

Washington, D.C. – This morning Rep. Jay Inslee (WA-01) and Rep. Rush Holt (NJ-12) sent a letter to Minority Leader Boehner asking him to join them and lead his caucus to support the Big Oil Bailout Prevention Act, legislation Holt introduced and Inslee is cosponsoring to hold BP legally liable for damages caused by the Gulf Spill and to ensure that in the future oil companies are responsible for cleanup and damages caused by oil spills. Last week, Boehner indicated that he supports taxpayers paying for cleanup and damage costs caused by the disaster. He since has walked back from those comments, but has not specified how he would ensure BP, and not taxpayers, is on the hook for all costs.

“Several straight-forward pieces of legislation have already been introduced to ensure that the responsible party in this and any other future incident is held to account for all of the damage done by such a disaster. One bill, the Big Oil Bailout Prevention Act of 2010 (H.R. 5214) would increase the liability of a responsibility party for damages for incidents including the Deepwater/BP disaster from \$75 million to \$10 billion. Other legislative ideas have been discussed as well, such as allowing punitive damages to be recovered against a responsible party under the Oil Pollution Act, and requiring that responsible parties set aside funds for damage payments in an escrow account, and make other efforts to expedite the approval and payment of damage claims,” they write.

The full text of the letter is below:

June 16, 2010

The Honorable John A. Boehner

Office of the Republican Leader

H-204 U.S. Capitol Building

Washington, DC 20515

Dear Leader Boehner:

As efforts in the Gulf continue to contain and mitigate the effects of the Deepwater/BP oil rig disaster, we write to you regarding your position on who will pay for the costs of containment, removal, and damages resulting from the flow of oil.

On June 11th, you were asked whether you agree that BP and the Federal government should pitch in to clean up the spill. You replied by stating "I think the people responsible in the oil spill - - BP and the federal government - - should take full responsibility for what's happening there."

Since then, we are pleased to hear you have restated, retreating from your earlier comments, that there should be "No taxpayer money for cleanup or damages...period". However, your position on who pays for the full cost remains unclear as you also recently stated that you're "not sure that the federal government isn't also responsible." This leaves open the possibility that you believe the government, therefore taxpayers may have to pay for some costs for the removal and damage costs, leaving individuals, businesses, and state and local governments to pay for the costs of BP's disaster. We ask that you personally clarify, not through staff, your position regarding whether the government should cover any of the costs of the containment, clean up, and damages of this disaster.

If BP is the responsible party in your opinion, we ask that you personally state whether you will lead your caucus in supporting legislation to amend the Oil Pollution Act of 1990 to require BP to pay, in a timely manner, for all containment and removal efforts and reasonable damages resulting from this disaster. News reports indicate you favor a proposal by Senator David Vitter that would raise the cap only for BP and the Deepwater Horizon spill only. We would like you to clarify why you would support this proposal and if you believe that it is constitutional. It is our understanding that a punitive bill directed at BP and only responding to this spill would violate the bill of attainder clause in the constitution and would not address the need to raise the cap for

future spill damages.

In our view these costs include the costs to state, local, and federal government of the initial response to the explosion of the Deepwater drill rig and subsequent participation in the effort to stop the flow of oil, as well as oil removal, cleanup efforts and damages. In addition, these costs should include all reasonable damage compensation for property, resources and profits for families and businesses in the region and damage compensation to government entities, including the federal government, for lost revenues and increased public services resulting from this incident. Some of these costs are already assigned to BP by the Oil Pollution Act of 1990—albeit with certain limitations on total damages—but we believe new legislation is required to ensure that BP pays for all of these costs in a timely manner.

Several straight-forward pieces of legislation have already been introduced to ensure that the responsible party in this and any other future incident is held to account for all of the damage done by such a disaster. One bill, the Big Oil Bailout Prevention Act of 2010 (H.R. 5214) would increase the liability of a responsibility party for damages for incidents including the Deepwater/BP disaster from \$75 million to \$10 billion. Other legislative ideas have been discussed as well, such as allowing punitive damages to be recovered against a responsible party under the Oil Pollution Act, and requiring that responsible parties set aside funds for damage payments in an escrow account, and make other efforts to expedite the approval and payment of damage claims.

We would like to know whether you will lead your caucus in supporting the Big Oil Bailout Prevention Act in its current state, or the other ideas mentioned above, as your leadership would be helpful in moving this legislation. We would also like to know whether you support retroactively raising the liability cap on damages from the spill. Finally, we would like to know why you have withheld your public support for these initiatives so far. We are pleased that your office has expressed support for working “in a bipartisan way on reasonable new legislation” in response to the Deepwater/BP drilling disaster and we look forward to working with you.

Very Truly Yours,

JAY INSLEE

RUSH HOLT

Member of Congress

Member of Congress