

\$250 to help pay the costs of their prescription drug coverage while they are in the doughnut hole. Other seniors that reach the doughnut hole through the rest of this year will also receive \$250 checks to help them afford the prescription drugs they need to live their lives safely and happily.

Over the next 10 years, this health care reform will eliminate the doughnut hole completely for our seniors. That's a step in the right direction, providing security and safety in the health care that our seniors need.

Amazingly, though, some on the other side of the aisle are continuing to call, not to change the health care reform bill but to repeal it entirely, to cut up the checks, take them away from our seniors and stop the help that they need to pay for their prescription drugs.

We will always be working to make our health care system better, but repealing this positive step forward makes no sense to me.

#### \$250 CHECKS TO SENIORS

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, in 2003, Republicans said they were overhauling Medicare, but all they succeeded in doing was creating a prescription drug doughnut hole that, in 2009 alone, forced 63,000 Maryland seniors to pay thousands of dollars out of pocket, forcing many to choose between buying the prescription drugs they need or purchasing food.

The Nation's seniors shouldn't be forced to make such a choice. That's why, under the new health care law, we are dedicated to closing the doughnut hole once and for all.

Today, June 10, \$250 checks are being mailed out to 80,000 eligible seniors as a first step to reducing the financial burden faced by seniors. Then next year there will be a 50 percent discount on prescription drugs in the doughnut hole.

Mr. Speaker, the first of many benefits under the health law that my Republican colleagues opposed and now hope to repeal is on the way. Our seniors and the rest of the country can't afford to go back to a broken system controlled by insurance companies with coverage gaps, denied care, and skyrocketing costs.

#### \$250 FOR SENIORS

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, today is a very important day for seniors in south Florida.

Today, more than 3 weeks ahead of schedule, checks to help cover the costs of prescription medication will be mailed to seniors who have fallen into

the dreaded Medicare part D doughnut hole.

I have talked to many seniors in West Palm Beach and other parts of my district who had to make the wrenching choice between food and medicine. This should not happen in the America that I know, and that's why I personally have fought so hard to make sure that health care reform included reducing the cost of medicine for our seniors.

Starting today, payments of \$250 will be mailed to every senior who falls in the doughnut hole to help cover their costs. This is an important step, but it's just the beginning, because starting next year, seniors will see a 50 percent discount on brand-name drugs and we will begin to close the doughnut hole for good.

Fighting for our seniors in south Florida is one of my top priorities, and today's checks will make a real difference for seniors who have worked hard and paid into the system. I look forward to continuing to work together to strengthen and protect Medicare.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### OIL SPILL LIABILITY TRUST FUND

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3473) to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3473

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADVANCES FROM OIL SPILL LIABILITY TRUST FUND FOR DEEPWATER HORIZON OIL SPILL.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence—

(1) by inserting “(1)” after “Coast Guard”; and

(2) by inserting before the period at the end the following: “and (2) in the case of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain 1 or more advances from the Fund as needed, up to a maximum of \$100,000,000 for each advance, with the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986, and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance”.

#### SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

□ 1030

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 3473.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

First, I am grateful for the indulgence of our colleague on the committee, our ranking member and senior Republican, Mr. MICA, for responding so quickly to the action of the other body.

We are unaccustomed to such prompt unanimous action in the other body, but they did pass, by unanimous consent, the bill before us now, S. 3473, in response to requests of the Department of Homeland Security, Secretary Napolitano, and Admiral Thad Allen, the National Incident Commander, following up on the May 12 request of the administration for legislative changes to, quote, “speed assistance to people in need,” close quote, in response to the BP-Deepwater Horizon tragedy.

The request further asks the Congress to, quote, “act immediately on return from recess,” close quote. And that is exactly what we are doing, but preceded by a hearing the committee held yesterday on the many aspects of the Oil Spill Liability Trust Fund and payment from responsible parties and the need for future legislation.

And the gentleman from Florida had several instructive and thoughtful suggestions that we in the committee will be acting upon per our previous agreement.

I want to lay out the specifics.

First of all, the request: Quoting again from the Homeland Security Department letter, “Congress needs to act now to permit movement of monies from the principal fund to the emergency fund. At the current pace of BP-Deepwater Horizon response operations, funding available in the emergency fund will be insufficient to sustain Federal response operations within 2 weeks.” That's from June 4.

"At that point, the Federal on-scene coordinator would not be able to commit sufficient funds to the agencies involved in the Federal response, including National Guard, Department of Defense, National Oceanic and Atmospheric Administration, Environmental Protection Agency, Department of Interior, and Department of Agriculture, to continue to provide critical response services, including logistical support, such as moving boom from Alaska and California to Louisiana; scientific support, such as evaluating the environmental impact of the spill and the response; and public health support, such as ensuring seafood from the gulf region is safe and monitoring fumes that might be a public health issue.

"Additional transfers from the Oil Spill Liability Trust Fund principal fund to the emergency fund are needed to fulfill the President's order to bring all available and appropriate resources to bear in response to this disaster. Furthermore, depleting all currently available funds puts at risk the Nation's ability to address any new spills unrelated to the BP-Deepwater Horizon."

Second, I must note and affirm, as was done in our hearing yesterday, that any moneys advanced from the trust fund will be repaid by the responsible party—in this case, BP.

I was part of crafting OPA 90 and its predecessors in my previous service on the now-dissolved Merchant Marine Fisheries Committee, which jurisdiction transfers to our Committee on Transportation and Infrastructure. The whole concept of the Oil Spill Liability Trust Fund was from previous experience that there needed to be an immediate response by government agencies on scene to lay out funds, as was already spelled out in the letter from Homeland Security, without having to wait for negotiations with the responsible party.

In those years, up through the 1990s, all the attention was turned to spills from tankers, oceangoing vessels, bulk carriage of crude oil, principally, but other product as well.

The requirement was to get on the scene quickly, corral the oil, and contain the spill. The government needed to act quickly. The Coast Guard had the capability to do that. But we didn't want—and we had experience with Torrey Canyon and the Amoco Cadiz that there were long waits for the responsible party to make payments to government agencies responding in the case of France and the U.K. and in the case of U.S. Government agencies.

So the Oil Spill Liability Trust Fund was established to have a financial resource for government agencies to respond quickly and then bill the responsible party. That has been done in the case of the Deepwater Horizon spill.

At our hearing yesterday, Craig Bennett, director of the National Pollution Funds Center, said, "All funds expended will be billed to BP and ultimately recovered. These funds are de-

posited into the principal fund, not the emergency fund. As of June 1, 2010, obligations against the emergency fund for Federal response efforts totaled \$93 million."

That figure has now grown to \$114 million. So it's bumping up against the limit of \$150 million—the \$100 million, plus the baseline \$50 million for emergency response.

"At the current pace of operations, funding available," continuing with Director Bennett, "in the emergency fund will be insufficient to sustain Federal response operations within 2 weeks." And we're very close to that number now.

The Coast Guard has, according to information supplied by the Coast Guard, billed BP \$69 million. That billing, when responded to by BP, will be deposited in the general fund of the Oil Spill Liability Trust Fund to replenish the fund. And additional expenditures will be billed against BP for deposit in the fund.

I further note that the Senate's bill amends section 6002 of the Oil Pollution Act of 1990 and provides for, quote, "one or more advances from the fund, as needed, up to a maximum of \$100 million for each advance, with the total amount of all advances not to exceed amounts available in section 9509(c)(2) of the Internal Revenue Code of 1986"—that deals with the Oil Spill Liability Trust Fund—"and within 7 days of each advance"—7 days' notice—"shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance."

Now, that language will come after the end of the period of section 6002(b) and will supplement, but not displace, the 30-day notice requirement of the basic law.

Congress will be notified when the Coast Guard needs to borrow from the trust fund up to the maximum of \$100 million for each advance it requests within 7 days. And we will receive all the information: the amount they're requesting, the facts, and the circumstances justifying the request for an advance.

I think this language parallels language that the House has included in our supplemental appropriations bill but not yet passed. It's important to take this action now.

This language clearly needs refinement, as was evident in the hearing we held yesterday, and I think the gentleman from Florida will agree. He has some very thoughtful ideas. We will merge those with other testimony submitted at yesterday's hearing and proceed with a legislative package in the coming 2 weeks.

Again, I thank the gentleman from Florida for participating in yesterday's hearing and for a response today.

I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, this is an emergency situation, and it re-

quires emergency action by the House of Representatives.

The United States Senate, the other body, has acted and sent us S. 3743, which will allow us to expand some of the use of the funds that have been accumulated in the national Oil Spill Liability Trust Fund on an emergency basis. I am pleased that the other body acted. This is a unique and very difficult situation dealing with a very unique and difficult national disaster.

First, I would be remiss if I didn't remember today those families who will be in Washington visiting with President Obama. Eleven individuals lost their lives when the oil rig, the Horizon, exploded in April. I know the President will be meeting with them. And, on behalf of all the Members of Congress, we extend our condolences for that loss of life.

Right now we are dealing with the results of that disaster. This disaster and explosion, sinking of the rig and the uncontrolled oil spill—fortunately, there has been some progress in that regard, but incredible amounts of oil have spilt into the gulf and now endangers the shores of at least four of our States.

In 1990, we set up an Oil Spill Liability Trust Fund, and that was after the Exxon Valdez. That fund has in it \$1.6 billion, a substantial amount of money.

Now, that fund was not set up to relieve anyone of responsibility if they are negligent, and it was also not a fund to pay for cleanup costs that are clearly assigned, clearly identifiable. A lot of it was intended for what they call an "orphan spill," or a spill where you don't know where the oil came from, the polluting substance came from.

Within that \$1.6 billion trust fund for oil spills that we created, we have an emergency fund of \$150 million that can be expended immediately. Now, what has taken place is that fund, the 150 million emergency dollars that can be spent—right now Thad Allen is doing a great job in leading the effort for the United States—and, as you know, he just retired from the Coast Guard—doing a wonderful job, but he has the responsibility of reacting now and immediately.

It took some time for the administration to get him in place and also to declare this a spill of national significance, but he is on the job and he needs the resources.

Now, the resources are running out. We do have a letter, which I will submit for the RECORD and to the Congress at this time. This is to the Speaker of the House, and it is from the Director of the Office of Management and Budget.

And he says, "All the costs of this fund also that are being expended at this point must be repaid. But, at this current time, in just a matter of days, the emergency fund will run out." So we have documentation of the need from OMB.

And just a few minutes ago, we received from the Federal on-scene coordinator the statement that their requirements to support the continuing ongoing effort will bring the emergency fund to a critically low level over the next 7 days.

□ 1045

So we can't have the cleanup efforts come to a halt. We must act. Now, I saw the need for this yesterday and met with colleagues on my side of the aisle. We had a hearing in the Transportation and Infrastructure Committee. Mr. OBERSTAR and I agreed that we must act. The Senate has acted.

We have before us S. 3473. This morning, myself and other colleagues in Congress introduced H.R. 5499. That's mirror legislation. So both the Republican and Democrat House and Senate agree on the provisions of this legislation, which will allow in \$100 million increments the expansion of the emergency fund.

Now let me make this very clear: the Oil Spill Liability Trust Fund is not going to be a piggy bank for BP or for other responsible parties. This money must, should, and will be repaid. This is only a temporary measure. It is only a temporary measure, too, because the money that they are repaying goes back into that larger fund, not into the emergency fund. This legislation will correct, again, the inability of accessing a larger amount of money on a needed basis.

So we have introduced mirror legislation today. This is a cooperative and bipartisan effort. However, this is a terrible disaster, and questions need to be raised about what has caused us to get to this situation. Quite frankly, I'm quite baffled about some of the administration's positions on deepwater offshore drilling.

In the beginning of this year, in February, we received the budget from the President of the United States and the administration. In this budget, they proposed cuts to the Coast Guard of more than 1,000 positions. They also proposed cuts to and proposed the decommissioning of some of the ships, the helicopters and the planes that we see now involved in this very important mission. Not only did they propose cuts to the Coast Guard, our first responder, but in February they also proposed cuts to the Department of the Interior—and look this up, if you will—and to the Minerals Management Service, which is responsible for environmental reviews. This is what they proposed in February.

Then in March they proposed the expansion of drilling in the gulf. I remember I and FRANK LOBIONDO, the ranking member, sent out a press release when we read about these cuts within the Coast Guard, and we said that this was a recipe for disaster. Fortunately, those cuts have not been enacted; and I believe, even before this oil spill, there was bipartisan support

not to enact those cuts that were recommended.

In light of the administration's policy to expand drilling in the gulf, some people say I've been too tough on the Obama administration. I think the Obama administration does have a responsibility in this. They did issue the permit that allowed the drilling, and I have the 1-page permit.

Here is the 1-page approval: April 6, 2009, approval for deepwater drilling at 5,000 feet.

I have what I call the "deficient plan" that they approved that was submitted by BP in March. So in less days than it took in some instances to approve now of a cleanup of proposals, they rubber-stamped and gave carte blanche approval.

Let me say that I also criticized the Bush administration, but I went back and looked at what the Bush administration did with the agency that was responsible for issuing these permits. This is a memorandum from the Office of Inspector General, and it is dated September 9, 2008, which was during the Bush administration. This is what the Bush administration did in that agency that issued this permit under this new administration.

This memo conveys the results of three separate Office of Inspector General investigations into allegations against more than a dozen current and former Minerals Management Service employees. I went on to read what else the Bush administration did with regard to this agency that was responsible for issuing these permits.

Listen to this: Collectively, our recent work in the Minerals Management Service has taken well over 2 years. They investigated these folks. It also involved the OIG, Office of Inspector General, and Human Resources. There was an expenditure of nearly \$5.3 million in OIG funds. There were 233 witnesses and subjects who were interviewed, many of them multiple times. Roughly 470,000 pages of documents were reviewed, and people were prosecuted, under the former administration, in this agency.

Now, the latest reports I have, which I discussed yesterday at the hearing, were that, in fact, we have reports of inspections by this agency, the Minerals Management Service, which were supposed to be done by these officers of that Federal agency. They were actually penciled in, we believe, and those are the reports we have by oil workers, which were then inked over by these folks. It is nice for this administration to have spent time rewarding BP with safety awards in the prior year. It is nice for them to have a good working relationship with those folks who are responsible for issuing the permits, but I think we need to take a closer look at how we got ourselves into this situation.

What brings us to this day when we've expended the emergency fund for cleanup that we have to take an emergency step like this?

Now, I support this measure, but I'm telling you that every penny needs to be paid back. This fund, this Oil Spill Liability Trust Fund that was put in place, shall not and cannot be used, as I said before, as a piggy bank for BP or for any responsible parties.

Where is the money? Where is the billing?

In the private sector, if you have a bill due, you pay it. As of yesterday, the staff told me that BP has been billed \$69 million. As of yesterday, the information that we had is that they hadn't paid the bill. If they paid the bill, we still probably would have to be here because of the terms of the current legislation to allow access to additional money, but that money needs to go back into the trust fund, and it needs to be paid for by the responsible parties.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, June 7, 2010.

Hon. NANCY PELOSI,  
*Speaker of the House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: I am writing to urge the Congress to move quickly in enacting the FY 2010 Supplemental request. On June 4, 2010, Secretary Napolitano announced that the Coast Guard believes that within the next two weeks funding levels in the Oil Spill Liability Trust Fund's expenditure account will drop to levels that will force the Federal On-Scene Coordinator to begin to cut back Federal Deepwater Horizon response activities. We cannot allow the lack of funding to hamstring our Federal response to this national catastrophe.

On May 12, the Administration proposed legislation to support the BP/Deepwater Horizon response and speed assistance to people in need. Included in this package was a provision that would permit the Coast Guard and its National Pollution Funds Center to move funds from the Oil Spill Liability Trust Fund to the Emergency Fund so that the Federal response effort can continue without interruption. Specifically, the legislative changes would permit the Coast Guard to obtain additional advances in tranches of \$100 million up to the incident cap for the Oil Spill Liability Trust Fund. All of these costs are being billed to the responsible parties and the receipts will be deposited in the Trust Fund.

The President has ordered Federal agencies to bring all available and appropriate resources to bear in response to this disaster. Without legislative authorization, however, the Coast Guard cannot access the additional emergency fund resources necessary to pay for the Federal agencies' response to this tragic oil spill.

We appreciate your support in moving this critical legislation forward in the coming days.

Sincerely,

PETER R. ORSZAG,  
*Director.*

I reserve the balance of my time.

Mr. OBERSTAR. I yield myself 1 minute.

I completely agree with the gentleman. As the gentleman from Florida and I discussed in our hearing yesterday, the purpose of the trust fund is not to relieve anyone of responsibility.

I was part of crafting that legislation in 1990 and its predecessors. It was

clearly our intent that this should be a fund to give the government the authority to move quickly, to get on the scene, to begin cleanup before industry responds, to bill the industry in order to make them pay into the trust fund, and to keep the industry responsible.

Secondly, the gentleman included orphan sites in his commentary. The legislation is not exclusively limited to orphan sites.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself an additional minute.

An orphan site is one of the issues to be addressed, as we do under the Superfund Act. Yet the order of priority for response under the law, its first responsibility, is for the responsible party to act to the limit of its liability under the Oil Spill Act. We have to address that limit of liability. The hearing yesterday explored the range of dollar amounts of liability from the current \$75 million to some greater number, including unlimited liability. That is something we are going to have to discuss in committee.

So far, BP has, as the responsible party, spent \$1 billion, and they are responding. Yesterday, when I made the announcement at our committee hearing that the Coast Guard had billed BP for \$69 million, we still do not have a response on what the status is of repayment by BP into the trust fund, but we will have that information.

Thirdly, I agree with the gentleman that the trust fund is not a piggy bank for BP.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself an additional minute.

We are going to hold them accountable. The Coast Guard will hold them accountable. I do want to point out that the emergency fund is an account within the Oil Spill Liability Trust Fund. It is not a separate fund of its own.

Further, as the gentleman was critical of the administration's budget and properly said this is bipartisan criticism, our committee budget, in response to that of the administration, rejected their proposed cuts for the Coast Guard. We understand there is no daylight between us.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself an additional 30 seconds.

I would also point out that the previous administration of 2005, six, seven, and eight approved 4,120 offshore leases, including for this particular MMS lease sale—or 206—an exemption from a “blow-out scenario requirement” for Outer Continental Shelf actions in the gulf. BP's exploration plan for Deepwater Horizon did not therefore include an analysis or a response plan for a blow-out at the wellhead.

Now I yield 3 minutes to the chair of the Coast Guard Subcommittee, the

gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Thank you for yielding, Mr. Chairman.

Mr. Speaker, first of all, in following up on what the chairman just spoke about, we just got an email from the Coast Guard saying that BP has assured them that the near \$70 million for which they have been billed will be paid by the end of next week, and we will hold their feet to the fire.

As chairman of the Subcommittee on the Coast Guard and Maritime Transportation, I rise today in strong support of S. 3473, legislation to amend the Oil Pollution Act of 1990 to authorize advances from the Oil Spill Liability Trust Fund for the response to the Deepwater Horizon oil spill.

The Oil Spill Liability Trust Fund consists of two funds—the principal fund and an emergency fund. As was described yesterday by Mr. Craig Bennett, director of the National Pollution Funds Center, the emergency fund is, in essence, the operating fund from which we take the money necessary to pay for the operations of the 27 Federal entities that are responding to the Deepwater Horizon crisis. On May 3, the emergency fund received an authorized advance of \$100 million. There is currently no statutory authority for any more advances to be made. Furthermore, as of June 1, obligations from the fund totaled \$93 million.

We cannot allow the fund to go dry. This legislation simply authorizes additional advances of up to \$100 million per advance. Nothing in this legislation relieves BP of its responsibility to cover all of the costs which have and which will continue to result from this tragedy.

I emphasize to our distinguished ranking member that I don't think there is one person in this body, either on your side or on this side, who is not adamant about making sure that BP pays every single penny—not dime—but every single penny that is due to the American people. However, based on the way the fund is currently established, it is necessary to authorize additional funds today in order to ensure that Federal response efforts are not interrupted.

I have already made two trips to the gulf coast, and I hope to make another one. I have seen firsthand the devastation caused by this spill. We cannot allow anything to threaten our ongoing cleanup efforts. Therefore, I urge my colleagues to join us in the passing of S. 3473.

I also would note, Mr. Speaker, that this allows us to act with the urgency of now to address these issues. We have windows of opportunity within which we can act and can get things done. We can get them done. We will get our money back, but the fact is that we have got to act now because there are people suffering, not only in Louisiana, but, certainly, in the ranking member's State and in so many other places.

□ 1100

And so, with that, I want to thank the chairman and the ranking member for expeditiously getting this bill to the floor so that we can address the needs of our people.

Mr. MICA. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. CAO), also a member of the Transportation and Infrastructure Committee.

Mr. CAO. Mr. Speaker, right after the oil spill, I had the opportunity to fly over the spill at ground zero, and as I flew over the gulf, I saw thousands of square miles of our beautiful waters being covered by this brown sludge and additional thousands of square miles of our beautiful gulf was covered by this oily slick.

I also toured by boat just a couple of weeks ago with the officials of Plaquemines Parish as well as Jefferson Parish, and as I was traveling through Barataria Bay, I saw patches of brown oil infringing on the oyster beds that are so integral to the seafood industry of Louisiana. And as I saw the oil as it encroaches upon the marshes and the wetlands, my heart dropped for the State of Louisiana as well as for the many fishermen and the many small businesses that are impacted by this catastrophe.

I also spent much of my time visiting businesses and talking to small business owners who are being impacted by this oil spill. I visited a seafood open market in Westwego and saw half of the businesses closed, and the parking lot remained empty. And I spoke to the business owners, and they informed me that their business has declined by more than half since the oil spill. And instead of being open for 5 days out of the week, 6 days out of the week, they are only open now 2 days out of the week.

So we see that the oil spill has had a devastating impact on the many people of the gulf coast and the many small businesses of the people of my district. Therefore, I believe that it is integral that we allow the money from the trust fund to be transferred to allow the Coast Guard the necessary resources to address the cleaning up of this oil spill.

We saw an absence of Federal Government post-Katrina. We saw how thousands of people struggled post-Katrina because of the absence of government, and I do not want the same problem to occur here with respect to this disaster caused by this oil spill. Therefore, I ask all of the Members to support this position.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the chairman, the distinguished gentleman from Minnesota, for the time and also for dealing promptly with this legislation.

There is a more than \$1.5 billion today in the trust fund, but the Coast

Guard and the other government agencies cannot access that because of existing limits on the per incident expenses and because of the cap on using this for natural resources and economic damages.

The trust fund exists so that we can get on with the work at hand, and I'm pleased that the chairman and the ranking member are moving promptly to give the administration the tools that they need to deal with this. There is work to be done, and it must be done quickly. This will take care of immediate expenditures.

We have also dealt with, here in the House, increasing the total capacity of the trust fund, and we must rapidly build up those collections from the oil companies in that trust fund. And then, of course, we must recover from BP and the other responsible parties the money that is used from the trust fund.

So spending this money now, and I hope the chairman has been clear for our colleagues, spending that money now does not absolve BP of any responsibility. It just allows the work to get on, and the funds will be collected from BP.

Also, because this only deals with the immediate incident, there is still a need to, I would argue, pass the Big Oil Bailout Prevention Act, or something of the sort that I've introduced along with a number of cosponsors, to deal with this long term, to raise the liability limit so that we can collect everything that is necessary from oil companies.

Mr. MICA. I yield 2½ minutes to the distinguished gentleman from North Carolina (Mr. COBLE), also a senior member of the T and I Committee.

Mr. COBLE. Mr. Speaker, I rise in support of S. 3473. This legislation is absolutely critical to continue our oil spill response efforts in the Gulf of Mexico.

The Coast Guard and other agencies involved in the response to the Deepwater Horizon oil spill are spending tremendous amounts of time and effort ensuring every tangible resource is available to meet this response. By passing this legislation, we ensure that the Coast Guard can maintain these valiant efforts, while simultaneously ensuring other important missions are met, including maritime safety, security, defense, search and rescue efforts, mobility, and preparedness. As America's maritime guardian. The Coast Guard is always ready, and this legislation ensures this goal can continue to be met.

Finally, Mr. Speaker, it is important to note that the oil spill trust fund is funded by the petroleum industry and not the taxpayers.

I urge passage.

Mr. OBERSTAR. I reserve the balance of my time.

Mr. MICA. Well, Mr. Speaker, I will summarize for our side.

First of all, again, this is an emergency situation. We have to act, we

must act, and we will act. Let me make it clear, and I'm glad everyone on the other side has made it very clear, that BP's feet will be held to the fire to repay this money.

Now, it's good to come out here and hear that BP has called the other side and told them that they're going to pay, the check is in the mail, and that's all well, fine, and good. But I'd be glad to send somebody down to OMB and show them how they can send a rapid request for payment to BP as this thing moved forward because, again, the taxpayer shouldn't be left on the hook nor should this fund be left on the hook in any way for responsibility for this cleanup.

Finally, just a couple of points. It was mentioned that the Bush administration gave 4,200 leases—I think that was the figure—and that is true. It's also true, and the Democrat staff did an excellent job—I complimented them yesterday—in getting a list of the current drilling and production activities in the Gulf of Mexico, and I'll submit this to the RECORD. But if you look, there are about 3,500, 3,492 wells in relatively shallow water, 200 meters, about 600 feet up to the surface. There are only 25 a thousand meters below.

The Obama administration, coming into office, issued—these are deepwater, 1,000 feet to 8,000 feet—more than two dozen. We'll also submit that to the RECORD.

Now, if they knew this was a management problem in the Minerals Management Service, and I just cited the Bush administration investigated that agency for 2 years and conducted a very thorough review of what was going on, they must have known there was a management problem when they inherited it.

Instead, what did they do? Faster than BP can pay their bill, they took the proposal from BP in deepwater, some of the deepest water drill—here are the number of ones that the committee found that there's deepwater drilling in—and they carte blanche, rubber-stamped approval of this outline that BP gave them. One page, April 6. Those are the facts.

#### DRILLING AND PRODUCTION ACTIVITIES IN THE GULF OF MEXICO

Water depth in meters—	Active leases	Approved applications to drill—	Active platforms
0–200—	2,279–	33,590–	3,492
201–400—	143–	1,099–	21
401–800—	330–	835–	9
801–1,000—	412–	506–	7
1,000 and above—	3,454–	1,634–	25
Total—	6,618–	37,664–	3,554

Source: MMS, current as of June 1, 2010

I yield back the balance of my time. Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. OBERSTAR, thank you for your leadership. Chairman CUMMINGS, as well, thank you for your leadership.

The Coast Guard is poised in the gulf working overtime, waiting for this

drawdown, which is a reimbursable drawdown. But we have to do something now. We have to do something for the shrimpers, the fishermen, the oystermen, the restaurants. We have to do something for the people who are bleeding and need our help.

This is a BP problem, but it is an oil industry problem. We have to see them rise to the occasion, to develop a better claims system, to develop a recovery plan. But right now, the Coast Guard, as told to us in a meeting with them last week with Chairman CUMMINGS and Chairwoman BROWN, they need the money now. This is an important step.

We can go back and look at the noes, but we've got to say yes today. Vote for this legislation.

I also wish to thank Senator REID for introducing this very important piece of legislation in such a timely manner. Today, I rise in support of S. 3473, an amendment that would authorize advances from the Oil Spill Liability Trust Fund as created by the Oil Pollution Act of 1990.

BP is dragging its heels on the oil spill cleanup. The sooner we can get the wheels turning on the cleanup, the sooner we can make families whole again and ensure a safe environment for the Americans that had to bear the brunt of this disaster of mammoth proportions. Releasing some of the funds from the aforementioned trust will allow individuals to be able to support themselves in their Gulf-based industry. Just yesterday I testified before the House Transportation and Infrastructure Committee and proposed legislation that would allow for the release of 100 million dollars from the Oil Spill Liability Trust Fund.

The sooner we address the problem, the more likely we are to prevent more extensive damage. It has been well noted that BP's efforts alone will not suffice. As members of Congress, we must do everything we can to address and resolve this crisis in the most expedient manner, and releasing these funds will allow for a more efficient response.

This amendment would provide a much-needed source of recourse and restitution for those victimized by this environmental disaster of massive proportions, caused by the April 20, 2010 explosion on the Deepwater Horizon oil vessel. It will also provide an avenue for accountability, which should be assigned, appropriately, to the parties responsible for imposing such suffering on the residents of the Gulf Coast area.

We are all very much aware of the hardship that has been inflicted upon the people in the Gulf Coast region. The oil, gushing at a rate of at least 12,000 to 19,000 barrels a day, has now spread over 42 miles beyond the spill site, 3,300 miles beneath the surface of the ocean. In its most concentrated areas, oil plumes created by the spill are sometimes over 15 miles long and 1,500 feet thick, depths below the water. This does not even account for the immense volume of oil which is less concentrated, but still very much diluted with the water of the Gulf Coast.

The immediate effects of the spill are being felt as far west as Houma, Louisiana, and as far east as the Apalachicola Bay in Florida. Not only have there been serious environmental effects, but marine wildlife has been seriously impeded by the developments. Fishermen and workers in related industries are

being deprived of their very source of income and livelihood. Even further, there are health effects resulting from the disaster that are increasing in number, daily.

According to a recent CNN article, there have been 71 reported cases of oil disaster related health problems ranging anywhere from headaches and coughing to more serious ailments. Additionally, the oil has reached shorelines across the coast, and is affecting beaches and their patrons.

It is imperative not only that the victims and potential claimants be afforded a source of recourse for the significant interruption of their way of life, but that the remedy process be made available in a timely fashion, as the effects of the oil spill are being compounded every day.

The Oil Pollution Act of 1990, adopted in response to the *Exxon Valdez* Alaska oil spill in 1989, governs the claims process associated with the British Petroleum disaster. According to the Act, any party liable for any threat or actual discharge of oil from a vessel or facility to navigable waters, adjoining shorelines, or the exclusive economic zone of the United States, is responsible for all cleanup costs incurred. Additionally, claimants may recover damages for injury to natural resources, loss of personal property, economic losses, and loss of subsistence use of natural resources. However, the Act caps economic damages at \$75 million from the party or parties responsible for an oil spill.

Seventy five million dollars is simply insufficient to compensate the victims of such a massive disaster. The law was passed in light of the *Exxon Valdez* oil spill. That spill was considered to be one of the largest environmental disasters in history, and involved the disgorgement of at least 10.8 million gallons of crude oil into Alaska waters.

I urge my colleagues to support this bill.

Mr. OBERSTAR. I yield myself the balance of my time.

Again, I'm greatly appreciative of the partnership in our committee with the gentleman from Florida and for working so expeditiously under minimal notice that both of us had to bring this unexpected but welcome legislation from the other body so quickly to the floor. I would hope that this and other measures that we will enact will be seen as a testimonial to the victims of that explosion on the Deepwater Horizon.

And as the gentleman from Florida said, I join him in commending the President for welcoming the families and consoling with them, and join in assurances to those families that Congress will continue to do everything right so that their lives will not have been lost in vain.

Madam Speaker, I ask unanimous consent to extend the debate time by 5 minutes on each side.

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. The purpose for this request is that we may resolve a technical problem that the Senate notified us of in the drafting of the language of the bill and in the reference to the ap-

propriate section of the Internal Revenue Code, and we need to spend just a few minutes and get the parliamentary language correct, and that will take a few more minutes to resolve.

I ask the gentleman from Florida to designate his staff to participate with ours and with the Parliamentarian in assuring that we have the language properly crafted.

□ 1115

Mr. MICA. Will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Florida.

Mr. MICA. Well, maybe you could explain, for the benefit of this side of the aisle in the House, what the changes would be.

I did have several changes that I would have liked to have addressed. I believe this particular legislation just deals with this spill. I would have hoped that we could have modified this so that, in the future, we wouldn't have to come back on an individual-spill basis to do what we are doing here today.

And also, because this is a unique circumstance, we have not found ourselves in this situation before, we could make some additional changes to the measure that would, in fact, sort of, clean up the statute.

But, again, I am not sure what particular parliamentary or minor technical changes the majority is prepared to make in the legislation at this time. We do want to be agreeable and move the process forward. Maybe, now, with those questions, you might respond.

Mr. OBERSTAR. Certainly. And I thank the gentleman. And I share that concern.

In the hearing yesterday, I made it very clear that the committee would move forward with the broader changes that the gentleman just discussed, Madam Speaker, so that the Coast Guard will have authority to draw larger sums, in hundred-million-dollar increments, with proper notification to Congress, without having to come back and legislate each time.

But that is beyond the scope of the pending bill. And the technical changes notified to us are of a truly technical nature. Expanding into the broader question that we are now discussing would require new legislation.

And I commit to the gentleman that that will be part of our bipartisan work in committee, and we will craft the appropriate language.

Mr. MICA. I thank the gentleman.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Florida (Mr. BOYD).

Mr. BOYD. Madam Speaker, I thank my friend, the gentleman from Minnesota.

Madam Speaker, BP's failure to have a responsible plan in place to deal with the effects of this oil spill obviously has caused untold harm to our coastal communities and the men and women on our gulf coast, many of which I represent.

More needs to be done at every level to respond to this crisis. But one thing we will not tolerate is for there to be any disruption to the ongoing cleanup and containment efforts currently under way in the gulf, which is why I stand before you today in full support of S. 3473.

This bill ensures that the men and women fighting to contain this disaster have all the resources they need to continue their important work. Under this bill, the Federal Government will provide advance funding to sustain and support the cleanup and containment efforts currently under way.

But make no mistake: BP will be the ultimate financier. And they can count on receiving a bill once the total cost is in.

At the same time, while we are working to contain this crisis, we also must take steps to ensure this terrible situation does not become worse. Last week, Madam Speaker, I sent a letter to the President, urging his administration to develop a plan in case a tropical storm or hurricane hits the gulf coast, and it will.

The gulf region has weathered hurricanes in the past, but the presence of oil in our waters creates a number of unknown circumstances. And we need to be proactive in our efforts to protect our communities from a storm.

That is why next week I will convene the Joint Oil Spill-Hurricane Planning Conference to develop a comprehensive hurricane preparedness and recovery plan for north Florida. The conference will bring together local, State, and Federal officials and key stakeholders to develop a comprehensive and coordinated plan that identifies what actions need to be taken before, during, and after a possible storm.

We are clearly in uncharted waters, Madam Speaker, but that is no excuse for us failing to take action now against a threat that we know will strike sooner or later. We must begin planning now for this possibility.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBERSTAR. I yield the gentleman an additional 20 seconds.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. MICA. I yield the gentleman from Florida, my colleague from Florida, 30 seconds of my time.

Mr. BOYD. I thank my colleague, Mr. MICA, for yielding.

Madam Speaker, we must begin planning now for this possibility of a hurricane hitting the gulf coast and what effect the oil spill, what additional damage that will cause. We must ensure the current cleanup and containment efforts under way are able to continue unabated.

Madam Speaker, I urge support for S. 3473.

Mr. MICA. Madam Speaker, I guess as we conclude the extended time of debate on this measure to again revise some of the provisions of the emergency portion, \$150 million emergency



fund within the \$1.6 billion Oil Liability Trust Fund, I understand that there has been identified a minor technical glitch in the legislation as it came from the other body.

As a great American, former United States Senator Bob Dole, he used to say that his body, the U.S. Senate, is a great place if you like to see paint dry and grass grow, as far as the speed in which things are done.

However, here they have acted with due diligence and great speed and, in that speed, have made a minor technical error. And I am not going to tell anyone about it. And because this is a situation in which we must proceed on an emergency basis, I am going to overlook it, in fairness.

I would also like to yield to the gentleman, our honorable chairman of the T&I Committee, my partner, Mr. OBERSTAR.

Mr. OBERSTAR. Madam Speaker, I thank the distinguished gentleman for yielding.

We have agreed that the technical issue raised by representatives of the other body is of a nature that can be resolved by the administration upon passage of this bill. It is better for us to pass this bill now to address the substantive issue, release of funds from the Oil Spill Liability Trust Fund, and not delay progress in cleanup.

For that reason, we will pass the bill intact and let the administration deal with whatever issue comes up. Should any additional change be necessary of a technical nature, it can be dealt with at a later time.

I thank the gentleman for his understanding, for his patience, and for yielding me the time.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT  
AND BUDGET,

*Washington, DC, June 7, 2010.*

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: I am writing to urge the Congress to move quickly in enacting the FY 2010 Supplemental request. On June 4, 2010, Secretary Napolitano announced that the Coast Guard believes that within the next two weeks funding levels in the Oil Spill Liability Trust Fund's expenditure account will drop to levels that will force the Federal On-Scene Coordinator to begin to cut back Federal Deepwater Horizon response activities. We cannot allow the lack of funding to hamstring our Federal response to this national catastrophe.

On May 12, the Administration proposed legislation to support the BP/Deepwater Horizon response and speed assistance to people in need. Included in this package was a provision that would permit the Coast Guard and its National Pollution Funds Center to move funds from the Oil Spill Liability Trust Fund to the Emergency Fund so that the Federal response effort can continue without interruption. Specifically, the legislative changes would permit the Coast Guard to obtain additional advances in tranches of \$100 million up to the incident cap for the Oil Spill Liability Trust Fund. All of these costs are being billed to the responsible parties and the receipts will be deposited in the Trust Fund.

The President has ordered Federal agencies to bring all available and appropriate re-

sources to bear in response to this disaster. Without legislative authorization, however, the Coast Guard cannot access the additional emergency fund resources necessary to pay for the Federal agencies' response to this tragic oil spill.

We appreciate your support in moving this critical legislation forward in the coming days.

Sincerely,

PETER R. ORSZAG,  
*Director.*

#### TIMELINE FOR APPROVALS OF DEEPWATER HORIZON LEASE

1986: MMS issues a list of categories of activities excluded from further review under NEPA within the Department of the Interior's "Department Manual."

May 27, 2004: The Bush Administration extends process by which MMS manages the NEPA process for offshore lease sales, including issuance of "categorical exclusions."

April 2007: MMS issues a Multistate environmental impact statement (EIS) for a proposed 5-year lease on the Outer Continental Shelf (OCS) that estimated a likelihood of 3 spills from platform drilling in deepwater that would produce approximately 1,500 barrels for each spill. As a result, the assessed impacts from oil spills under the 5-year lease were described as minimal. No extrapolation or hypothesis for what would happen if the spill were larger.

October 22, 2007: MMS issues its Environmental Assessment of the Proposed Gulf of Mexico OCS Oil and Gas Lease Sale 206, Central Planning Area. MMS estimated, based on historical data, that the probability of an offshore oil spill greater than 1,000 barrels reaching an environmentally sensitive resource was small. Accordingly, MMS finds that a supplemental EIS is not required and issues a FONNSI (Finding of No New Significant Impact)—over that assessed in the Multistate EIS for the 5-year lease on the OCS.

March 2008: BP purchased rights to drill for oil at MMS lease sale 206.

May 2008: MMS issues an exemption from a "blowout scenario requirement": for OCS actions in the Gulf (Notice to Lessee 2008). Accordingly, BP's exploration plan for the Deepwater Horizon site did not include an analysis or response plan for a blowout of the wellhead.

March 10, 2009: BP filed a 52-page exploration and environmental impact plan for the Macondo well, located in the Mississippi Canyon Block 252 of the Gulf, with MMS. This plan stated that it was "unlikely that an accidental surface or subsurface oil spill would occur from the proposed activities." In the plan, the company further asserted that if there was a spill, "due to the distance to shore (48 miles) and the response capabilities that would be implemented, no significant adverse impacts are expected." Pursuant to 43 U.S.C. §1340, MMS is required to approve the BP exploration plan within 30 days of submission.

April 6, 2009: MMS approves BP exploration plan, with a categorical exclusion from NEPA, because the falls within the 2004 list of potential "categorical exclusions." Because of the categorical exclusion, the additional environmental impacts for a worst case scenario were not evaluated.

Mr. MICA. Reclaiming the time, also keep in mind the time that I yielded to the other side when they ran out of time, Madam Speaker.

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. MICA. But to conclude debate, again, I thank everyone for this bipar-

tisan effort. Even though, again, we have a minor technical glitch, we want to move the legislation forward; so I urge my colleagues to pass the measure.

Mr. McMAHON. I rise today in strong support of S. 3473. Since Day 1 of this disaster the Administration has brought all resources to bear to address ensure that damage to the environment, wildlife, and public health of the Gulf Region was as limited as possible.

In particular the United States Coast Guard has done outstanding work. As Vice Chair of the Coast Guard Subcommittee I know how hard the men and women of the Coast Guard have been working to contain this disaster. Led by Admiral Thad Allen, who has taken charge of federal on-the-ground response as National Incident Commander, the men and women of the Coast Guard are on the frontlines and deserve our gratitude and support.

This legislation is critical to maintaining continuity in the federal government's response. It amends current law to allow the administration to take multiple advances of up to \$100 million from the Oil Spill Liability Trust Fund. Without passage of S. 3473, the Coast Guard could run out of funding for cleanup and prevention as early as next week. This cannot be allowed to happen. I urge all of my colleagues to support this straightforward, common-sense legislation. It is the least we can do at the moment to help ongoing efforts to help the people of the Gulf region.

Mr. MICA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, S. 3473.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### FHA REFORM ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1424 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for further consideration of the bill, H.R. 5072.

□ 1125

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday June 9, 2010, all time for general debate had expired.