

112TH CONGRESS  
1ST SESSION

# S. 662

To provide for payments to certain natural resource trustees to assist in restoring natural resources damaged as a result of the Deepwater Horizon oil spill, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 29, 2011

Mr. VITTER 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 provide for payments to certain natural resource trustees to assist in restoring natural resources damaged as a result of the Deepwater Horizon oil spill, 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 “Natural Resources  
5 Restoration Act of 2011”.

1 **SEC. 2. DEEPWATER HORIZON OIL SPILL DAMAGE ASSESS-**  
2 **MENT.**

3 Title I of the Oil Pollution Act of 1990 (33 U.S.C.  
4 2701 et seq.) is amended by adding at the end the fol-  
5 lowing:

6 **“SEC. 1021. DEEPWATER HORIZON OIL SPILL DAMAGE AS-**  
7 **SESSMENT.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ADMINISTRATOR.—The term ‘Adminis-  
10 trator’ means the Administrator of the Environ-  
11 mental Protection Agency.

12 “(2) DEEPWATER HORIZON OIL SPILL.—The  
13 term ‘Deepwater Horizon Oil Spill’ means the blow-  
14 out and explosion of the mobile offshore drilling unit  
15 Deepwater Horizon that occurred on April 20, 2010,  
16 the resulting hydrocarbon releases into the environ-  
17 ment, and the various response actions that injured  
18 natural resources in the Gulf of Mexico and in State  
19 water and land bordering the Gulf of Mexico.

20 “(3) PANEL.—The term ‘panel’ means the  
21 panel established under subsection (b).

22 “(4) TRUSTEE.—The term ‘trustee’ means each  
23 of the Federal and State trustees designated under  
24 paragraphs (2) and (3) of section 1006(b) with re-  
25 spect to natural resource damages relating to the  
26 Deepwater Horizon Oil Spill.

1       “(b) DEEPWATER HORIZON OIL SPILL DAMAGE AS-  
2       SESSMENT.—

3               “(1) ESTABLISHMENT OF PANEL.—The Admin-  
4       istrator shall enter into an arrangement with the  
5       National Academies under which the National Acad-  
6       emies shall convene, in consultation with the trust-  
7       ees, a panel of scientists with appropriate expertise  
8       to conduct, in coordination with the trustees, a pre-  
9       liminary evaluation of the natural resource damages  
10      from the Deepwater Horizon Oil Spill.

11              “(2) REPORT.—

12                      “(A) IN GENERAL.—Based on the prelimi-  
13      nary evaluation conducted under paragraph (1),  
14      the panel shall prepare a report that includes  
15      an estimate of—

16                              “(i) the cost for each trustee of—

17                                      “(I) restoring the natural re-  
18                                      sources under the trusteeship of the  
19                                      trustee injured by the Deepwater Ho-  
20                                      rizon Oil Spill; and

21                                      “(II) compensating the trustee  
22                                      for the loss of natural resource serv-  
23                                      ices under the trusteeship of the  
24                                      trustee during the period beginning on  
25                                      April 20, 2010, and ending on the

1 date on which the natural resources  
2 are fully restored; and

3 “(ii) the total of the estimated costs  
4 described in clause (i) for all trustees.

5 “(B) CONSIDERATIONS.—In preparing the  
6 report under subparagraph (A), the panel shall  
7 consider—

8 “(i) the results of the study conducted  
9 under section 2004(3) of the Supplemental  
10 Appropriations Act, 2010 (Public Law  
11 112–212; 124 Stat. 2338); and

12 “(ii) any appropriate and available in-  
13 formation that has been generated through  
14 the natural resources damages assessment  
15 being conducted by the trustees under sec-  
16 tion 1006(d) with respect to the Deepwater  
17 Horizon Oil Spill.

18 “(C) TIMELINE.—

19 “(i) PRELIMINARY DRAFT.—Not later  
20 than 90 days after the date of enactment  
21 of this Act, the panel shall prepare a pre-  
22 liminary draft of the report required under  
23 subparagraph (A).

24 “(ii) COMMENT PERIOD.—

1           “(I) IN GENERAL.—In accord-  
2           ance with subclause (II), the panel  
3           shall provide for a comment period  
4           during which the panel shall solicit  
5           from trustees and responsible parties  
6           comments on the preliminary draft re-  
7           port.

8           “(II) TIMELINE.—Comments  
9           shall be solicited under subclause (I)  
10          during the 30-day period beginning on  
11          the date of completion of the prelimi-  
12          nary draft report under subparagraph  
13          (A).

14          “(iii) FINAL REPORT.—Not later than  
15          30 days after the date on which the com-  
16          ment period ends under clause (ii), the  
17          panel shall—

18                 “(I) submit to Congress a final  
19                 version of the report required under  
20                 subparagraph (A); and

21                 “(II) publish in the Federal Reg-  
22                 ister notice that the final report has  
23                 been completed.

24          “(3) SPECIAL ASSESSMENT.—

1           “(A) IN GENERAL.—Notwithstanding any  
2 other provision of law, in making an assessment  
3 of natural resource damages with respect to the  
4 Deepwater Horizon Oil Spill under paragraph  
5 (1) or (2) of section 1006(c), a trustee shall in-  
6 clude a special assessment in an amount that is  
7 equal to—

8           “(i) 30 percent of the cost of restoring  
9 the natural resources under the trusteeship  
10 of the trustee injured by the Deepwater  
11 Horizon Oil Spill and compensating the  
12 trustee for the loss natural resource serv-  
13 ices under the trusteeship of the trustee  
14 during the period beginning on April 20,  
15 2010, and ending on the date on which the  
16 natural resources are fully restored, as es-  
17 timated in the report prepared under para-  
18 graph (2); or

19           “(ii) an amount mutually agreed to by  
20 the responsible parties and the trustees.

21           “(B) PAYMENT OF SPECIAL ASSESS-  
22 MENT.—The responsible parties shall be respon-  
23 sible for paying the amounts assessed under  
24 subparagraph (A), in accordance with the provi-  
25 sions of this Act.

1 “(C) USE.—

2 “(i) IN GENERAL.—Any amounts as-  
3 sessed under subparagraph (A) shall be  
4 used by a trustee to conduct projects to re-  
5 store natural resources injured by the  
6 Deepwater Horizon Oil Spill.

7 “(ii) APPLICABLE LAW.—Any activi-  
8 ties carried out by the trustees using  
9 amounts assessed under subparagraph (A)  
10 shall be carried out in accordance with ap-  
11 plicable laws (including regulations) relat-  
12 ing to natural resource damages assess-  
13 ment and restoration, including laws relat-  
14 ing to public participation.

15 “(D) CREDITS.—There shall be credited  
16 toward any other natural resource damages as-  
17 sessed against the responsible parties for the  
18 Deepwater Horizon Oil Spill, in accordance  
19 with applicable laws (including regulations) any  
20 amounts assessed under subparagraph (A).

21 “(E) REGULATIONS.—As soon as prac-  
22 ticable after the date of enactment of this sec-  
23 tion, the Administrator shall promulgate regula-  
24 tions establishing a program under which re-  
25 sponsible parties can purchase credits for the

1 cost of any projects carried out by a trustee  
2 under subparagraph (C)(i).”.

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