

## **Deepwater Horizon Survivors Fairness Act - Section by Section**

### **Section 1 – Short Title**

Section 1 provides that the bill may be cited as the “Deepwater Horizon Survivors Fairness Act”.

### **Section 2 – Amendment of Shipowners’ Liability Act of 1851**

This section amends the Limitation of Shipowners’ Liability Act of 1851 (LOLA). Under LOLA, an owner of a vessel can limit liability for all claims arising from an incident involving the vessel to its post-voyage value and that of its cargo. Under current provisions of Title 46, United States Code, governing maritime liability, the owner of a vessel may bring a civil action in federal district court to limit owner liability with respect to: (1) damage done to goods onboard the vessel; (2) damage by collision to other vessels and their cargo; and (3) any other damage or forfeiture done or incurred without the privity or knowledge of the owner (including personal injury and death). Section 2 would amend the relevant sections in chapter 305 of title 46, United States Code, which comprise this law, to clarify that claims for personal injury or wrongful death arising from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, are not subject to the limitation.

### **Section 3 – Amendment of the Death on the High Seas Act**

Section 2 amends chapter 303 of title 46 to enhance remedies against any negligent parties for wrongful death on the high seas for the surviving families of the eleven deceased workers aboard the *Deepwater Horizon*. This section would provide the families of the eleven workers the ability to recover fair compensation for the deceased’s pecuniary and nonpecuniary loss, plus a fair compensation for their pain and suffering. Current law provides decedents the ability to recover only pecuniary damages (lost lifetime wages) from negligent parties.

### **Section 4 – Amendment of Jones Act**

Section 4 amends chapter 301 of title 46 to provide the families of the eleven deceased workers aboard the *Deepwater Horizon* the ability to recover nonpecuniary losses (loss of care, comfort, companionship, and society) from employers. Chapter 301 of title 46—commonly known as the Jones Act—provides the same rights to recovery for seamen as is available to railway employees under the Federal Employees Liability Act (FELA). Only seaman can recover damages under chapter 301 of title 46 (a seaman defined as an individual with a substantial connection to a vessel or a fleet of commonly owned vessels.) Current law provides the survivors of certain seamen killed as a result of their employer’s negligence with wrongful death and survival claims. Section 4 would provide the families of the eleven workers the ability to recover fair compensation for the deceased’s pecuniary and nonpecuniary loss, plus a fair compensation for their pain and suffering against a negligent employer.

### **Section 5 – Multidistrict Litigation for Certain Civil Actions**

Section 5 provides that plaintiffs in a civil action for personal injury or wrongful death arising from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* may elect to opt out of federal or state multidistrict litigation.

**Section 6 – Effective Date**

Section 6 provides that all amendments to existing statutes shall apply to causes of action and claims arising after April 19, 2010 and actions commenced before the date of enactment of this Act that have not been finally adjudicated