

112TH CONGRESS  
1ST SESSION

# S. 215

To amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2011

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, 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 “Big Oil Bailout Pre-  
5 vention Trust Fund Act of 2011”.

6 **SEC. 2. OIL SPILL LIABILITY TRUST FUND.**

7 (a) LIMITATIONS ON EXPENDITURES.—Section  
8 9509(c) of the Internal Revenue Code of 1986 (relating  
9 to expenditures from the Oil Spill Liability Trust Fund)  
10 is amended—

1 (1) by striking paragraph (2);

2 (2) by striking “EXPENDITURES” and all that  
3 follows through “Amounts in” and inserting “EX-  
4 PENDITURES.—Amounts in”; and

5 (3) by redesignating subparagraphs (A) through  
6 (F) as paragraphs (1) through (6), respectively, and  
7 indenting appropriately.

8 (b) **AUTHORITY TO BORROW.**—Section 9509(d) of  
9 the Internal Revenue Code of 1986 (relating to authority  
10 to borrow for the Oil Spill Liability Trust Fund) is amend-  
11 ed—

12 (1) by striking paragraph (2);

13 (2) by redesignating paragraph (3) as para-  
14 graph (2); and

15 (3) in paragraph (2) (as so redesignated)—

16 (A) by striking subparagraph (B); and

17 (B) by redesignating subparagraph (C) as  
18 subparagraph (B).

19 **SEC. 3. ADVANCE PAYMENTS.**

20 Section 1012 of the Oil Pollution Act of 1990 (33  
21 U.S.C. 2712) is amended by adding at the end the fol-  
22 lowing:

23 “(m) **ADVANCE PAYMENTS.**—The President shall  
24 promulgate regulations that allow advance payments to be  
25 made from the Fund to States and political subdivisions

1 of States for actions taken to prepare for and mitigate  
2 substantial threats from the discharge of oil.”.

3 **SEC. 4. BUDGETARY EFFECTS.**

4       The budgetary effects of this Act, for the purpose of  
5 complying with the Statutory Pay-As-You-Go Act of 2010,  
6 shall be determined by reference to the latest statement  
7 titled “Budgetary Effects of PAYGO Legislation” for this  
8 Act, submitted for printing in the Congressional Record  
9 by the Chairman of the Senate Budget Committee, pro-  
10 vided that such statement has been submitted prior to the  
11 vote on passage.

12 **SEC. 5. EFFECTIVE DATE.**

13       This Act and the amendments made by this Act take  
14 effect on April 15, 2010.

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