

## S 3305

### Big Oil Bailout Prevention Unlimited Liability Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Environmental Protection

**Introduced:** May 4, 2010

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 518.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 518. (Aug 5, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/3305>

## Sponsor

**Name:** Sen. Menendez, Robert [D-NJ]

**Party:** Democratic • **State:** NJ • **Chamber:** Senate

## Cosponsors (23 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cardin, Benjamin L. [D-MD]	D · MD		May 4, 2010
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		May 4, 2010
Sen. Nelson, Bill [D-FL]	D · FL		May 4, 2010
Sen. Sanders, Bernard [I-VT]	I · VT		May 4, 2010
Sen. Schumer, Charles E. [D-NY]	D · NY		May 4, 2010
Sen. Whitehouse, Sheldon [D-RI]	D · RI		May 4, 2010
Sen. Brown, Sherrod [D-OH]	D · OH		May 5, 2010
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		May 5, 2010
Sen. Kaufman, Edward E. [D-DE]	D · DE		May 6, 2010
Sen. Murray, Patty [D-WA]	D · WA		May 6, 2010
Sen. Reed, Jack [D-RI]	D · RI		May 7, 2010
Sen. Klobuchar, Amy [D-MN]	D · MN		May 10, 2010
Sen. Feinstein, Dianne [D-CA]	D · CA		May 12, 2010
Sen. Merkley, Jeff [D-OR]	D · OR		May 13, 2010
Sen. Feingold, Russell D. [D-WI]	D · WI		May 19, 2010
Sen. Stabenow, Debbie [D-MI]	D · MI		May 19, 2010
Sen. Durbin, Richard J. [D-IL]	D · IL		May 20, 2010
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		May 25, 2010
Sen. Harkin, Tom [D-IA]	D · IA		May 25, 2010
Sen. Leahy, Patrick J. [D-VT]	D · VT		May 25, 2010
Sen. Shaheen, Jeanne [D-NH]	D · NH		May 25, 2010
Sen. Franken, Al [D-MN]	D · MN		May 26, 2010
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Jun 7, 2010

## Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Aug 5, 2010

## Subjects & Policy Tags

### Policy Area:

Environmental Protection

## Related Bills

Bill	Relationship	Last Action
111 S 3472	Related bill	Jun 9, 2010: Read twice and referred to the Committee on Environment and Public Works.
111 HR 5355	Related bill	May 21, 2010: Referred to the Subcommittee on Coast Guard and Maritime Transportation.
111 HR 5214	Related bill	May 6, 2010: Referred to the Subcommittee on Water Resources and Environment.

## Summary (as of Aug 5, 2010)

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Big Oil Bailout Prevention Unlimited Liability Act of 2010 - Amends the Oil Pollution Act of 1990 to remove the \$75 million limit on the liability of the party responsible for an offshore facility from which oil is discharged into or upon navigable waters or adjoining shorelines.

Makes this Act effective on April 15, 2010.

Authorizes a claimant to commence an action in court against the responsible party or guarantor or to present the claim to the Oil Spill Liability Trust Fund if the claim is not settled in whole by payment within 30 (currently 90) days of the claim being presented.

Amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to require the President to ensure that tank vessel, nontank vessel, and facility response plans under the National Response System are designed to prevent injury to the economy, jobs, and the environment.

Requires the President to promulgate regulations that revise the requirements that govern oil spill response plans, including requiring such plans to: (1) ensure the availability of private personnel and equipment in the quantities necessary and in the appropriate region to respond immediately to and sustain the response effort for as long as necessary to remove a worst-case discharge and to mitigate damage from a discharge; (2) demonstrate the financial capability to pay for removal costs and damages; (3) describe the environmental effects of the plan methodologies and equipment; (4) describe the process for communication and coordination with federal, state, and local agencies before, during, and after a response to a discharge; (5) identify performance standards for the quantity of oil or hazardous substance that will be removed under the response plan; (6) in the case of oil production, drilling, and workover facilities, describe the specific measures to be used in response to a blowout or other event involving loss of well control; and (7) identify potential economic and ecological impacts of a worst-case discharge and response activities to prevent or mitigate those impacts in the event of a discharge.

Allows the President to approve a plan only if: (1) it meets the plan response requirements; (2) field tests of the plan have been conducted in the area in which the tank vessel, nontank vessel, or facility is proposed to operate; (3) the methods and equipment proposed to be used under the response plan are demonstrated to be technologically feasible in the area and under the conditions (including the depth of a well, in the case of an offshore facility) in which the vessel or facility is proposed to operate; (4) the available scientific information about the area allows for identification of potential impacts to ecological areas and protection of those areas in the event of a discharge, including adequate surveys of wildlife; and (5) it describes the quantity of oil likely to be removed in the event of a worst-case discharge.

Requires the President to require notice of the proposed response plan to be published in the Federal Register and provide for a public comment period for the plan of at least 30 days.

Includes within the definition of "worst case discharge" the largest foreseeable discharge from an unanticipated and uncontrolled blowout or other loss of well control.

Requires the Administrator of the fund established by British Petroleum Company to pay claims resulting from the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred April 20, 2010, to report to Congress on the status of such fund and claims that have been paid from the fund.

## Actions Timeline

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- **Aug 5, 2010:** Committee on Environment and Public Works. Reported by Senator Boxer with an amendment in the nature of a substitute. With written report No. 111-249. Minority views filed.
- **Aug 5, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 518.
- **Jun 30, 2010:** Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jun 9, 2010:** Committee on Environment and Public Works. Hearings held. Hearings printed: S.Hrg. 111-1241.
- **May 4, 2010:** Introduced in Senate
- **May 4, 2010:** Read twice and referred to the Committee on Environment and Public Works.