paid to each State that has entered into an agreement under this section an amount equal to 100 percent of the oil spill unemployment assistance paid to individuals by the State under such agreement.

(2) ADMINISTRATION.—There shall be paid to each State that has entered into an agreement under this section such amounts as the Secretary determines necessary for the proper and efficient administration of such agreement.

(h) FINANCING.—

(1) IN GENERAL.—There are appropriated out of the general fund of the United States Treasury such funds as may be necessary in meeting the costs of benefits, Federal administration, and State administration of agreements under this section.

(2) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section. Upon receipt of the certification from the Secretary, the Secretary of the Treasury shall make payments to the State in accordance with such certification, by transfers from the general fund of the United States Treasury.

(i) RELATIONSHIP WITH INCOME REPLACEMENT PAYMENTS FOR LOST WAGES OR SELF EMPLOYMENT INCOME BY THE RESPONSIBLE PARTY.—

(1) *The total combined amount an individual receives of oil spill unemployment assistance and payments by the responsible party for either lost wages or self-employment income shall not exceed the greater of—*

(A) the total amount of unemployment assistance that an individual is entitled to receive under subsection (a), as determined by the State agency, or

(B) the liability of the responsible party to such individual for lost wages or self-employment income.

(2) *If a responsible party or the Oil Spill Liability Trust Fund under the Oil Pollution Act (33 U.S.C. 2701 et seq.) makes a payment to the individual for lost wages related to unemployment resulting from a covered incident, and an individual has previously received unemployment assistance under this section for such period of unemployment, the responsible party or the Oil Spill Liability Trust Fund shall subtract from such payment the amount of such unemployment assistance and shall reimburse such subtracted amount to the United States for deposit in the general fund of the Treasury. If a responsible party fails to reimburse such subtracted amount pursuant to this paragraph, the Secretary of the Treasury shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved.*

(3) *If a responsible party or the Oil Spill Liability Trust Fund has made a payment to an individual for lost wages related to unemployment resulting from a covered incident, the amount of such payment shall be subtracted from the unemployment assistance under this section that the individual subsequently receives for such period of unemployment.*

(4) *Any individual's receipt of unemployment assistance under this section related to unemployment resulting from a covered incident shall be conditional on the individual taking appropriate actions, as determined by the Secretary, to seek payment for lost wages for such period of unemployment under the Oil Pollution Act from the responsible party or the Oil Spill Liability Trust Fund.*

(5) *Any individual, as a condition of receiving oil spill unemployment assistance, shall provide informed consent to the sharing of benefit information between the State agency and the responsible party (or its claim processor) or the Oil Spill Liability Trust Fund, as appropriate, for the purpose of determining eligibility and to avoid duplicate payments as deemed necessary.*

(6) *If the Secretary determines the actions described in paragraphs (2) through (5) have not succeeded in avoiding duplicate payments, the Secretary may take such other actions as the Secretary determines necessary in order to avoid duplicate payments, consistent with the responsible party or the Oil Spill Liability Trust Fund making payments to individuals for lost wages related to unemployment resulting from a covered incident.*

(7) *The Secretary may take such actions as the Secretary determines are necessary for implementing this section, including entering into agreements with States that have agreements with the Secretary to administer this program, and the responsible party with respect to each State's administration of this program and payments made by the responsible party to claimants for lost wages and self-employment income to establish processes for—*

(A) the coordination of payment of oil spill unemployment assistance under this section and payments for lost wages and self employment income by the responsible party or the Oil Spill Liability Trust Fund so as to minimize duplicate payments to claimants, including methods to:

(i) prevent duplicate payments, such as developing methods for claims processing that identify eligibility for both types of payments so as to ensure the individual receives no more than the amount specified in paragraph (1) of this subsection;

(ii) document that individuals who received either oil spill unemployment assistance or payments by the responsible party or the Oil Spill Liability Trust Fund prior to execution of the agreement were unemployed as a result of the oil spill; and

(iii) ensure prompt and accurate payment of oil spill unemployment assistance under this section or payment of claims by the responsible party or the Oil Spill Liability Trust Fund;

(B) sharing and protecting information regarding an individual's claim for oil spill unemployment assistance or claims for replacement of wages that is necessary to coordinate benefit payments and claims by the responsible party or the Oil Spill Liability Trust Fund under subparagraph (A);

(C) reimbursement by the responsible party to the Federal government and States for payment of oil spill unemployment assistance to individuals whose unemployment was the result of a covered incident and for the administration of this program, which may include the responsible party developing a special fund for use by the States to pay benefits under this program, in accordance with process developed under subparagraph (A) with a periodic reconciliation process to make future claims unnecessary;

(D) ensuring that the responsible party shall make benefit information available to government organizations upon request subject to the safeguards applicable to confidential unemployment compensation information in Federal law and regulations, which shall apply to the Secretary, the State agencies administering the oil spill unemployment assistance program, the responsible party, and the Oil Spill Liability Trust Fund; and

(E) developing similar agreements with the responsible party to coordinate payments of unemployment compensation under State law related to a covered incident and pay-

ments made by the responsible party or the Oil Spill Liability Trust Fund.

(8) The procedures developed under this section may be employed by States to coordinate payments of unemployment compensation under State law related to a covered incident and payments made by the responsible party or the Oil Spill Liability Trust Fund.

(j) Each responsible party under the Oil Pollution Act, 33 U.S.C. 2701, et seq., is liable for any costs, net of any payments by the responsible party to the United States under subsection (i), incurred by the United States under this section and shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for these costs as well as the costs of the United States in administering its responsibilities under this section. If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection, the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under the Oil Pollution Act, 33 U.S.C. 2704.

(k) This section shall take effect immediately upon enactment and shall apply to all responsible parties under the Oil Pollution Act, including any party determined to be liable under the Oil Pollution Act for any incident that occurred prior to the enactment of this section.

(l) DEFINITIONS.—

(1) “Duplicate payments” includes any payment that would cause the individual to receive payments in excess of the amount determined under paragraph (1) of subsection (i).

(2) “Responsible party” means one or more responsible parties.

(3) “Secretary” means United States Secretary of Labor.

(4) “State” means any State, as defined in the Federal Unemployment Tax Act (26 U.S.C. 3306(j)(1)) directly affected by a covered incident.

(5) “State agency” means the State agency which administers the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1986.

This proposal would create a new program of unemployment assistance to workers who are unemployed as a result of a spill of national significance and who have no entitlement to any other unemployment compensation. The program is modeled after the Disaster Unemployment Assistance program and will provide up to 26 weeks of benefits to the self-employed, as well as other workers ineligible for regular unemployment compensation.

This proposal would appropriate such sums as may be necessary from the General Fund of the Treasury. This proposal would also ensure that this new program does not provide assistance that duplicates, or takes the place of, the payments for lost wages that responsible parties under the Oil Pollution Act or the Oil Spill Liabil-

ity Trust Fund make to an unemployed worker. This section would also ensure that responsible parties under the Oil Pollution Act bear the cost of the program. In addition, this section would take effect immediately upon enactment and apply to all responsible parties under the Oil Pollution Act, including any party determined to be liable under the Oil Pollution Act for any incident that occurred prior to the enactment of this section.

SEC. 4. AMENDMENTS TO THE WORKFORCE INVESTMENT ACT OF 1998.

(a) *IN GENERAL.*—*Sec. 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended by adding a new paragraph (5) as follows:*

“(5) to provide assistance to the Governor of any State within the boundaries of an area that is the subject of a Presidential determination that additional resources are necessary to respond to an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) (‘covered incident’) to provide oil spill relief employment in the area.”.

(b) *OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.*—*Sec. 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding a new subsection (h) as follows:*

“(h) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

“(1) IN GENERAL.—Funds made available under subsection (a)(5)—

“(A) shall be used to provide oil spill relief employment on projects regarding cleaning, restoration, renovation, repair and reconstruction of lands, marshes, waters, structures, and facilities located within the area of the covered incident, as well as offshore areas related to such incident, and projects that provide food, clothing, shelter, and other humanitarian assistance to individuals harmed by the covered incident;

“(B) may be expended through public and private agencies and organizations engaged in such projects;

“(C) may be expended to provide employment and training activities;

“(D) may be expended to provide personal protective equipment to workers engaged in oil spill relief employment described in subparagraph (A);

“(E) may be used to increase the capacity of States to make available the full range of services authorized under this title and provide information (in languages appropriate to the individuals served) about, and access to, the variety of public and private services available to individuals adversely affected by the covered incident in One-Stop Career Centers and other access points (including other public facilities, mobile service delivery units, and social services offices); and

“(F) may be used to provide temporary employment by public sector entities for a period not to exceed six months,

in addition to the oil spill relief employment described in subparagraph (A).

“(2) ELIGIBILITY.—An individual shall be eligible for services under subsection (a)(5) if such individual is temporarily or permanently laid off as a consequence of the covered incident, is a dislocated worker, is a long-term unemployed individual, or meets such other criteria as the Secretary may establish.

“(3) LIMITATIONS ON OIL SPILL RELIEF EMPLOYMENT ASSISTANCE.—No individual shall be employed under subsection (a)(5) for more than six months for oil spill relief employment related to recovery from a single covered incident. The Secretary may extend, upon reviewing a State’s request, such employment related to recovery from a single covered incident for up to an additional six months.

“(4) REIMBURSEMENT.—Each responsible party under the Oil Pollution Act, 33 U.S.C. 2701, et seq., is liable for any costs incurred by the United States under this subsection or subsection (a)(5) and shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the costs incurred under this subsection or subsection (a)(5) as well as the costs of the United States in administering its responsibilities under this subsection or subsection (a)(5). If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection or subsection (a)(5), the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under the Oil Pollution Act, 33 U.S.C. 2704.

“(5) USE OF AVAILABLE FUNDS.—Funds appropriated for fiscal years 2009 and 2010 and remaining available for obligation by the Secretary to provide any assistance authorized under this section shall be available to assist workers affected by a covered incident, including workers who have relocated from areas in which a covered incident has been declared. Under such conditions as the Secretary may approve, any State may use funds that remain available for expenditure under any grants awarded to the State under this section to provide any assistance authorized under this subsection. Funds used pursuant to the authority provided under this paragraph shall be subject to the reimbursement requirements described in paragraph (4).

“(6) REQUIREMENTS FOR GRANT APPLICATIONS.—An application submitted to the Secretary under this subsection shall include a detailed description of—

“(A) How the State will ensure the capacity of One-Stop Career Centers and other access points to—

“(i) provide affected individuals with information, in languages appropriate to the individuals served, about the range of available services; and

“(ii) provide affected individuals with access to the range of needed services;

“(B) How the State will prioritize individuals who are temporarily or permanently laid off as a consequence of the covered incident in the assignment of temporary employment positions; and

“(C) Any other supporting information the Secretary may require.”.

(c) This section shall take effect immediately upon enactment and shall apply to all responsible parties under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), including any party determined to be liable under the Oil Pollution Act for any incident that occurred prior to the enactment of this section.

(d) APPROPRIATIONS.—For an additional amount for “Training and Employment Services”, Employment and Training Administration, Department of Labor, to carry out the provisions of section 173(a)(5) and (h) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(5) and (h), “WIA”), as amended by this Act, \$50,000,000, to remain available until June 30, 2011: Provided, That funding shall be available upon enactment of this Act, notwithstanding section 189(g)(1) of WIA.

This section would amend the Workforce Investment Act of 1998 (WIA) to create an oil spill relief employment program. The program is similar to the existing disaster relief employment assistance program authorized under WIA, but is specifically targeted to spills of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 rather than disasters. Grants could also be used to increase the capacity of One-Stop Career Centers, social services offices, and other public facilities to provide affected individuals information about, and access to, the range of needed services. This section would also ensure that responsible parties under the Oil Pollution Act bear the cost of the program. In addition, this section would take effect immediately upon enactment and apply to all responsible parties under the Oil Pollution Act, including any party determined to be liable under the Oil Pollution Act for any incident that occurred prior to the enactment of this section.

SEC. 5. RESERVATION OF FUNDS FOR ADMINISTRATIVE ACTIVITIES OF THE DEPARTMENT OF LABOR.

The Secretary of Labor may reserve not more than one percent of the funds available to carry out section 3 of this Act and section 173(h) of the Workforce Investment Act of 1998 (as added by section 4 of this Act) for transfer to appropriate Department of Labor accounts for program administration and support activities in the Department of Labor associated with such sections, and for the increased worker protection and workplace benefit activities and oversight and coordination activities in connection with the application of laws and regulations associated with the Department’s response to spills of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605). A responsible party under the Oil Pollution Act (33 U.S.C. 2701, et seq.) shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for all or a portion of the additional amount appropriated herein, as deter-

mined by the Secretary of the Treasury. If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this section, the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under the Oil Pollution Act, 33 U.S.C. 2704. This section shall take effect immediately upon enactment and shall apply to all responsible parties under the Oil Pollution Act, including any party determined to be liable under the Oil Pollution Act for any incident that occurred prior to the enactment of this section. The Secretary of Labor shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report describing the use of the funds not later than one year after the date of enactment of this Act.

This section would allow the reservation of up to one percent of funds provided under sections 3 and 4 to administer and support the Oil Spill Unemployment Assistance program authorized by section 3 of this Act and the Oil Spill Relief Employment Assistance program authorized by section 4 of this Act, as well as worker protection and other activities in conjunction with the Department's response to spills of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605). This section would also ensure that responsible parties under the Oil Pollution Act bear the cost of the program. In addition, this section would take effect immediately upon enactment and apply to all responsible parties under the Oil Pollution Act, including any party determined to be liable under the Oil Pollution Act for any incident that occurred prior to the enactment of this section.

SEC. 6. EMERGENCY STANDARDS OF ELIGIBILITY FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM AND FOOD COMMODITIES.

(a) AUTHORITY.—

(1) IN GENERAL.—Acting upon a request by a State agency (as defined in section 3(t) of the Food and Nutrition Act of 2008, 7 U.S.C. 2011 (Act)), and upon a determination by the Secretary of Agriculture that additional resources are necessary to respond to an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) (“covered incident”), the Secretary of Agriculture may establish temporary emergency standards of eligibility and more flexible administrative responses for the Supplemental Nutrition Assistance Program (SNAP) authorized under the Act for households adversely impacted by covered incidents.

(2) NOTICE AND COMMENT.—The promulgation of the standards required under this section shall be made without regard to—

(A) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking;

(B) the notice and comment provisions of section 553 of title 5, United States Code; and

(C) section 4(c) of the Act.

(b) *FOOD COMMODITIES.*—The Secretary of Agriculture, in consultation with the Secretary of Homeland Security, may utilize funds made available under Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) in the support of emergency distribution of food in States adversely impacted by a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

(c) *FINANCING.*—Each responsible party under the Oil Pollution Act, 33 U.S.C. 2701, et seq., is liable for any costs incurred by the United States under subsection (a) and (b) and shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the costs incurred under subsections (a) and (b) as well as the costs of the United States in administering its responsibilities under this section. If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection, the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under the Oil Pollution Act, 33 U.S.C. 2704.

(d) This section shall take effect immediately upon enactment and shall apply to all responsible parties under the Oil Pollution Act, including any party determined to be liable under the Oil Pollution Act for any incident that occurred prior to the enactment of this section.

This proposal would authorize Disaster Supplemental Nutrition Assistance Program (D-SNAP) for individuals and families and use of Section 32 funds for the purchase and replenishment of Department of Agriculture (USDA) foods used in areas affected by a spill of national significance. This section would also ensure that responsible parties under the Oil Pollution Act bear the cost of the program. In addition, this section would take effect immediately upon enactment and apply to all responsible parties under the Oil Pollution Act, including any party determined to be liable under the Oil Pollution Act for any incident that occurred prior to the enactment of this section.

D-SNAP is the cornerstone of Federal nutrition assistance during a disaster. It provides targeted food assistance quickly to those who experience a loss in income, a loss of food, or who may not ordinarily qualify for regular assistance. Certification is streamlined both in terms of fewer eligibility factors and reduced procedural requirements. Benefits are issued on an EBT card that can be used at authorized food retailers to purchase food. D-SNAP participants

with continuing needs may then be transitioned to regular SNAP benefits.

USDA has a long history of providing food products to State agencies for distribution to shelters and other mass feeding sites during an emergency. States mobilize quickly and often utilize existing inventories of food products, including food products previously provided by USDA to the States for use in other USDA domestic feeding programs, by diverting these products to emergency feeding activities. This provision would allow the Secretary of Agriculture to use Section 32 funds to acquire commodities for use in implementing existing USDA emergency feeding assistance programs and would allow the Secretary to replenish the food inventories of States if the States, in carrying out such programs, had diverted food products previously provided to it by USDA.

SEC. 7.

(a) For an additional amount for “Operations, Research, and Facilities”, National Oceanic and Atmospheric Administration, Department of Commerce, \$15,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: Provided, That the amounts appropriated herein are not available unless the Secretary of Commerce determines, in consultation with the Director of the Office of Management and Budget, that resources provided under other authorities and appropriations (including by the responsible party (or parties) under the Oil Pollution Act, 33 U.S.C. 2701, et seq., and by the Small Business Administration and Department of Labor) are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605): Provided further, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for fishery resource disasters and commercial fishery failures declared by the Secretary of Commerce under sections 308(b) and 308(d) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107) and sections 312(a) and 315 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a) and 1864).

(b) For an additional amount for “Operations, Research, and Facilities”, National Oceanic and Atmospheric Administration, Department of Commerce, for activities undertaken as a result of the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$5,000,000, to remain available until expended.

These funds would enable the Federal Government to establish an interim relief fund to provide a backstop in the event resources from a responsible party (or parties) under the Oil Pollution Act are not provided. This proposal would provide funds to the Secretary of Commerce to respond to economic impacts on fishermen and fishery-dependent businesses in the event of a commercial fishery failure pursuant to either the Magnuson-Stevens Fishery Conservation and Management Act or the Interjurisdictional Fisheries Act. There are several other Federal programs that provide

financial support for affected fisheries in addition to this section, and the Secretary of Commerce is required to consult with the Director of the Office of Management and Budget on any aid pursuant to this section.

This proposal would also provide funds for the National Oceanic and Atmospheric Administration for activities that support the response to the Deepwater Horizon oil spill, but may not qualify as recoverable from the responsible parties under the Oil Pollution Act or the Oil Spill Liability Trust Fund.

SEC. 8.

For an additional amount for “Economic Development Assistance Programs”, Economic Development Administration, Department of Commerce, to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in states affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$5,000,000, to remain available until expended.

This proposal would provide \$5 million for the Economic Development Administration’s Economic Adjustment Assistance program (EAA). EAA will award grants to State, local, and non-profit entities in the affected region for strategic planning and technical assistance. Potential activities to be funded include short- and long-term economic recovery plans, and state and local economic recovery coordinators. Consistent with section 703(b) of the Public Works and Economic Development Act (42 U.S.C. 3233), the grants do not require matching funds from recipients.

SEC. 9.

For an additional amount for “Salaries and Expenses, General Legal Activities”, Legal Activities and U.S. Marshals, Department of Justice, for the legal activities of the Department of Justice, not otherwise provided for, \$10,000,000, to remain available until expended, for litigation expenses as a result of incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

This section would provide \$10 million for the Civil Division and the Environment and Natural Resources Division for civil defensive litigation, and civil and criminal enforcement under the Oil Pollution Act, the Federal Torts Claims Act, and the Clean Water Act.

SEC. 10.

For an additional amount for “Salaries and Expenses”, Office of the Secretary, Department of the Interior, for increased inspections, enforcement, investigations, and engineering studies of offshore facilities and for environmental studies determined to be appropriate in light of the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$29,000,000, to remain available until expended: Provided, That such funds may be transferred by the Secretary to any other account in the Department or to the head of any Federal department or agency, with the con-

currence of the head of the relevant Federal department or agency, to carry out the purposes provided herein.

This proposal would provide funds for the Secretary of the Interior for additional inspections, enforcement, studies and other activities that may not qualify as recoverable from the responsible parties under the Oil Pollution Act or the Oil Spill Liability Trust Fund. This includes approximately \$20 million for increased inspections, engineering studies, investigations, and enforcement of safety regulations. Another \$7 million is for more comprehensive evaluations of policies, procedures and actions that may be needed in light of the Deepwater Horizon incident. Finally, \$2 million is provided for the Fish and Wildlife Service, U.S. Geological Survey or others to conduct general environmental studies that would not otherwise be eligible for reimbursement from the responsible parties.

SEC. 11.

Section 11(c)(1) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1340(c)(1)), is amended in the fourth sentence by deleting “within thirty days of its submission,” and inserting in lieu thereof:

“within ninety days of its submission or within such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews (in the case of leases issued after March 17, 2010), or within ninety days of its submission or, with the consent of the holder of the lease, within such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews (in the case of leases issued on or before March 17, 2010).”

This proposal would extend the time period that the Department of the Interior has to review an offshore oil and gas exploration plan. This will provide more time for the agency to determine if statutory and regulatory requirements are being met.

SEC. 12.

For an additional amount for “Science and Technology”, Environmental Protection Agency, for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J) as appropriate, \$2,000,000, to remain available until expended: Provided, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Administrator of the National Oceanic and Atmospheric Administration and the Director of the Minerals Management Service in the Department of the Interior. The study may be funded through the provision of grants to universities and colleges through extramural research funding.

This section would provide \$2 million for a study of long-term risks and impacts from crude oil releases and use of chemical dispersants led by the Environmental Protection Agency in coordination with the National Oceanic and Atmospheric Administration and the Minerals Management Service.

SEC. 13.

For an additional amount for “Salaries and Expenses”, Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

The U.S. Food and Drug Administration (FDA) operates a safety program for all fish and fishery products under the provisions of the Federal Food, Drug and Cosmetic Act, the Public Health Service Act, and related regulations. The FDA program includes research, inspection, laboratory analysis, compliance, enforcement, and outreach.

This section would provide \$2 million to the FDA to monitor and respond to the environmental impact of the oil on seafood fished from the gulf and surrounding areas. These efforts could include, but are not limited to, testing and deploying technology to speed the analysis of seafood samples for contamination that could harm consumers.

SEC. 14. DEEPWATER HORIZON.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(a) by inserting “—(1)” before “may obtain an advance” and after “the Coast Guard”;

(b) by inserting “; and” before the concluding period;

(c) by inserting the following language after the newly inserted “; and” and before the concluding period:

“(2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance”; and

(d) by inserting “—(3)” before “Amounts advanced”.

This proposal would permit the Coast Guard to obtain one or more advances (up to \$100 million each) from the Principal Fund within the Oil Spill Liability Trust Fund (OSLTF) to underwrite Federal response activities with regard to discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon. This proposal permits advances only up to the total expenditures limitation allowed under current law, as amended by section 15 of these general provisions.

The Administration has determined the current transfer limitation of a single \$100 million advance is inadequate to address effectively the response and removal effort related to the Deepwater Horizon spills. The capacity to obtain such advances is essential to avoid potential delays in providing response resources.

SEC. 15. OIL SPILL LIABILITY TRUST FUND; LIMITATION ON EXPENDITURES.

(a) *REVENUE CODE.*—Section 9509(c)(2)(A) (relating to limitation on expenditures) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)(A)) is amended—

(1) in clause (i), by striking “\$1,000,000,000” and inserting in lieu thereof “\$1,500,000,000”; and

(2) in clause (ii), by striking “\$500,000,000” and inserting in lieu thereof “\$750,000,000”.

(b) *OIL POLLUTION ACT OF 1990.*—

(1) Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended—

(A) in subparagraph (1)(A) by striking “\$3,000” and inserting in lieu thereof “the total of all removal costs plus \$X”;

(B) in subparagraph (1)(B) by striking “\$1,900” and inserting in lieu thereof “the total of all removal costs plus \$X”;

(C) in subclause (1)(C)(i)(I) by striking “\$22,000,000” and inserting in lieu thereof “the total of all removal costs plus \$X”;

(D) in subclause (1)(C)(i)(II) by striking “\$16,000,000” and inserting in lieu thereof “the total of all removal costs plus \$X”;

(E) in subclause (1)(C)(ii)(I) by striking “\$6,000,000” and inserting in lieu thereof “the total of all removal costs plus \$X”;

(F) in subclause (1)(C)(ii)(II) by striking “\$4,000,000” and inserting in lieu thereof “the total of all removal costs plus \$X”;

(G) in paragraph (2) by —

(i) striking “\$950” and inserting in lieu thereof “the total of all removal costs plus \$X”; and

(ii) striking “\$800,000” and inserting in lieu thereof “the total of all removal costs plus \$X”;

(H) in paragraph (3) by striking “\$75,000,000” and inserting in lieu thereof “\$X”; and

(I) in paragraph (4) by striking “\$350,000,000” and inserting in lieu thereof “the total of all removal costs plus \$X”.

(2) Section 1006(e)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2706(e)) is amended by—

(A) striking “rebuttable presumption” and inserting in lieu thereof “Judicial review of assessments”; and

(B) striking “have the force and effect” and all that follows and inserting in lieu thereof “be subject to judicial review under the Administrative Procedure Act (5 U.S.C. 551 et seq.) on the basis of the administrative record developed by the Lead Administrative Trustee as provided in such regulations.”.

(3)(A) Title I of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended by inserting after section 1013 the following new section:

“SEC. 1013-A. INFORMATION ON CLAIMS.

“In the event of a spill of national significance, the President may require a responsible party or a guarantor of a source, designated under section 1014(a), to provide to the United States information on claims that the President determines necessary, including but not limited to—

“(1) claims, individually, the aggregate thereof, or both;

“(2) the transaction date or dates of such claims, including processing times, individually, the aggregate thereof, or both; and

“(3) any other data pertaining to such claims that the President, in his sole and exclusive discretion, determines to be necessary to ensure the performance of the responsible party or the guarantor with regard to processing and adjudication of such claims, individually, the aggregate thereof, or both.”

(B) CLERICAL AMENDMENT.—Section 2 of Oil Pollution Act of 1990 is amended by adding after the item relating to section 1013 the following new item:

“Sec. 1013-A. Information on claims.”

(4) Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended by striking “sufficient to meet the maximum amount of liability to which the responsible party could be subjected under section 1004(a) or (d) of this Act, in a case where the responsible party would be entitled to limit liability under that section.” and inserting in lieu thereof “in the amount of \$X.”

(c) The President, by regulations issued not later than three years after the date of enactment of this section, and not less than every 3 years thereafter, shall adjust the limits on expenditures specified in Section 9509(c)(2)(A)(i) and (ii) of the Internal Revenue Code of 1986 (26 U.S.C. 9509 (c)(2)(A)(i) and (ii)) to reflect significant increases in the Consumer Price Index.

(d) TRIBES.—Section 1002(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)) is amended:

(1) in subparagraph (D) by:

(A) striking “or” before “a political subdivision thereof”;

and

(B) inserting “, or an Indian tribe” before the concluding period; and

(2) in subparagraph (F) by:

(A) striking “or” before “a political sub-division of a State”; and

(B) inserting “, or an Indian tribe” before the concluding period.

(e) EFFECTIVE DATE.—This section shall take effect immediately upon enactment and shall apply to all responsible parties under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), including any party determined to be liable under the Oil Pollution Act for any incident that occurred prior to the enactment of this section.

The Administration has determined the current “incident” limitation (\$1 billion) on fund payments and liability limitations for responsible parties are inadequate to address effectively the response and removal effort related to some oil spills. These limitations were

set in 1990 and have not been adjusted to reflect the dramatic growth in deepwater exploration and production, among other things. This proposal would, for any single incident, raise (1) the statutory expenditure limitation by the Oil Spill Liability Trust Fund from \$1 billion to \$1.5 billion and (2) the cap on natural resource damage assessments and claims from \$500 million to \$750 million. The proposal would also raise the limitation on liability for responsible parties. The Administration looks forward to working with the Congress to develop levels for the various caps that provide for substantial, and proportional, increases.

The proposal would also amend the Oil Pollution Act's judicial review provision for assessments of damages to natural resources in a manner that more closely aligns that review with established administrative law principles. It would also amend the Oil Pollution Act to allow the President to require a responsible party to provide data related to the responsible party's claims process activity to the Government. This will allow the government to exercise appropriate oversight of the responsible parties' required actions under the Oil Pollution Act. The proposal would clarify the provisions under the Act to place tribal governments on equal footing with States and local governments to avail themselves of the same benefits afforded under the section 1002(b)(2)(D) and (F) of the Act when recovering damages to revenues and public services from a responsible party or parties. In addition, this section would take effect immediately upon enactment and apply to all responsible parties under the Oil Pollution Act, including any party determined to be liable under the Oil Pollution Act for any incident that occurred prior to the enactment of this section.

SEC. 16. PER BARREL TAX ASSESSMENT INCREASE.

Section 4611 of the Internal Revenue Code of 1986 (26 U.S.C. 4611) is amended:

(a) in clause (c)(2)(B):

(1) in clause (i) by deleting "8 cents" and inserting in lieu thereof "9 cents"; and

(2) in clause (ii) by deleting "9 cents" and inserting in lieu thereof "10 cents";

(b) in subsection (f) by:

(1) deleting paragraph (2) in its entirety; and

(2) deleting "(1) IN GENERAL.—Except as provided in paragraph (2), the" and inserting in lieu thereof "The".

(c) *The amendments made by this section shall apply on and after the first day of the first calendar quarter after the date of enactment of this Act.*

This proposal would adjust the rate of tax per barrel of oil to replenish the Oil Spill Liability Trust Fund.

SEC. 17.

None of the provisions of this Act, including any funds appropriated or expenses authorized herein, shall be construed as relieving or diminishing in any way the legal obligations of responsible parties to pay or provide reimbursement for removal costs, damages, or other expenditures under the Oil Pollution Act (33 U.S.C. 2701 et seq.) or other applicable law.

This proposal would make clear that obligations of the responsible parties under the Oil Pollution Act would not decrease as a result of this amendment.

SEC. 18. EMERGENCY DESIGNATION.

The amounts made available in sections 3 through 17 under this heading are designated by the Congress as emergency requirements for the specific purposes provided herein.

SEC. 19. SEVERABILITY.

If any provision of sections 3 through 18 of this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of sections 3 through 18 of this Act and the application of the provisions to any other person or circumstance shall not be affected.

