

111TH CONGRESS
2D SESSION

H. R. 6568

To amend the Oil Pollution Act of 1990 to facilitate the ability of persons affected by oil spills to seek judicial redress.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2010

Mr. MARKEY of Massachusetts (for himself and Ms. CASTOR of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Oil Pollution Act of 1990 to facilitate the ability of persons affected by oil spills to seek judicial redress.

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 “Oil Spill Victims Re-
5 dress Act”.

6 **SEC. 2. CLAIMS PROCEDURE.**

7 Section 1013(a) of the Oil Pollution Act of 1990 (33
8 U.S.C. 2713(a)) is amended by striking “all claims for re-
9 moval costs or damages shall” and inserting “all claims

1 against each responsible party for removal costs or dam-
2 ages under this Act shall”.

3 **SEC. 3. STATE COURT JURISDICTION.**

4 Section 1017(c) of the Oil Pollution Act of 1990 (33
5 U.S.C. 2717(c)) is amended—

6 (1) by striking “A State trial” and inserting the
7 following:

8 “(1) IN GENERAL.—A State trial”; and

9 (2) by adding at the end the following:

10 “(2) DAMAGES AND RELIEF.—Notwithstanding
11 any other provision of this Act, a State court may
12 award damages or other relief to any person for
13 claims under State law against any responsible party
14 or other person.

15 “(3) REMOVABILITY.—A civil action brought in
16 State court is not within the original jurisdiction of
17 the United States district courts, and is therefore
18 not removable, unless a Federal claim is—

19 “(A) pleaded in addition to claims arising
20 under State law; or

21 “(B) otherwise removable based on diver-
22 sity of citizenship pursuant to section 1332 of
23 title 28, United States Code.”.

1 **SEC. 4. RELATIONSHIP TO OTHER LAW.**

2 Section 1018 of the Oil Pollution Act of 1990 (33
3 U.S.C. 2718) is amended—

4 (1) in subsection (a), by striking paragraph (1)
5 and inserting the following:

6 “(1) affect or preempt the authority of any
7 State or political subdivision of a State from impos-
8 ing, on any responsible party or other person, any
9 additional liability or requirement with respect to—

10 “(A) the discharge of oil or other pollution
11 by oil within such State; or

12 “(B) any removal activities in connection
13 with such a discharge; or”; and

14 (2) in subsection (c)(1), by inserting “on any
15 responsible party or other person” after “to im-
16 pose”.

17 **SEC. 5. APPLICABILITY.**

18 This Act and the amendments made by this Act apply
19 with respect to any claim that is pending on, or filed on
20 or after, the date of enactment of this Act.

○