

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 4899  
OFFERED BY MR. WELCH OF VERMONT**

Add at the end the following:

1       **TITLE \_\_\_\_\_ —MISCELLANEOUS**  
2                               **PROVISIONS**

3   **SEC. \_\_\_\_ . REQUIREMENT TO FORGO USE OF DEDUCTIONS**  
4                       **AND CREDITS FOR AMOUNTS PAID IN CON-**  
5                       **NECTION WITH AN OIL SPILL CLEANUP AS**  
6                       **LEASE CONDITION.**

7       (a) **IN GENERAL.**—Notwithstanding any other provi-  
8 sion of this Act, the Secretary of the Interior may not  
9 issue any Federal oil and gas lease under this Act or under  
10 any oil and gas leasing program under this Act to a person  
11 unless the person makes the election described in sub-  
12 section (b).

13       (b) **ELECTION DESCRIBED.**—

14               (1) **IN GENERAL.**—The election described in  
15 this subsection with respect to a person is an elec-  
16 tion that if the person is a responsible party for a  
17 vessel or a facility from which oil is discharged in an  
18 activity conducted under a lease referred to in sub-  
19 section (a) the person will not claim any deduction

1 or credit under the Internal Revenue Code of 1986  
2 with respect to any amount paid or incurred in con-  
3 nection with such discharge of oil unless—

4 (A) the person has, for the year for which  
5 such deduction or credit would be claimed, met  
6 all of its obligations under such Act to provide  
7 compensation for covered removal costs and  
8 damages, and

9 (B) during the 5-year period ending on the  
10 first date of such discharge, the person, in con-  
11 nection with activities in the oil industry (in-  
12 cluding exploration, development, production,  
13 transportation by pipeline, and refining)—

14 (i) was not found to have committed  
15 willful or repeated violations under the Oc-  
16 cupational Safety and Health Act of 1970  
17 (29 U.S.C. 651 et seq.) (including State  
18 plans approved under section 18(c) of such  
19 Act (29 U.S.C. 667(c))) at a rate that is  
20 higher than five times the rate determined  
21 by the Secretary, in consultation with the  
22 Secretary of the Interior, to be the oil in-  
23 dustry average for such violations for such  
24 period,

1 (ii) was not convicted of a criminal  
2 violation for death or serious bodily injury,  
3 (iii) was not assessed, did not enter  
4 into an agreement to pay, and was not oth-  
5 erwise required to pay, civil penalties and  
6 criminal fines for violations the person was  
7 found to have committed under the Fed-  
8 eral Water Pollution Control Act (33  
9 U.S.C. 1251 et seq.) (including State pro-  
10 grams approved under sections 402 and  
11 404 of such Act (33 U.S.C. 1342 and  
12 1344)) in a total amount that is equal to  
13 more than \$10,000,000, and  
14 (iv) was not assessed, did not enter  
15 into an agreement to pay, and was not oth-  
16 erwise required to pay, civil penalties and  
17 criminal fines for violations the person was  
18 found to have committed under the Clean  
19 Air Act (42 U.S.C. 7401 et seq.) (includ-  
20 ing State plans approved under section  
21 110 of such Act (42 U.S.C. 7410)) in a  
22 total amount that is equal to more than  
23 \$10,000,000.

24 (2) RELATED PERSON.—For purposes of para-  
25 graph (1), any person who is a member of the same

1 expanded affiliated group (as defined in section  
2 1471(e)(2) of such Code) shall be treated as a per-  
3 son described in paragraph (1).

