

111TH CONGRESS
2^D SESSION

H. R. 5503

To revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2010

Mr. CONYERS (for himself, Mr. MELANCON, Mr. NADLER of New York, Ms. JACKSON LEE of Texas, Ms. WATERS, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. CHU, Mr. DEUTCH, Mr. WEINER, Ms. LINDA T. SÁNCHEZ of California, and Mr. BRALEY of Iowa) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing Protections
5 for the Injured from Limitations on Liability Act”.

1 **SEC. 2. AMENDMENTS TO DEATH ON THE HIGH SEAS ACT.**

2 The Death on the High Seas Act (chapter 303 of title
3 46, United States Code), is amended—

4 (1) in section 30302—

5 (A) by inserting “or law” after “admi-
6 ralty”;

7 (B) by striking “3 nautical miles” and in-
8 serting “12 nautical miles”;

9 (C) by striking “personal representative of
10 the decedent” and inserting “decedent’s spouse,
11 parent, child, or dependent relative”; and

12 (D) by striking the last sentence;

13 (2) in section 30303—

14 (A) by inserting “and nonpecuniary loss”
15 after “pecuniary loss”;

16 (B) by striking “by” and all that follows
17 through the end, and inserting “, plus a fair
18 compensation for the decedent’s pain and suf-
19 fering.”; and

20 (C) by adding at the end the following: “In
21 this section, the term ‘nonpecuniary loss’ means
22 loss of care, comfort, and companionship.”;

23 (3) in section 30305—

24 (A) by inserting “or law” after “admi-
25 ralty”; and

1 (B) by striking “personal representative of
2 the decedent may be substituted as the plain-
3 tiff” and inserting “the decedent’s spouse, par-
4 ent, child, or dependent relative may be sub-
5 stituted as a plaintiff”;

6 (4) in section 30306, by inserting “or law”
7 after “admiralty”;

8 (5) by striking section 30307, and redesignig-
9 nating section 30308 as section 30307;

10 (6) in section 30307, as so redesignated, by
11 amending subsection (b) to read as follows:

12 “(b) INTERNAL AND TERRITORIAL WATERS.—This
13 chapter does not apply to the Great Lakes or waters with-
14 in the territorial limits of a State that do not exceed 12
15 nautical miles from the shore of the United States.”; and

16 (7) in the table of sections at the beginning of
17 such chapter, by striking the items relating to sec-
18 tions 30307 and 30308 and inserting the following:

“30307. Nonapplication.”.

19 **SEC. 3. AMENDMENT TO JONES ACT.**

20 Section 30104 of title 46, United States Code, is
21 amended by adding at the end the following: “In addition
22 to other amounts authorized under such laws, the recovery
23 for a seaman who so dies shall include recovery for loss
24 of care, comfort, and companionship.”.

1 **SEC. 4. REPEAL OF LIMITATION OF LIABILITY ACT.**

2 Chapter 305 of title 46, United States Code, is
3 amended by repealing sections 30505, 30506, 30507,
4 30511, and 30512.

5 **SEC. 5. AMENDMENT TO CLASS ACTION FAIRNESS ACT.**

6 Title 28, United States Code, is amended—

7 (1) in section 1711(2), by inserting “, but does
8 not include an action brought by a State or subdivi-
9 sion of a State on behalf of its citizens” before the
10 period; and

11 (2) in section 1332(d)(1)(B), by inserting “,
12 but does not include an action brought by a State
13 or subdivision of a State on behalf of its citizens”
14 before the semicolon.

15 **SEC. 6. UNENFORCEABILITY OF CERTAIN SECRECY AGREE-**
16 **MENTS.**

17 (a) IN GENERAL.—Subject to subsection (b), an
18 agreement, promise, or directive to restrict the dissemina-
19 tion of information regarding the cause of a discharge into
20 waters off the shore of the United States of a substance
21 that contaminates a marine or coastal environment or en-
22 dangers public health, regarding the nature or extent of
23 such a discharge, regarding the damage caused or threat-
24 ened by such a discharge, or regarding the efforts to reme-
25 diate the effects of such a discharge, shall be void as

1 against public policy and unenforceable in any legal pro-
2 ceeding.

3 (b) EXCEPTION.—Subsection (a) shall not apply with
4 respect to a directive contained in a court order, or issued
5 by a Government agency with authority to enforce such
6 a directive in a court, restricting dissemination of informa-
7 tion as necessary to protect public health or safety.

8 **SEC. 7. AMENDMENTS TO TITLE 11 OF THE UNITED STATES**
9 **CODE.**

10 (a) LIMITATION ON SALE OR LEASE OF CERTAIN
11 PROPERTY IN BANKRUPTCY.—

12 (1) LIMITATION.—Section 363 of title 11, the
13 United States Code, is amended by adding at the
14 end the following:

15 “(q) Notwithstanding any other provision of this sec-
16 tion, the trustee may not sell or lease, other than in the
17 ordinary course of business, property of the estate of a
18 debtor that is liable for a claim arising under any law from
19 an incident (as defined in section 1001 of the Oil Pollution
20 Act of 1990) to which such Act applies, to a purchaser
21 (together with any affiliate of such purchaser) in an aggre-
22 gate dollar amount exceeding the dollar amount then in
23 effect under section 7A(a) of the Clayton Act unless—

24 “(1) such purchaser and any such affiliate
25 agree as a condition of such sale to pay the amount

1 of allowed unsecured claims arising from such inci-
2 dent that is not paid by the debtor; or

3 “(2) all classes of such unsecured claims ap-
4 prove the sale of such assets.”.

5 (2) CONFORMING AMENDMENT.—Section 303(f)
6 of title 11, the United States Code, is amended by
7 striking “(other than subsection (q) of such sec-
8 tion)” after “section 363”.

9 (b) INAPPLICABILITY OF CHAPTER 15.—Section
10 1501(c) of title 11, the United States Code, is amended—

11 (1) in paragraph (2) by striking “or” at the
12 end,

13 (2) in paragraph (3) by striking the period at
14 the end and inserting “; or”, and

15 (3) by adding at the end the following:

16 “(4) an entity that is liable for a claim arising
17 under any law from an incident (as defined in sec-
18 tion 1001 of the Oil Pollution Act of 1990) to which
19 such Act applies.”.

20 **SEC. 8. EFFECTIVE DATE.**

21 This Act and the amendments made by this Act shall
22 take effect on the date of enactment of this Act and shall
23 apply to cases pending on or after such date.

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