

112TH CONGRESS  
1ST SESSION

# S. 1836

To amend the Oil Pollution Act of 1990 to clarify that the Act applies to certain incidents that occur in water beyond the exclusive economic zone of the United States.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 2011

Mr. MENENDEZ (for himself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Oil Pollution Act of 1990 to clarify that the Act applies to certain incidents that occur in water beyond the exclusive economic zone of the United States.

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 Pollution  
5 Act”.

6 **SEC. 2. ELEMENTS OF LIABILITY.**

7 Section 1002(a) of the Oil Pollution Act of 1990 (33  
8 U.S.C. 2702(a)) is amended by inserting “, and any for-  
9 eign offshore unit from which oil is discharged outside the

1 navigable waters or the exclusive economic zone before en-  
 2 tering or posing a substantial threat to enter the navigable  
 3 waters or exclusive economic zone,” after “economic  
 4 zone”.

5 **SEC. 3. FOREIGN OFFSHORE UNITS; LIMITATIONS ON LI-**  
 6 **ABILITY.**

7 (a) DEFINITION OF FOREIGN OFFSHORE UNIT.—  
 8 Section 1001(10) of the Oil Pollution Act of 1990 (33  
 9 U.S.C. 2701(10)) is amended by striking “or on the conti-  
 10 nental shelf” and inserting “on the continental shelf, or  
 11 within the exclusive economic zone”.

12 (b) LIMITATIONS ON LIABILITY.—Section 1004 of  
 13 the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amend-  
 14 ed by adding at the end the following:

15 “(e) FOREIGN OFFSHORE UNITS.—There shall be no  
 16 limitation on liability under this Act for any incident in-  
 17 volving a foreign offshore unit in which oil is discharged  
 18 and enters or poses a substantial threat to enter the navi-  
 19 gable waters or the exclusive economic zone.”.

20 **SEC. 4. OIL SPILL LIABILITY TRUST FUND.**

21 Section 9509(c)(2) of the Internal Revenue Code of  
 22 1986 is amended—

23 (1) by redesignating subparagraph (B) as sub-  
 24 paragraph (C),

1           (2) by inserting after subparagraph (A) the fol-  
2           lowing new subparagraph:

3                   “(B)   EXCEPTION.—Subparagraph   (A)  
4                   shall not apply to any incident involving a for-  
5                   eign offshore unit (as defined in section  
6                   1001(10) of the Oil Pollution Act of 1990) in  
7                   which oil is discharged and enters or poses a  
8                   substantial threat to enter the navigable waters  
9                   or the exclusive economic zone.”, and

10           (3) by striking “The maximum amount” in sub-  
11           paragraph (A) and inserting “Except as provided in  
12           subparagraph (B), the maximum amount”.

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