

112TH CONGRESS  
1ST SESSION

# S. 594

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

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IN THE SENATE OF THE UNITED STATES

MARCH 16, 2011

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

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## 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” and inserting “all claims against

1 each responsible party for removal costs or damages under  
2 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 with respect to a discharge of oil into or  
17 on the navigable waters, adjoining shorelines, or the  
18 exclusive economic zone of the State is not within  
19 the original jurisdiction of the United States district  
20 courts, and is therefore not removable, unless—

21 “(A) a Federal claim is pleaded in addition  
22 to claims arising under State law; or

23 “(B) the action is otherwise removable  
24 based on diversity of citizenship pursuant to  
25 section 1332 of 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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