

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	McCaul	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."

(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.