

108TH CONGRESS
1ST SESSION

S. 370

To amend the Oil Pollution Act of 1990 to improve provisions concerning the recovery of damages for injuries resulting from oil spills.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2003

Mr. SMITH (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Oil Pollution Act of 1990 to improve provisions concerning the recovery of damages for injuries resulting from oil spills.

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 “Fishery and Aqua-
5 culture Oil Spill Assistance Act”.

6 **SEC. 2. INTEREST; PARTIAL PAYMENT OF CLAIMS.**

7 Section 1005 of the Oil Pollution Act of 1990 (33
8 U.S.C. 2705) is amended by adding at the end the fol-
9 lowing:

1 “(c) LOAN PROGRAM.—

2 “(1) IN GENERAL.—The President shall estab-
3 lish a loan program to assist injured parties in meet-
4 ing financial obligations during the claims procedure
5 described in section 1013.

6 “(2) CONDITION FOR LOAN.—A loan may be
7 made under paragraph (1) only to a fisherman or
8 aquaculture producer to whom a responsible party
9 has failed to provide an interim payment under sub-
10 section (a).

11 “(3) TERMS AND CONDITIONS OF LOANS.—A
12 loan awarded under paragraph (1)—

13 “(A) shall have flexible terms, as deter-
14 mined by the President;

15 “(B) shall be for a period ending on the
16 later of—

17 “(i) the date that is 5 years after the
18 date on which the loan is made; or

19 “(ii) the date on which the injured
20 party receives a settlement as a result of
21 the claims procedure described in section
22 1013; and

23 “(C) shall be at a low interest rate, as de-
24 termined by the President.”.

1 **SEC. 3. USES OF THE FUND.**

2 Section 1012(a) of the Oil Pollution Act of 1990 (33
3 U.S.C. 2712(a)) is amended—

4 (1) in paragraph (5)(C), by striking the period
5 at the end and inserting “; and”; and

6 (2) by adding at the end the following:

7 “(6) the making of loans to assist any injured
8 party in paying financial obligations during the
9 claims procedure described in section 1013.”.

10 **SEC. 4. STUDY.**

11 Not later than 270 days after the date of enactment
12 of this Act, the Secretary of Commerce, in consultation
13 with the Administrator of the Environmental Protection
14 Agency, shall submit to Congress a study that contains—

15 (1) an assessment of the effectiveness of the
16 claims procedures and emergency response programs
17 under the Oil Pollution Act of 1990 (33 U.S.C.
18 2701 et seq.) concerning claims filed by, and emer-
19 gency responses carried out to protect the interests
20 of, fishermen and aquaculture producers; and

21 (2) any legislative or other recommendations to
22 improve the procedures and programs referred to in
23 paragraph (1).

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