

111TH CONGRESS
2^D SESSION

S. 3862

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2010

Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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”.

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 occurring within
11 the State, or pollution by oil having effects
12 within the State; or

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

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

18 **SEC. 5. APPLICABILITY.**

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

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