

Gohmert	Lummis	Rehberg
Goodlatte	Lungren, Daniel	Roe (TN)
Granger	E.	Rogers (AL)
Graves (GA)	Mack	Rogers (KY)
Graves (MO)	Marchant	Rohrabacher
Griffith	Markey (CO)	Rooney
Guthrie	Marshall	Roskam
Hall (TX)	McCarthy (CA)	Royce
Harper	McCaull	Ryan (WI)
Hastings (WA)	McClintock	Scalise
Hensarling	McHenry	Schmidt
Herger	McIntyre	Schock
Hill	McKeon	Sensenbrenner
Hunter	McMorris	Sessions
Inglis	Rodgers	Shadegg
Issa	Mica	Shimkus
Jenkins	Miller (FL)	Shuler
Johnson, Sam	Miller (MI)	Shuster
Jordan (OH)	Miller, Gary	Simpson
King (IA)	Minnick	Smith (NE)
King (NY)	Moran (KS)	Smith (TX)
Kingston	Myrick	Stearns
Kirk	Neugebauer	Sullivan
Kline (MN)	Nunes	Terry
Lamborn	Nye	Thompson (PA)
Lance	Olson	Thornberry
Latham	Paul	Tiahrt
Latta	Paulsen	Tiberi
Lee (NY)	Pence	Walden
Lewis (CA)	Pitts	Westmoreland
Linder	Poe (TX)	Wilson (SC)
Lucas	Price (GA)	Wittman
Luetkemeyer	Putnam	Wolf

NOT VOTING—10

Alexander	Payne	Woolsey
Bishop (UT)	Radanovich	Young (AK)
Capito	Rodriguez	
Hoekstra	Wamp	

□ 1527

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Under clause 10(c)(3) of rule XXI, the presiding officer was supposed to have put the question of consideration on H.R. 5618 but omitted to do so. That omission has been overtaken by the subsequent actions on the bill.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 2555

Mr. SHULER. Mr. Speaker, I ask unanimous consent that my name be removed from H.R. 2555. I was inadvertently added as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SECURING PROTECTIONS FOR THE
INJURED FROM LIMITATIONS ON
LIABILITY ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5503) to revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing Protections for the Injured from Limitations on Liability Act".

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

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

- (1) in section 30302—
 - (A) by inserting "or law" after "admiralty"; and
 - (B) by inserting before "spouse" the following: "survivors, including";
- (2) in section 30303—
 - (A) by inserting "and nonpecuniary loss" after "pecuniary loss";
 - (B) by striking "by" and all that follows through the end, and inserting ", plus a fair compensation for the decedent's pain and suffering."; and
 - (C) by adding at the end the following: "In this section, the term 'nonpecuniary loss' means loss of care, comfort, and companionship.";
- (3) in section 30305 by inserting "or law" after "admiralty";
- (4) in section 30306, by inserting "or law" after "admiralty";
- (5) by striking section 30307; and
- (6) in the table of sections at the beginning of such chapter, by striking the item relating to sections 30307.

SEC. 3. IMPROVEMENTS TO RECOVERY UNDER JONES ACT.

Title 46, United States Code, is amended—

- (1) in section 30104, by adding at the end the following: "In addition to other amounts authorized under such laws, the recovery for a seaman who so dies shall include recovery for loss of care, comfort, and companionship."; and
- (2) by striking section 30105 and the item relating to that section in the table of sections at the beginning of chapter 301.

SEC. 4. REPEAL OF LIMITATION OF LIABILITY ACT.

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

(b) CONFORMING AMENDMENTS.—

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

- (A) in subsection (a), by striking "or the Act of March 3, 1851"; and
- (B) in subsection (c), by striking ", the Act of March 3, 1851 (46 U.S.C. 183 et seq.)."

(2) TITLE 46.—Section 14305(a) of title 46, United States Code, is amended by striking paragraph (5) and redesignating the subsequent paragraphs as paragraphs (5) through (14), respectively.

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

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

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

"(q) Notwithstanding any other provision of this section, if the debtor is liable under any law for a claim for wrongful death, personal injury, or property damage arising from an incident (as defined in section 1001 of the Oil Pollution Act of 1990, and that gives rise to liability under such Act), the trustee may not sell or lease, other than in the ordinary course of business, significant property of the estate (or, to the extent that the court has jurisdiction over any affiliate of the debtor, significant property of such affiliate) unless—

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

"(2) the court finds, after notice and a hearing, that—

"(A) sufficient property will remain in the estate; or

"(B) the debtor's anticipated future income will be sufficient;

that all such claims will be paid in full."

(2) UNDER PLAN OF REORGANIZATION.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended—

(A) by inserting "(other than the holder of a claim described in subclause (II))" after "claim" the 1st place it appears;

(B) by inserting "(I)" after "(ii)";

(C) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(II) if the plan provides for claims of the kind described in section 363(q) and provides for a sale or lease of significant property of the estate, creditors holding at least two-thirds in amount, and more than one-half in number, of such claims consent to such sale or lease."

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

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

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

"(2) the court finds, after notice and a hearing, that—

"(A) sufficient property will remain in the estate; or

"(B) the debtor's anticipated future income will be sufficient;

that all such claims will be paid in full."

SEC. 6. EFFECTIVE DATE.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1530

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Ladies and gentlemen of the House, 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.

We are honored to have four of the widows of the men here, including the father of Gordon Jones, Attorney Keith Jones; Mrs. Shelley Anderson; Mrs. Courtney Kemp; and Mrs. Natalie Roshto. They have joined us in the gallery to observe these proceedings. They were also at the Judiciary Committee hearings.

This April 20 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. It has highlighted not only gaps in our ability to engage in and to regulate deepwater drilling, but also major legal gaps have been discovered in the applicable statutes that are adversely impacting victims.

Our measure from the Judiciary Committee focuses on repairing these flaws so that the victims of this disaster can get their treatment. We have found that the current state of law regarding these liability issues is outdated, unfair and operates against our national interests. The three key laws all date from the mid-1800s—the Death on High Seas Act, the Jones Act, and the Limitation on Liability Act.

The Death on High Seas Act does not allow recovery of non-pecuniary loss, which is in contrast to all State laws and to general maritime law.

The Jones Act allows recovery for a family's non-pecuniary loss if a seaman is injured but survives, but it denies the family that same recovery if he dies. Don't ask me how that ever got into law.

The Limitation on Liability Act, enacted in 1851, caps a shipowner's legal responsibility at the value of the ship and of its cargo no matter how massive the magnitude of the harm caused.

The unfairness of these laws is grossly apparent, and it makes no sense. In my judgment, it is highly immoral. It is the Judiciary Committee's job to scan these ancient statutes and repair them. So that is what we have done. We have made a few changes. I would like to identify them, and we will have some of our other learned members of the committee go into more detail.

Take Gordon Jones, for example. Ironically, his youngest son was born

just a couple of weeks after his death. They can only recover Gordon's lost wages, but they are not entitled to any nonfinancial benefits. That needs to be taken care of, and we will.

There are claims that have been made that the process was inadequate. The Committee on the Judiciary held on May 27 of this year a hearing on the legal liability issues surrounding the gulf coast oil disaster. It lasted over 5 hours, and it covered 11 witnesses who discussed and addressed the laws that I have mentioned in this act before us. Then they held an extensive markup the following month, on June 23, at which time we debated a number of amendments and reported the bill. It was a bipartisan vote. Then, in the manager's amendment, we addressed some concerns that were raised by my colleagues on the other side. This bill focuses on fixing these gaps, and I am hopeful that we can move this bill as expeditiously as we can.

I want to acknowledge my colleague SHEILA JACKSON LEE, who is a senior member who has helped us craft the legislation in the manager's amendment. Along with her and our colleague from Florida, CORRINE BROWN, we have also been able to make some modifications that have been generally agreed to by many of the members on the committee. We have reached an understanding, although we have not developed statutory language.

Mr. Speaker, 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 grossly 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 vic-

tim in a Jones Act case could be limited to lost wages and funeral expenses.

It makes no sense to keep a Limitation on Liability Act designed to help U.S. shipping fleets in the 19th century, when the U.S. merchant marine is now 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 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 11 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 died.

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.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, although I believe this legislation is well-intended, I have serious concerns about H.R. 5503 and about the process under which it is being considered today.

It is important that BP and other responsible parties pay all costs associated with the oil spill and that they be

held fully accountable for this catastrophe and for the 11 lives tragically lost in the explosion on the Deepwater Horizon. However, H.R. 5503 will have unintended consequences that will reach well beyond the gulf coast disaster. In fact, very little in this bill is directed solely at oil spill-related liability.

It is incredible that the sweeping changes this bill makes have made their way to the House floor without the benefit of even one legislative hearing. It is also incredible that we are considering this bill under suspension of the rules, denying those with concerns the opportunity to offer even one amendment.

Had this bill been considered under regular order, I would have offered an amendment to limit it to claims arising out of oil spills. This amendment would ensure that those responsible for oil spills would be held fully accountable while, at the same time, restricting the bill's unintended consequences. Because H.R. 5503 is not limited to oil spills, its unintended consequences will be severe.

For example, the changes it makes virtually rewrite U.S. maritime liability law; and in some instances, the changes make it out of step with the laws of nearly every other maritime nation. Maritime actions usually involve numerous parties with competing claims—loss of life or personal injury—and multiple jurisdictions in which claims may be filed. The Shipowner's Limitation of Liability Act addresses these problems by allowing for the consolidation of all claims arising out of a maritime accident into one Federal forum.

□ 1540

It also creates a fund to pay personal injury and death claims over and above the act's general liability limit.

This bill repeals the act without adopting any replacement legislation to fill the void. This introduces uncertainty and in many cases may lead to inadequate compensation to personal injury and wrongful death claimants, since repealing the act repeals the personal injury fund.

Let me repeat that, Mr. Speaker: This bill repeals the personal injury fund which every vessel owner is required to create to pay personal injury claims over and above the act's general liability gap.

Other sections of this bill are also questionable. Section 3 allows for recovery of non-economic damages in wrongful death actions under the Jones Act. While this may seem like a fair result, it actually creates inequities, because the Jones Act is the equivalent of land-based worker's compensation statutes, which do not apply at sea. But worker's compensation laws do not allow for the recovery of noneconomic damages, thus Jones Act seamen will receive greater recoveries than are provided to nearly every other American worker.

This change is being made without the benefit of a legislative hearing to understand its full impact on injured workers, employers, shippers, and consumers. These extensive changes to U.S. maritime liability law, which apply well beyond oil spills, threaten to increase dramatically the cost of shipping goods, an increase that will be borne by all American consumers.

Finally, by giving Oil Pollution Act claimants veto power over bankruptcy asset sales of companies with OPA liability, the bill effectively gives these claimants control of the bankruptcy process. However, giving OPA claimants this veto power seriously curtails the rights of other bankruptcy claimants, included secured creditors, pension funds, and other tort victims, and State and local governments.

Because this legislation applies retroactively, there is no reason to push this bill through on suspension without having conducted a single legislative hearing on its sweeping changes.

Let me be clear, Mr. Speaker. Republicans do not want to give BP a free pass. That is why we offered amendments in committee to narrow the scope of this legislation to cover companies like BP that are responsible for oil spills. These amendments were voted down by the majority. But in the Democrats' haste to act before the Fourth of July recess, they are pushing for a bill that would punish all other maritime industries for the faults of BP. That is not fair, and it is not good policy. It would also be a job-killer for many hardworking Americans who had nothing to do with the oil spill.

Rather than cave to political gamesmanship and vote for a bad bill, Congress should do what is best for the American people. As we amend the Federal law to ensure that BP and other responsible parties are held accountable for the full extent of the harm they have caused, we must avoid harming the national interests.

Because we have had no legislative hearings on this bill, we cannot be sure that it does not harm the economy, maritime industries, and American jobs. The bill should be sent back to committee to be examined and amended properly before being brought again to the floor for a vote.

I reserve the balance of my time.

Mr. CONYERS. Before I recognize the next speaker, I yield myself 30 seconds.

I am sure my good friend LAMAR SMITH is not recommending that with all the tragedy and suffering that has occurred in this area of the country, that we go back and go over these same issues one more time. The laws are ancient. They are out-of-date. We had witnesses. We wrote a bill based on it. This process has been done numerous times.

I now with some pride yield 1 minute to the distinguished Speaker of the House, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding, and I am most grateful to

him for bringing this legislation to the floor.

Mr. Speaker, I saw the hope in the eyes of the victims of the oil spill who came to my office. These families came. Eleven of the families were suffering from the loss of a loved one on the rig. They came to me and said that they were on their way to see Chairman CONYERS. They were filled with hope that he would advance the SPILL Act.

I heard their stories. They made their appeal for legislation, about safety, and about the SPILL Act. We held hands. We prayed. They told stories of their loved ones, and they kept coming back to the point that they did not want the families to be forgotten, and they did not want other families who could be the victims of future accidents or incidents of this kind to be forgotten.

Very hopefully and prayerfully, they left the Speaker's office and went to see Mr. CONYERS, with great emotion in terms of the stories they had to tell, but with great wisdom about how their families had been affected and what a difference the SPILL Act would make.

The chairman has very well described it in terms of the Death on the High Seas Act, which would be changed by this legislation, which was passed in the middle of the 19th century and amended dating from the 1920s, as we know. This legislation will modernize it in terms of distance from the shore and who would be compensated for a loss, not just a pecuniary loss, but also pain and suffering.

So I want to thank the chairman because of what I saw in their eyes, the hope they had and the message this legislation will send. More important than all of that, for the difference that it will make in the lives of these people, who are the backbone of America, who work so hard to grow our economy, to keep the community together there.

I want to thank Mr. MELANCON for the important role he has played in representing those people so well and making sure this legislation addresses their concerns.

I once again thank the distinguished chairman for anticipating the needs of these families and meeting them by bringing this bill to the floor.

Mr. SMITH of Texas. Mr. Speaker, before I yield time to my colleague from Texas, I yield myself 1 minute.

Mr. Speaker, I want to respond to what my chairman said just a minute ago and set the record straight. We did not have a single legislative hearing on this bill, so we never even went over it one time to fully appreciate the consequences and the unintended consequences of this bill.

For example, this bill changes maritime law for everyone, not just those involved in the oil spill. Clearly we should have explored the consequences of that.

Beyond that, and I want to emphasize this, this bill, and it is too late to

make any changes because no amendments have been made in order, repeals the vessel owner personal liability fund. That alone is enough of a reason to oppose this bill, that it repeals the personal liability fund that vessel owners today have to have.

Mr. Speaker, I yield 3 minutes to my colleague from Texas (Mr. POE), who is a member of the Judiciary Committee and the deputy ranking member of the Crime Subcommittee.

Mr. POE of Texas. I thank the gentleman from Texas for yielding.

While I support some of the provisions of this legislation, I certainly believe responsible parties for this disaster in the Gulf of Mexico near my home State of Texas, should be held accountable to every extent of the law, and injured individuals and the families of those who have died should be compensated.

However, I wish to address just one provision of this act: The detrimental effect on maritime shipping in the United States if this legislation is passed.

The unintended consequences of H.R. 5503 could be widespread. Among other things, H.R. 5503 repeals the Limitation of Liability Act, which is a drastic fundamental change in American maritime law. This change would end the longstanding practice in the United States that all maritime claims be determined in one Federal forum.

□ 1550

It also ends the limitation on U.S. vessels owners' liability, a limitation which is in place in virtually every other country in the maritime industry. The loss of this limitation will handicap U.S. ship owners in the competitive world of shipping.

H.R. 5503 would cause insurance rates to spin out of control, damaging American maritime industry and putting thousands of American jobs in jeopardy. American shipping is already in serious decline. In fact, there are only 220 United States flagged vessels in a global shipping fleet of 37,000.

I fear this legislation could put our remaining 220 shippers out of business. The maritime industry in the United States would be sunk because they would not be able to obtain insurance to operate. Then, more Americans would be out of work. We should not purposely put any more Americans out of work when jobs are scarce.

Just as the offshore drilling moratorium was hastily enacted by the administration and has since been declared illegal by a Federal judge, this bill is also rushed to the floor, I believe, without consideration of some of the unintended consequences. The consequences of this bill will cause a further disaster because of the Deepwater explosion and put more Americans out of work.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

This is incredible. With all the suffering that has occurred, all the dam-

age that has incurred, we now come here after more than 5 hours worth of hearings on this matter to say that the ship owners won't like the insurance rates, that they won't like that they may be liable, and that's what we're correcting. I deeply resent this kind of attack on a bill of this urgency.

I now yield 1½ minutes to the distinguished gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, Keith Jones' father, Gordon Jones, and I spent several hours together in recent weeks traveling back to Louisiana. A quote that he said, "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 11 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," and to make them right for Michelle and the two boys.

Mr. Speaker, 11 men died in the explosion aboard the Deepwater Horizon oil rig, and as a 90-year old law stands now, the families that lost their loved ones cannot hold those responsible for the harm they have caused them. I have met with the family members of those workers and have seen the pain on their faces. While we cannot relieve these families from the unimaginable grief they will go through for the rest of their lives—losing a husband, a father, a brother, and a son—we fix a law that's clearly outdated and wrong.

When it comes to compensating victims' families, current law is inconsistent, lax, and encourages companies to take risks—gambling with the lives of workers throughout the process. Today, we have the opportunity to change those laws, and the SPILL Act does exactly that. This bill amends the Death on the High Seas Act and the Jones Act so that the surviving relatives can recover some measure of compensation for the loss they have suffered. It is impossible to replace a husband or a father, but just compensation is absolutely necessary to help these families pay their house note, put food on table, educate the children, and live a decent life.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman 1 additional minute.

Mr. MELANCON. We know that current law encourages risky behavior. We've seen through the ongoing investigations into the Horizon disaster that BP chose to ignore safety concerns about the volatility of their well. As a result, hardworking men lost their lives and we have the worst environmental disaster in our Nation's history in the Gulf of Mexico. We can't let current law stand. Congress must act now so that we encourage safe operating policies and hold companies accountable to the highest standard of workplace safety.

I want to thank Chairman CONYERS and the Judiciary Committee for working so swiftly to fix this law, and I urge all my colleagues to side with the victims' families and not the irresponsible corporations.

I urge a "yes" vote.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the National Bankruptcy Conference, a nonpartisan organization of lawyers, professors, and judges, opposes the bankruptcy provisions in this bill. According to the Conference, "the proposed amendments are not likely to achieve their purpose and instead are likely to have pernicious, unintended, and counterproductive consequences."

The nonpartisan National Bankruptcy Conference explains that "by granting a preference to holders of oil spill claims at the expense of other innocent and equally deserving creditors, the provisions in this bill represent bad bankruptcy policy." Moreover, according to the Conference, one of the effects of the bankruptcy provisions in this bill will be to "entrench the very management that presided over the spill and led the company into bankruptcy."

Mr. Speaker, you wonder how anyone can even consider voting for this bill. In short, we should not be rushing these bankruptcy provisions through Congress today. The unintended consequences will be severe, as the National Bankruptcy Conference just told us.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a senior member of the committee.

Ms. JACKSON LEE of Texas. Thank you very much, Chairman CONYERS. We owe you a debt of gratitude.

We are very pleased that we have answered the call of the pain of people like Michelle, and if you can read this language, it says "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." That means, of course, that we are stranded on an island with laws that do not understand the crisis that these families are facing.

These are the pictures of families who have lost loved ones and pictures of their loved ones who we are now standing on the floor of the House to say that any horrific tragedy such as the BP oil spill on April 20, 2010, will not go unanswered, and these families will not remain and be alone. This bill is assuring these families that they will not be alone; that the person or the entity that harmed them will not be able to escape the full extent of the cost of their actions that are inflicted on the people and the communities. It amends the Jones Act, an old law, and brings it in line with the needs of the

21st century, meaning that if you were an engineer on that Deepwater Horizon drill, you are not covered by the present laws; or, for example, the law that was used that was passed in the 1800s where they limited the amount of liability such that one of the actors in this went to court in Houston and wanted to limit their liability to \$23,000. Under the Act in its current form, the family members left behind by seamen killed on the job can only recover economic losses. But it also does not cover those who are not classified as seamen. This bill amends DOHSA and, of course, it provides some very, very important changes that will make the lives of these loved ones left behind better. Without their loved ones, they are not good. But this will make them better.

To the industry, and let me say one that I come from—and I am from the gulf region—and I believe what we are doing today is going to help the shrimpers, the oystermen, the fishermen, and we must continue to do that. We're changing the laws to respond to the current crisis, and we will not leave them alone.

□ 1600

I look forward today to, as well, introducing the Remedies Act of 2010 that will further expand on the rights of families, will invest in R&D to improve what's going on in the gulf. But I want to thank the Judiciary Committee for being first and a leader to help these families.

Mr. Speaker, I rise today in strong support of H.R. 5503, the "Securing Protections for the Injured from Limitations on Liability Act," introduced by Judiciary Committee Chairman JOHN CONYERS. I commend Chairman CONYERS for shepherding this bill through the Judiciary Committee, and am proud to have worked with him on the Manager's Amendment.

This bill makes great steps in reforming aspects of our laws that have grown outdated, and in assuring that those responsible for a variety of harms are not able to escape liability for the full extent of the costs their actions inflict on the people of the communities around them. It amends the Jones Act, a law enacted in 1920, and brings it in line with the needs of the 21st century. Under the Act in its current form, the family members left behind by a seaman killed on the job can only recover for economic losses, sometimes only the expenses of a funeral. There is no provision for damages for the emotional loss of a loved one, the loss of that person's care, comfort, and companionship. H.R. 5503 amends that restriction.

H.R. 5503 also changes another outdated maritime law, the Death on the High Seas Act of 1920. The changes Chairman CONYERS' bill makes to DOHSA will allow those same claims for loss of care, comfort and companionship. This bill will also allow claims under DOHSA to be brought before a court of law, rather than admiralty, and allow a jury to decide the relevant facts. It will allow recovery for the pain and suffering a decedent experiences before his death, and expand the geographic reach of DOHSA.

H.R. 5503 makes other crucial changes. It eliminates certain limits on the liability of ship

owners, remnants from a time when communications were much slower and owners might not be aware of their crews' actions on the other side of the ocean, or the other side of the globe. H.R. 5503 changes our bankruptcy laws, and prevents responsible parties from escaping their liability through misuse of bankruptcy proceedings. Finally, it amends the Class Action Fairness Act to prevent suits brought by the States, on behalf of their citizens, from being removed to languish in Federal courts.

These are all very, very important changes, and I want to state again how glad I am to have been able to work with Chairman CONYERS on these issues. However, there are other harms that the disaster in the Gulf has inflicted, harms that are not addressed in this bill.

Last month, I spent time at the United Command Center in Hammond, Louisiana and flew over the impacted areas to assess the devastating damage to the Gulf region and visited Plaquemarin Parish, Pointe a La Hache (Hash), Louisiana to meet with local oystermen and other individuals affected by the oil spill. My experience left my heart wrenched and even more determined to work with my colleagues to develop an aggressive proactive strategy to assist the victims of the oil spill and to develop measures to prevent it from happening again.

We need a claims process on the Gulf coast to remedy the harm caused by the oil spill before it is compounded by delay and we need to ensure that claims are evaluated and paid through an expedited equitable and transparent process.

There are numerous accounts of concerns of claimants that have underscored the importance of the need for the Federal Government to require that a totally independent claims process is set up to process claims related to the BP oil spill, and that structures are set up to process claims without delay. We know that victims are seeking assistance, but have experienced complicated claims procedures to follow, and have not been able to obtain relief or compensation from BP but rather, a hard way to go and the never-ending claims requirements to satisfy the claims they have brought against BP.

Take the story of Byron Encalade. Mr. Encalade, as owner of his own fishery company, and as President of the Louisiana Oysters Association, has sought to file claims with BP to recover damages suffered as a result of the Gulf oil spill. Unfortunately, Mr. Encalade has had a horrible experience with the ever-changing claims process.

Though Mr. Encalade came with the paperwork he was originally told to provide BP claims adjusters, he was told that he needed to provide his tax statements in order to be compensated for his loss. When inquiring about a second \$5,000 check he was supposed to receive from BP, he was told that the check was in the mail. He has yet to receive the check.

He was also informed that his claim would be based upon his net receipts and not his gross receipts. This policy puts Mr. Encalade and many others in a situation where they cannot recover the full value of their losses due to investments that were made to fishing boats that were lost in Hurricane Katrina. As such, this policy will prevent many fishers and shrimpers from recovering the full value of their loss.

I can also tell you the story of the owner of a small seafood restaurant in Houston, Texas, who I have known for years and have supported. She is in trouble at this very moment, wondering whether her business will remain open to long-time customers like me. Whether she, as a small business owner and woman, can afford to pay the bills and continue to earn a livelihood. Although she is hundreds of miles away from the actual site of the oil spill, she too is a victim. Her restaurant relies on a variety of suppliers of Gulf seafood, and she bills her establishment as one which prides itself on seafood from Louisiana, a part of the Gulf region. So, now she confronts two issues that could prove fatal to her business. One, if the seafood is from the Gulf region or Louisiana in particular, perhaps it is tainted by the oil. Two, the prices of seafood from the Gulf continues to rise, making it impossible for the restaurant to carry certain items. Many items on the menu her patrons can no longer afford. It is the classic Catch-22 situation, and what is clear to me is that unless this Congress acts and acts quickly restaurants like hers will be history.

We need to make sure that victims like her, and like Mr. Encalade, are able to receive compensation for the harms inflicted on them, without the years of litigation that civil suits frequently entail. We need to establish independent claims systems, with established categories that treat fishermen, shrimpers, and other categories of indirect victims appropriately, and with clear and consistent guidelines for what types of proof claimants need, to avoid unnecessary delay.

We need to update the liability cap under the Oil Protection Act, so that responsible parties cannot escape with paying a mere fraction of the damages they inflict. We also need to change the permitting process, so that entities drilling offshore must demonstrate they have a workable Plan B when their Plan A fails; and to establish a requirement that those disaster and spill mitigation plans be reviewed and approved by independent, disinterested experts.

There are additional changes to both the Jones Act and DOHSA we should make. Both laws currently allow only one "personal representative" of a decedent to file claims, and there may be cases where that personal representative does not act in the interest of the parents, children, or other family members who face this terrible loss; we should allow those family members to make claims on their own behalf. We need to amend the Jones Act so that it covers all those injured on our ships, even those who may not meet the technical definition of seaman. Further, we should allow punitive damages under those laws in cases of gross negligence.

As important as it is that we make the victims of this disaster whole, it is equally important to take steps to prevent the next spill of this magnitude. Therefore, we must establish a clear framework for response, so that there is never again a question of who is in charge. The United States is the world leader in science and technology, and it is in our best interest to direct some of our energy towards research and development of technologies that will better enable us to deal with leaks deep below the surface of the ocean, and provide access to those technologies to the appropriate agencies.

Nonetheless, for all that remains to be done, H.R. 5503 is an important step, a necessary

step, towards repairing the harm the disaster in the Gulf has done. Chairman CONYERS has crafted a piece of legislation that I am proud to be associated with, and I urge my colleagues to join with me in supporting it.

Mr. SMITH of Texas. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 10 minutes remaining. The gentleman from Michigan has 5½ minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

As I mentioned in my opening statement, repealing the Limitation of Liability Act hurts victims of maritime accidents. The Limitation of Liability Act provides for the orderly resolution of claims arising out of a maritime accident in one Federal court. It also creates a compensation fund for personal injury claims. Repealing the act eliminates these two important provisions. In many cases, this will result in victims of maritime accidents receiving less compensation than they would under current law.

First, victims will receive less compensation because cases will no longer be consolidated in one Federal court. Consolidation allows victims to share litigation and expert costs and allows for proportional allocation of damage awards. Second, victims will potentially receive less compensation because repealing the act will repeal the personal injury fund. The personal injury fund requires vessel owners to provide compensation over and above the liability cap.

Again, a vote for this bill is a vote to repeal the personal injury fund. Let's not rush this bill through the House today and hurt the very people we're supposed to be trying to help but send it back to committee to be examined and amended properly.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. I yield myself 6 seconds.

I am so disappointed that my dear friends would even suggest that there's a defense for the oil companies, the shipbuilders, and the insurance companies in a situation like this.

I yield 1½ minutes to the gentlewoman from California, MAXINE WATERS, a distinguished leader in the Judiciary Committee.

Ms. WATERS. Thank you very much.

Madam Speaker, I would first like to thank our chairman, JOHN CONYERS. He is always on the case in a timely fashion, providing leadership that is so desperately needed on issues such as this one.

Madam Speaker, I rise in support of H.R. 5503, the Securing Protections for the Injured from Limitations on Liability Act, that is, the SPILL Act. H.R. 5503 is a good first step and must be passed to immediately assist the victims who would otherwise be denied adequate compensation under our current laws. I am very disappointed at some of the arguments that are being

made against this bill by my friends on the opposite side of the aisle.

One of the arguments that they make is the DOHSA provisions of the SPILL Act will allow surviving families to receive undue compensation. Well, let me set the record straight. DOHSA currently provides outdated and uneven compensations for victims on the high seas because it fails to award damages for pain and suffering, loss of care, comfort, and companionship in many cases, including an accident like the Deepwater Horizon explosion.

The changes to DOHSA are not intended to single out any particular industry. The SPILL Act will make Federal law consistent so that the families of all victims on the high seas can receive the compensation they truly deserve. These gross inequities exist because DOHSA, enacted back in 1920, has undergone only one significant update, in 2000, 4 years after the TWA Flight 800 crash.

I would simply ask for support and a vote on H.R. 5503, recognizing the families who have been harmed.

However, we cannot discount the critical needs of entire communities and other individuals whose way of life has been severely impacted by the oil spill. The outlook for little-known communities of black oyster farmers is especially bleak. These small villages of black fishermen have been self-sufficient for generations, relying on the region's wetlands for their economic independence. The challenges these oyster farmers will face must not be excluded in our efforts to help the Gulf Coast. We must ensure that BP and other responsible parties are held liable and accountable to the hundreds of thousands of lives they have destroyed at the expense of cutting costs.

Therefore, while I fully support H.R. 5503, I am very disappointed that critical amendments to the Class Action Fairness Act (CAFA) as well as my amendment that would have legally nullified BP's original attempts to make their \$5,000 payouts legal settlements were taken out of the bill. All we have now is BP's word that they will not enforce these waivers or honor the \$75 million liability cap current law provides. However, this is unacceptable.

In the same manner that the federal government responded to the 9/11 attacks and the economic collapse, we must be equally as vigilant in responding to the crisis in the Gulf Coast.

DOHSA currently provides outdated and uneven compensation for victims on the high seas because it fails to award damages for pain and suffering, and loss of care, comfort, and companionship in many cases—including in accidents like the Deepwater Horizon explosion.

The SPILL Act will make federal law consistent so that the families of all victims on the high seas can receive the compensation they deserve.

These gross inequities exist because DOHSA, enacted in 1920, has undergone only one significant update—in 2000, four years after the TWA Flight 800 crash. Because many of the TWA victims were children who earned no income, Congress narrowly amended DOHSA to grant non-pecuniary damages to family members of commercial airline victims on the high seas, but not for any other deaths on the high seas.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. I am happy now to yield 1½ minutes to the gentlewoman from California, Dr. JUDY CHU, a member of the Judiciary Committee.

Ms. CHU. The gulf oil spill is the worst environmental disaster in our Nation's history. It's devastated the gulf coast and taken lives, lives like Gordon Jones and the 10 other victims of the gulf Horizon explosion.

Congress is making sure that the families of these men receive the justice that they deserve. Current law values the lives of those who die at sea far less than deaths on land, and to relatives not financially dependent on the deceased, it provides nothing but a check for funeral expenses. This is wrong.

It doesn't matter where someone dies. If it's someone else's fault, justice is due. Moreover, these losses go far beyond the value of a pay stub or the costs of a funeral. That's why the SPILL Act ends the outdated devaluations of maritime deaths, and it opens the door for family members to receive damages based upon pain and suffering.

But that's not all it does. Current law limits the liability of Transocean, the company who owned the rig, to just \$25 million. Now, Kim Tran, Vietnamese shrimpers, and all the fishermen of Louisiana know that the damages caused are so much greater, and so does Congress. That's why our bill eliminates those caps and assures that we hold those who caused the spill accountable for the damage they've done, no matter who they might be. That's why I am proud to cosponsor the SPILL Act, and I call on all of my colleagues to vote for it.

Mr. SMITH of Texas. Madam Speaker, I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am happy to yield 1 minute to the gentleman from Iowa, BRUCE BRALEY, a cosponsor of the bill.

Mr. BRALEY of Iowa. Madam Speaker, I am proud to be a cosponsor of the bill, and I thank the chairman for yielding.

As we continue to stop the oil disaster in the gulf coast and clean it up, we must also ensure that the victims of this spill are fairly compensated for their loss. And at our field hearing in Chalmette, Louisiana, we saw firsthand that these individuals, like the brave families who are here today, are being inadequately compensated for the enormous losses they face.

One of the few requests made by Natalie Roshto and Courtney Kemp at that hearing, who testified, was that Congress take the necessary steps to strengthen these laws and ensure their husbands did not die in vain. And when we had our Oversight and Investigation Subcommittee hearing on June 17, I had a chance to question BP Chairman Tony Hayward, and I showed him clips of those widows' testimony, challenging him to listen to their pain and

explain to them how on the anniversaries of the loss of their husbands and the anniversaries of their marriage and the birth of their children and at their children's graduation and their weddings, where is BP and Transocean and Halliburton going to be? That's why we need to pass this bill.

Mr. SMITH of Texas. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, in summary, this bill should be opposed for four reasons:

First, the bill repeals the Limitation of Liability Act, which will actually hurt the victims of maritime accidents. Repealing the act eliminates important protections for maritime victims, including the fund for compensating personal injury victims. This bill, incredibly, repeals the personal injury fund;

Second, the bill amends the Bankruptcy Code in a manner that the National Bankruptcy Conference, a very bipartisan organization, believes will create "pernicious, unintended, and counterproductive consequences" that benefit oil spill claimants "at the expense of other innocent and equally deserving creditors";

Third, the bill was rushed through committee without a single legislative hearing and is being rushed through the House on suspension, without giving Members the opportunity to offer amendments; and

Fourth, because this bill is being rushed through the House, Congress has not been fully informed of the unintended consequences this bill creates for the U.S. maritime industry, which is a large part of the economy of the gulf coast region; the American economy, which relies on U.S. shipping to take goods to and from market; and the victims of maritime accidents, who, in many cases, will actually be hurt by this legislation.

□ 1610

Madam Speaker, I urge all my colleagues to vote "no" on this bill, send it back to committee. Let's improve it, let's amend it, and then bring it back to the floor. I hope my colleagues will vote "no."

I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, this is a bipartisan bill. It's uncomplicated. It revises old law that's been discriminatory and left on the books. It ensures that BP and other corporate violators that caused the Deepwater Horizon explosion-resulting oil spill are held accountable under the law.

This is not going to hurt the victims. The victims came before the committee and testified in favor of this kind of relief. So for us now to think that we're inadvertently doing some harm to those who have lost their loved ones is untenable and uncontestable.

I urge that all of us cast as near unanimous vote as possible in support of this legislation and correct the injustices that have been caused by this

incredible, extensive, and terrible accident.

And I include in my closing remarks the support of nine other organizations.

The International Cruise Victims Association

The National Center for Victims of Crime
The National Organization of Parents of Murdered Children

Public Citizen
Alliance for Justice
National Consumers League
Consumer Watchdog
Center for Justice & Democracy
Center for Biological Diversity
Friends of the Earth
U.S. Action

Mr. NADLER of New York. Madam Speaker, I rise in support of H.R. 5503, the Securing Protections for the Injured from Limitations on Liability (SPILL) Act.

Two months ago, the Deepwater Horizon oil platform exploded in the Gulf of Mexico. That tragedy cost the lives of eleven people and injured at least seventeen others, dealing a horrific blow to the lives of their loved ones, family members, and friends. The explosion and subsequent oil spill devastated the entire Gulf area and continues each day to wreak havoc on the way of life and environment of the region. Congress must act to address this disaster and in the coming weeks, we will.

Today, the House is considering H.R. 5503. This legislation, which I worked on in the Judiciary Committee, addresses problems that have come to light as a result of the explosion in the Gulf of Mexico.

The bill would provide long-overdue rights to the survivors of those killed off our shores, including allowing recovery for non-economic damages. It also would repeal an antiquated law which could have shielded Transocean from its true liability in this disaster. The big corporations like Transocean and BP, whose malfeasance caused this disaster, must not be able to elude their true responsibility.

I want to thank Chairman CONYERS for his work on the bankruptcy provisions of this bill as well. The rights of individuals, small businesses, and communities injured by this catastrophic act of corporate wrongdoing must be protected, and this bill reflects that concern. We also must make sure that we protect those rights in a way that does not destroy the rights of other parties, including employees, retirees, and small businesses who are also owed money by the polluter, that preserves going concern value, and that does not shelter entrenched management. The modified language reflects the ongoing effort to address these important concerns, and I look forward to working with the Chairman to perfect these protections.

I do want to say, however, that I am disappointed with a few changes that have been made since the bill passed the Judiciary Committee. A provision to deny the enforceability of "gag orders" that reportedly were being used by BP has been removed. Such secrecy agreements only serve to deny the public access to necessary information. And, a common sense change to the Class Action Fairness Act to ensure states could pursue actions on behalf of their own citizens in state court was stripped as well.

Despite these changes, this bill represents needed reforms to compensate, as much as possible, those injured and the families of

those killed in this disaster and similar events in the future. I want to applaud Chairman CONYERS for his leadership in pushing H.R. 5503 forward. I urge all Members to support it.

Mr. VAN. HOLLEN. Madam Speaker, I rise in strong support of the Securing Protections for the Injured from Limitations on Liability (SPILL) Act (H.R. 5503).

On this, we should surely agree: the lives of those lost at sea are just as precious as the lives of those lost on land—and the law should treat them that way.

Today's legislation modernizes our maritime laws to ensure that the families of those killed or injured in the BP Oilspill have an opportunity to be justly compensated for their losses, and will provide equal justice for all future victims of maritime disasters.

Madam Speaker, as we work to hold the responsible parties accountable for the ongoing tragedy in the Gulf, the Spill Act keeps faith with the families most directly impacted by the disaster. I commend Chairman CONYERS and the Judiciary Committee for bringing this legislation to the floor today. I urge my colleagues' support.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5503, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BARRING POLITICAL SPENDING BY LOBBYISTS WHOSE CLIENTS INCLUDE STATE SPONSORS OF TERRORISM

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5609) to amend the Federal Election Campaign Act of 1971 to prohibit any registered lobbyist whose clients include foreign governments which are found to be sponsors of international terrorism or include other foreign nationals from making contributions and other campaign-related disbursements in elections for public office, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITING LOBBYING ACTIVITIES ON BEHALF OF STATE SPONSORS OF TERRORISM.

The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following new section:

"SEC. 27. PROHIBITING LOBBYING ACTIVITIES ON BEHALF OF STATE SPONSORS OF TERRORISM.

"No person may perform lobbying activities on behalf of a client which is a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act),