

112TH CONGRESS
1ST SESSION

H. R. 3393

To amend the Oil Pollution Act of 1990 and the Federal Water Pollution Control Act to impose penalties and provide for the recovery of removal costs and damages in connection with certain discharges of oil from foreign offshore units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2011

Mr. RIVERA (for himself, Mr. SIRES, Ms. ROS-LEHTINEN, and Mr. DIAZ-BALART) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Oil Pollution Act of 1990 and the Federal Water Pollution Control Act to impose penalties and provide for the recovery of removal costs and damages in connection with certain discharges of oil from foreign offshore units, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Oil Spill Li-
5 ability Act of 2011”.

1 **SEC. 2. AMENDMENTS TO OIL POLLUTION ACT OF 1990.**

2 (a) **LIABILITY OF OWNERS AND OPERATORS OF FOR-**
3 **EIGN OFFSHORE UNITS.**—Section 1002 of the Oil Pollu-
4 tion Act of 1990 (33 U.S.C. 2702) is amended by adding
5 at the end the following:

6 “(e) **FOREIGN OFFSHORE UNITS.**—In any case in
7 which there is a discharge, or substantial threat of dis-
8 charge, of oil from a foreign offshore unit that reaches
9 or threatens to reach the navigable waters or adjoining
10 shorelines or the exclusive economic zone, the owner or
11 operator of the facility—

12 “(1) is liable for the removal costs and damages
13 specified in subsection (b) that result from such inci-
14 dent; and

15 “(2) shall be treated as a responsible party with
16 respect to the incident for the purposes of this Act
17 in the same manner as a responsible party for an
18 offshore facility.”.

19 (b) **STATE SPONSORS OF TERRORISM.**—Section 1004
20 of such Act (33 U.S.C. 2703) is amended by adding at
21 the end the following:

22 “(e) **FOREIGN OFFSHORE UNITS LOCATED IN COUN-**
23 **TRIES THAT ARE STATE SPONSORS OF TERRORISM.**—

24 “(1) **INCREASED LIABILITY AMOUNT.**—If a for-
25 eign offshore unit involved in an incident described
26 in section 1002(e)(1) is located in whole, or in part,

1 in the territorial sea or on the continental shelf of
2 a foreign country that is a state sponsor of ter-
3 rorism, the liability limit specified in subsection
4 (a)(3) of this section shall be multiplied by 3 when
5 applied with respect to the incident.

6 “(2) STATE SPONSOR OF TERRORISM DE-
7 FINED.—In this subsection, the term ‘state sponsor
8 of terrorism’ means any country the government of
9 which the Secretary of State has determined has re-
10 peatedly provided support for acts of international
11 terrorism pursuant to—

12 “(A) section 6(j) of the Export Adminis-
13 tration Act of 1979 (50 U.S.C. App. 2405(j))
14 (as continued in effect pursuant to the Inter-
15 national Emergency Economic Powers Act);

16 “(B) section 620A of the Foreign Assist-
17 ance Act of 1961 (22 U.S.C. 2371); or

18 “(C) section 40 of the Arms Export Con-
19 trol Act (22 U.S.C. 2780).”.

20 **SEC. 3. AMENDMENTS TO FEDERAL WATER POLLUTION**
21 **CONTROL ACT.**

22 Section 311(b) of the Federal Water Pollution Con-
23 trol Act (33 U.S.C. 1321(b)) is amended by adding at the
24 end the following:

25 “(13) FOREIGN OFFSHORE UNITS.—

1 “(A) DISCHARGES OF OIL REACHING NAVI-
2 GABLE WATERS.—In any case in which there is
3 a discharge of oil from a foreign offshore unit
4 that reaches the navigable waters of the United
5 States, adjoining shorelines, or waters of the
6 contiguous zone—

7 “(i) the discharge shall be subject to
8 the prohibition in paragraph (3); and

9 “(ii) the owner or operator of the unit
10 shall be subject to the penalties established
11 under this subsection.

12 “(B) FOREIGN OFFSHORE UNITS LOCATED
13 IN COUNTRIES THAT ARE STATE SPONSORS OF
14 TERRORISM.—If a foreign offshore unit involved
15 in an incident described in subparagraph (A) is
16 located in whole, or in part, in the territorial
17 sea or on the continental shelf of a foreign
18 country that is a state sponsor of terrorism,
19 each maximum penalty amount specified in
20 paragraph (6) or (7) shall be multiplied by 3
21 when applied with respect to the incident.

22 “(C) DEFINITIONS.—In this paragraph,
23 the following definitions apply:

24 “(i) FOREIGN OFFSHORE UNIT.—The
25 term ‘foreign offshore unit’ has the mean-

1 ing given that term in section 1001 of the
2 Oil Pollution Act of 1990 (33 U.S.C.
3 2701).

4 “(ii) STATE SPONSOR OF TER-
5 RORISM.—The term ‘state sponsor of ter-
6 rorism’ has the meaning given that term in
7 section 1004(e) of the Oil Pollution Act of
8 1990 (33 U.S.C. 2702(e)).”.

9 **SEC. 4. APPLICABILITY.**

10 The amendments made by this Act shall apply with
11 respect to a discharge, or substantial threat of discharge,
12 of oil occurring after the date of enactment of this Act.

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