

111TH CONGRESS  
2D SESSION

# H. R. 5503

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IN THE SENATE OF THE UNITED STATES

JULY 13, 2010

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. IMPROVEMENTS TO RECOVERY UNDER DEATH ON**  
5 **THE HIGH SEAS ACT.**

6       The Death on the High Seas Act (chapter 303 of title  
7 46, United States Code), is amended—

8           (1) in section 30302—

9               (A) by inserting “or law” after “admi-  
10 ralty”; and

11              (B) by inserting before “spouse” the fol-  
12 lowing: “survivors, including”;

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 by inserting “or law” after  
24 “admiralty”;

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

1 (5) by striking section 30307; and

2 (6) in the table of sections at the beginning of  
3 such chapter, by striking the item relating to sec-  
4 tions 30307.

5 **SEC. 3. IMPROVEMENTS TO RECOVERY UNDER JONES ACT.**

6 Title 46, United States Code, is amended—

7 (1) in section 30104, by adding at the end the  
8 following: “In addition to other amounts authorized  
9 under such laws, the recovery for a seaman who so  
10 dies shall include recovery for loss of care, comfort,  
11 and companionship.”; and

12 (2) by striking section 30105 and the item re-  
13 lating to that section in the table of sections at the  
14 beginning of chapter 301.

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

16 (a) REPEAL.—Chapter 305 of title 46, United States  
17 Code, is amended by repealing sections 30505, 30506,  
18 30507, 30511, and 30512 and the items relating to those  
19 sections in the table of sections at the beginning of chapter  
20 305.

21 (b) CONFORMING AMENDMENTS.—

22 (1) OIL POLLUTION ACT OF 1990.—Section  
23 1018 of the Oil Pollution Act of 1990 (33 U.S.C.  
24 2718) is amended—

1 (A) in subsection (a), by striking “or the  
2 Act of March 3, 1851”; and

3 (B) in subsection (c), by striking “, the  
4 Act of March 3, 1851 (46 U.S.C. 183 et  
5 seq.),”.

6 (2) TITLE 46.—Section 14305(a) of title 46,  
7 United States Code, is amended by striking para-  
8 graph (5) and redesignating the subsequent para-  
9 graphs as paragraphs (5) through (14), respectively.

10 **SEC. 5. BANKRUPTCY PROTECTION FOR TORT CLAIMS**  
11 **ARISING FROM OIL INCIDENTS.**

12 (a) CONDITIONS ON SALE OR LEASE OF SIGNIFICANT  
13 PROPERTY OF THE ESTATE.—

14 (1) IN GENERAL.—Section 363 of title 11,  
15 United States Code, is amended by adding at the  
16 end the following:

17 “(q) Notwithstanding any other provision of this sec-  
18 tion, if the debtor is liable under any law for a claim for  
19 wrongful death, personal injury, or property damage aris-  
20 ing from an incident (as defined in section 1001 of the  
21 Oil Pollution Act of 1990, and that gives rise to liability  
22 under such Act), the trustee may not sell or lease, other  
23 than in the ordinary course of business, significant prop-  
24 erty of the estate (or, to the extent that the court has

1 jurisdiction over any affiliate of the debtor, significant  
2 property of such affiliate) unless—

3 “(1) creditors holding at least two-thirds in  
4 amount, and more than one-half in number, of all  
5 such claims not paid by the debtor consent to such  
6 sale or lease; or

7 “(2) the court finds, after notice and a hearing,  
8 that—

9 “(A) sufficient property will remain in the  
10 estate; or

11 “(B) the debtor’s anticipated future in-  
12 come will be sufficient;  
13 that all such claims will be paid in full.”.

14 (2) UNDER PLAN OF REORGANIZATION.—Sec-  
15 tion 1129(b)(2)(B)(ii) of title 11, United States  
16 Code, is amended—

17 (A) by inserting “(other than the holder of  
18 a claim described in subclause (II))” after  
19 “claim” the 1st place it appears;

20 (B) by inserting “(I)” after “(ii)”;

21 (C) by striking the period at the end and  
22 inserting “; and”; and

23 (D) by adding at the end the following:

24 “(II) if the plan provides for claims of the  
25 kind described in section 363(q) and provides

1           for a sale or lease of significant property of the  
2           estate, creditors holding at least two-thirds in  
3           amount, and more than one-half in number, of  
4           such claims consent to such sale or lease.”.

5           (b) CONFORMING AMENDMENT.—Section 303(f) of  
6 title 11, United States Code, is amended by adding at the  
7 end the following:

8           “If the debtor is liable under any law for a claim for  
9 wrongful death, personal injury, or property damage arising  
10 from an incident (as defined in section 1001 of the  
11 Oil Pollution Act of 1990, and that gives rise to liability  
12 under such Act), the debtor may not sell or lease, other  
13 than in the ordinary course of business, significant prop-  
14 erty of the estate (or, to the extent that the court has  
15 or can obtain jurisdiction over any affiliate of the debtor,  
16 significant property of such affiliate) unless—

17           “(1) creditors holding at least two-thirds in  
18 amount, and more than one-half in number, of all  
19 such claims not paid by the debtor consent to such  
20 sale or lease; or

21           “(2) the court finds, after notice and a hearing,  
22 that—

23           “(A) sufficient property will remain in the  
24 estate; or

5        This Act and the amendments made by this Act shall  
6 take effect on the date of enactment of this Act and shall  
7 apply with respect to claims arising on or after April 20,  
8 2010, that are pending on or after such date of enactment.

Attest: LORRAINE C. MILLER,  
*Clerk.*