

112TH CONGRESS
1ST SESSION

S. 405

To amend the Outer Continental Shelf Lands Act to provide a requirement for certain lessees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2011

Mr. NELSON of Florida introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Outer Continental Shelf Lands Act to provide a requirement for certain lessees, 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 “Gulf Stream Protection
5 Act of 2011”.

6 **SEC. 2. REQUIREMENT FOR CERTAIN DUAL LESSEES.**

7 Section 8(a) of the Outer Continental Shelf Lands
8 Act (43 U.S.C. 1337(a)) is amended by adding at the end
9 the following:

1 “(9) REQUIREMENT FOR CERTAIN LESSEES.—If a
2 bidder for an oil or gas lease under this subsection is con-
3 ducting oil and gas operations off the coast of Cuba, the
4 Secretary shall not grant an oil or gas lease to the bidder
5 unless the bidder submits to the Secretary—

6 “(A) a Cuban oil spill response plan, which
7 shall include 1 or more worst-case-scenario oil dis-
8 charge plans; and

9 “(B) evidence that the bidder has sufficient fi-
10 nancial resources and other resources necessary for
11 a cleanup effort, as determined by the Secretary, to
12 respond to a worst case scenario oil discharge in
13 Cuba that occurs in, or would impact, the waters of
14 the United States.”.

15 **SEC. 3. NONDOMESTIC GULF OIL SPILL RESPONSE PLAN.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Secretary of the Interior
18 (referred to in this section as the “Secretary”) shall carry
19 out an oil spill risk analysis and planning process for the
20 development and implementation of oil spill response plans
21 for nondomestic oil spills in the Gulf of Mexico.

22 (b) REQUIREMENTS.—In developing plans under sub-
23 section (a), the Secretary shall—

24 (1) consult with the heads of other Federal
25 agencies with relevant scientific and operational ex-

1 pertise to verify that holders of oil and gas leases
2 can conduct any response and containment oper-
3 ations provided for in the plans;

4 (2) ensure that all critical information and spill
5 scenarios are included in the plans, including oil spill
6 containment and control methods to ensure that
7 holders of oil and gas leased can conduct the oper-
8 ations provided for in the plans;

9 (3) ensure that the plans include shared inter-
10 national standards for natural resource extraction
11 activities;

12 (4) in consultation with the Secretary of State,
13 to the maximum extent practicable, include rec-
14 ommendations for Congress on a joint contingency
15 plan with the countries of Mexico, Cuba, and the
16 Bahamas to ensure an adequate response to oil spills
17 located in the eastern Gulf of Mexico; and

18 (5) to the maximum extent practicable, ensure
19 that the contingency plan described in paragraph (4)
20 contains a description of the organization and logis-
21 tics of a response team for each country described
22 in that paragraph (including each applicable Federal
23 and State agency).

24 (c) MODELING OF CUBAN WATERS.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of enactment of this Act, the Administrator
3 of the National Oceanic and Atmospheric Adminis-
4 tration shall conduct modeling of the Cuban waters.

5 (2) USE OF MODELING.—For purposes of devel-
6 oping the plans required under subsection (a), the
7 Secretary shall take into account any modeling data
8 collected under paragraph (1).

9 (d) VERIFICATION PROCESS.—The Secretary may
10 conduct a verification process to ensure that any compa-
11 nies operating in the United States that are conducting
12 drilling operations off the coast of Cuba are subject to
13 standards that are as stringent as the standards under
14 the Outer Continental Shelf Lands Act (43 U.S.C. 1331
15 et seq.).

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