

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 33

To amend the Oil Pollution Act of 1990 to clarify the financial responsibility requirements for offshore facilities.

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IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. BREAUX (for himself and Mr. JOHNSTON) 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 clarify the financial responsibility requirements for offshore facilities.

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. CLARIFICATION OF FINANCIAL RESPONSIBIL-**  
4       **ITY REQUIREMENTS.**

5       Section 1016(c)(1) of the Oil Pollution Act of 1990  
6       (33 U.S.C. 2716(c)(1)) is amended to read as follows:

7               “(1) IN GENERAL.—

8               “(A) EVIDENCE OF FINANCIAL RESPON-

9               SIBILITY.—Except as provided in paragraph

10              (2), each responsible party with respect to an

1 offshore facility seaward of the United States  
2 coastline that is—

3 “(i) used for drilling for, producing,  
4 or processing oil; or

5 “(ii) has the capacity to transport,  
6 store, transfer, or otherwise handle more  
7 than 1,000 barrels of oil at any one time,  
8 shall establish and maintain evidence of finan-  
9 cial responsibility to up to an amount deter-  
10 mined under subparagraph (B).

11 “(B) DETERMINATION OF AMOUNT.—The  
12 amount of financial responsibility that a respon-  
13 sible party shall be required to establish and  
14 maintain shall be determined by the Secretary  
15 based on an assessment of the facility’s risk to  
16 meet the amount of liability to which the re-  
17 sponsible party could be subjected under section  
18 1004(a) in a case in which the responsible party  
19 would be entitled to limit liability under that  
20 section, but in any event shall not be more than  
21 \$150,000,000 or less than \$35,000,000.

22 “(C) MULTIPLE FACILITIES.—In a case in  
23 which a person is the responsible party for  
24 more than one facility subject to this sub-  
25 section, evidence of financial responsibility need

1 be established only to meet the maximum liabil-  
2 ity applicable to the facility having the greatest  
3 maximum liability.”.

