

Statement in Support of H.R. 5503

SPILL Act

June 30, 2010

Madam Speaker, on April 20 an explosion on the Deepwater Horizon oil drilling platform sank the vessel, resulting in the death of 11 men and injury to at least 17 others. This disaster has now become the most massive environmental disaster in our nation's history, poisoning widespread swaths of the Gulf of Mexico, killing wildlife, ruining wetlands, and wreaking economic havoc in the Gulf States. The disaster has highlighted not only gaps in our ability to engage in and regulate deepwater drilling, but also major legal gaps in the applicable statutes that are adversely impacting victims.

H.R. 5503 focuses on fixing these gaps, so that the victims of this disaster can get fair treatment. In short, we have found that the current state of law regarding these liability issues is outdated, is unfair, and operates against our nation's interest.

First, the three key laws in effect all date from the mid 1800's or early 1900's. The Death on High Seas Act, enacted in 1920, does not allow recovery of non-pecuniary loss – in contrast to all states and to general maritime law. The Jones Act, also dating from 1920, allows recovery for a family's non-pecuniary loss if a seaman is injured but survives, but denies the family that same recovery if he dies. And the Limitation on Liability Act, enacted in 1851, caps a shipowner's legal responsibility at the value of the ship and its cargo, no matter how massive the magnitude of the harm caused.

Second, the laws are uniformly unfair. It makes no sense to allow the family of an individual who dies in a plane accident on the high seas to be eligible for

non-pecuniary damages, while the family of someone who dies in a ship accident is not. It makes no sense to allow the family of a victim of an oil explosion on shore to recover non-pecuniary damages, while the same victim in a Jones Act case could be limited to lost wages and funeral expenses. It makes no sense to preserve a Limitation on Liability Act designed to help U.S. shipping fleets, when the U.S. merchant marine is practically non-existent. And it makes no sense to allow a company to incur multibillion-dollar claims and then abuse the bankruptcy process to leave the victims out in the cold.

The bill on the floor today reflects changes made in response to concerns raised about the legislation. Specifically, concerns were expressed about possible unintended consequences of the class action changes, and that section was removed in its entirety. Concerns were expressed about restricting enforceability of secrecy agreements, and that section was removed in its entirety.

What remains are the core provisions that are needed to help the victims of the Gulf Coast oil spill disaster, including the families of the eleven men who died and the numerous workers who were injured aboard the Deepwater Horizon.

I want to remind Members that this bill is, above all else, about helping victims, particularly the victims of this oil platform explosion and spill. One of these victims is Gordon Jones, who was killed aboard the Deepwater Horizon. Gordon was married to Michelle Jones and had two children, Stafford and Maxwell Gordon, and is also survived by his brother and father. Maxwell Gordon was born just a couple of weeks after his father's death on April 20, 2010.

Under current law, the Jones family can only recover Gordon's lost wages, and are not entitled to any non-financial damages. This bill would fix that for Gordon, the 10 others killed on the Deepwater Horizon, and others injured. As

Gordon's father, Keith, testified before the House Judiciary Committee on May 27:

“When Michelle tells her boys about their dad, she's not going to show them a pay stub. She will tell them how much their father loved them...”

“I want to say how offensive it is when the law recognizes only pecuniary loss in cases like these eleven deaths... Please believe me; no amount of money can ever compensate us for Gordon's death. We know that. But this is the only means available to begin to make things right.”

This is not a complicated vote. It is about ensuring that BP and other corporations that caused the Deepwater Horizon explosion and resulting oil spill are held accountable under the law for all the harm their irresponsible behavior has caused these hardworking Americans and their families.

I urge my colleagues to support this important legislation.