

111TH CONGRESS
2^D SESSION

H. R. 5709

To amend the Outer Continental Shelf Lands Act to require, as a condition and term of any exploration plan or development and production plan submitted under that Act, that the applicant for the plan must submit an oil spill containment and clean-up plan capable of handling a worst-case scenario oil spill, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2010

Ms. TSONGAS introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To amend the Outer Continental Shelf Lands Act to require, as a condition and term of any exploration plan or development and production plan submitted under that Act, that the applicant for the plan must submit an oil spill containment and clean-up plan capable of handling a worst-case scenario 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 “Oil Spill Preparation
5 and Protection Act”.

1 **SEC. 2. OFFSHORE OIL AND GAS OIL SPILL CONTAINMENT**
2 **AND CLEAN-UP PLANS.**

3 The Outer Continental Shelf Lands Act (43 U.S.C.
4 1331 et seq.) is amended by adding at the end the fol-
5 lowing new section:

6 **“SEC. 32. OIL SPILL CONTAINMENT AND CLEAN-UP PLANS.**

7 “(a) IN GENERAL.—The Secretary shall require, as
8 a condition and term of any exploration plan or any devel-
9 opment and production plan submitted under this Act,
10 that—

11 “(1) the applicant submit and implement an oil
12 spill containment and clean-up plan capable of han-
13 dling a worst-case scenario oil spill; and

14 “(2) the Secretary and the Administrator of the
15 Environmental Protection Agency must approve the
16 plan.

17 “(b) CONTENTS.—The plan required under para-
18 graph (1) shall—

19 “(1) address the factors of—

20 “(A) a continuous oil spill;

21 “(B) depth of an oil spill;

22 “(C) multiple events;

23 “(D) inclement weather;

24 “(E) changes in technology;

25 “(F) seafloor instability and processes; and

26 “(G) the formation of methane hydrates;

1 “(2) address such other factors as the Secretary
2 considers appropriate;

3 “(3) address the contingency that early at-
4 tempts to contain a spill may fail;

5 “(4) include specific redundancy mechanisms to
6 contain a spill;

7 “(5) use best available control technology both
8 to contain a spill and mitigate its environmental im-
9 pacts; and

10 “(6) demonstrate adequate technology, organi-
11 zation, resources, and capacity to both contain and
12 to prevent shoreline contamination by a significant
13 proportion of a worst-case spill, and to provide for
14 long-term clean-up and remediation of the marine
15 and coastal environments.

16 “(c) SUBMISSION TO EPA.—The Secretary shall sub-
17 mit the oil spill containment and clean-up plan to the Ad-
18 ministrator of the Environmental Protection Agency for
19 approval, denial, or approval conditional upon modifica-
20 tion. The Administrator shall give approval only if the ap-
21 plicant has demonstrated adequate technology, organiza-
22 tion, resources, and capacity both to contain and to pre-
23 vent shoreline contamination by a significant proportion
24 of a worst-case spill, and to provide for long-term clean-

1 up and remediation of the marine and coastal environ-
2 ments.

3 “(d) LEASE CANCELLATION.—

4 “(1) IN GENERAL.—If the holder of a lease
5 under this Act fails to submit an exploration plan or
6 development and production plan in accordance with
7 this section, or fails to implement an oil spill con-
8 tainment and clean-up plan approved by the Sec-
9 retary and the Administrator for purposes of this
10 section, the Secretary may cancel the lease.

11 “(2) COMPENSATION NOT REQUIRED.—Can-
12 cellation of a lease under this subsection shall not
13 entitle a lessee to any compensation.

14 “(e) APPLICATION.—This section shall only apply
15 with respect to exploration plans and development and
16 production plans required under leases under this Act
17 issued after the date of the enactment of the Oil Spill
18 Preparation and Protection Act.”.

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