

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3534  
OFFERED BY MR. OLSON OF TEXAS**

Page 162, strike line 6 and insert the following:

1           (B) in paragraph (3) by striking  
2           "\$75,000,000" and inserting "an amount for  
3           damages determined in accordance with the  
4           limits for liability established under subsection  
5           (e)"; and

Page 162, line 10, strike "and".

Page 162, line 24, strike the period at the end and  
insert "; and".

Page 162, after line 24, insert the following:

6           (4) by adding at the end the following:  
7           "(e) LIMITS FOR LIABILITY.—  
8           "(1) IN GENERAL.—For the purpose of sub-  
9           section (a)(3), after a 60-day period of public notice  
10          and comment beginning on the date of enactment of  
11          this subsection, and from time to time thereafter,  
12          the President shall establish a set of limits for liabil-  
13          ity for damages for incidents occurring from offshore

1 facilities (other than deepwater ports) covered by  
2 Outer Continental Shelf leases issued after the date  
3 of enactment of this subsection.

4 “(2) REQUIREMENTS.—The limits for liability  
5 established under paragraph (1) shall—

6 “(A) take into account the availability of  
7 insurance products for offshore facilities; and

8 “(B) be otherwise based equally on and  
9 categorized by—

10 “(i) the water depth of the lease;

11 “(ii) the minimum projected well  
12 depth of the lease;

13 “(iii) the proximity of the lease to oil  
14 and gas emergency response equipment  
15 and infrastructure;

16 “(iv) the likelihood of the offshore fa-  
17 cility covered by the lease to encounter  
18 broken sea ice;

19 “(v) the record and historical number  
20 of regulatory violations of the leaseholder  
21 under the Outer Continental Shelf Lands  
22 Act (43 U.S.C. 1331 et seq.) or the Fed-  
23 eral Water Pollution Control Act (33  
24 U.S.C. 1251 et seq.) (or the absence of  
25 such a record or violations);

1           “(vi) the estimated hydrocarbon re-  
2 serves of the lease;

3           “(vii) the estimated well pressure, ex-  
4 pressed in pounds per square inch, of the  
5 reservoir associated with the lease;

6           “(viii) the availability and projected  
7 availability of funds in the Fund;

8           “(ix) other available remedies under  
9 law;

10           “(x) the estimated economic value of  
11 nonenergy coastal resources that may be  
12 impacted by a spill of national significance  
13 involving the offshore facility covered by  
14 the lease; and

15           “(xi) whether the offshore facility cov-  
16 ered by the lease employs a subsea or sur-  
17 face blowout preventer stack.”.

