

115TH CONGRESS  
1ST SESSION

# S. 125

To amend the Oil Pollution Act of 1990 to impose penalties and provide for the recovery of removal costs and damages in connection with certain discharges of oil from foreign offshore units, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2017

Ms. MURKOWSKI (for herself, Ms. CANTWELL, Mr. SULLIVAN, and Mr. HEINRICH) 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 amend the Oil Pollution Act of 1990 to impose penalties and provide for the recovery of removal costs and damages in connection with certain discharges of oil from foreign offshore units, 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 “Foreign Spill Protec-  
5 tion Act of 2017”.

### 6 **SEC. 2. LIABILITY OF OWNERS AND OPERATORS OF FOR-** 7 **EIGN FACILITIES.**

8 (a) OIL POLLUTION ACT OF 1990 AMENDMENTS.—

(1) DEFINITIONS.—Section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701) is amended—

(A) in paragraph (26)(A)—

(i) in clause (ii), by striking “onshore or offshore facility, any person” and inserting “onshore facility, offshore facility, or foreign offshore unit or other facility located seaward of the exclusive economic zone, including a facility located in, on, or under any land within a foreign country, any person”; and

(ii) in clause (iii), by striking “offshore facility, the person who” and inserting “offshore facility or foreign offshore unit or other facility located seaward of the exclusive economic zone, including a facility located in, on, or under any land within a foreign country, the person or entity that”;

(B) in paragraph (27), by inserting before the semicolon at the end the following: “, including any foreign individual and any foreign public or private entity”; and

(C) in paragraph (32)—

1 (i) by redesignating subparagraphs  
 2 (D) through (F) as subparagraphs (E)  
 3 through (G), respectively;

4 (ii) by inserting after subparagraph  
 5 (C) the following:

6 “(D) FOREIGN FACILITIES.—In the case of  
 7 a foreign offshore unit or other facility located  
 8 seaward of the exclusive economic zone, includ-  
 9 ing a facility located in, on, or under any land  
 10 within a foreign country, any person owning or  
 11 operating the facility, and any leaseholder, per-  
 12 mit holder, assignee, or holder of a right of use  
 13 and easement granted under applicable foreign  
 14 law for the area in which the facility is lo-  
 15 cated.”; and

16 (iii) in subparagraph (G) (as so redес-  
 17 igned), by striking “or offshore facility,  
 18 the persons” and inserting “offshore facil-  
 19 ity, or foreign offshore unit or other facil-  
 20 ity located seaward of the exclusive eco-  
 21 nomic zone, including a facility located in,  
 22 on, or under any land within a foreign  
 23 country, the persons or entities”.

24 (2) ACTIONS ON BEHALF OF FUND.—Section  
 25 1015(c) of the Oil Pollution Act of 1990 (33 U.S.C.

1       2715(c)) is amended, in the third sentence, by add-  
2       ing before the period at the end the following: “, or  
3       any other facility located seaward of the exclusive  
4       economic zone, including a facility located in, on, or  
5       under any land within a foreign country”.

6       (b) FEDERAL WATER POLLUTION CONTROL ACT  
7       AMENDMENT.—Section 311(a)(6) of the Federal Water  
8       Pollution Control Act (33 U.S.C. 1321(a)(6)) is amended  
9       by striking “(B)” and all that follows through “and (C)”  
10      and inserting the following “(B) in the case of a facility,  
11      any person owning or operating the facility, and (C)”.

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