



Clean Energy Jobs^{and} Oil Company Accountability Act

Fairness in Admiralty and Maritime Law

Background

The Deepwater Horizon oil spill has increased the nation's attention to the different admiralty and maritime laws that provide liability protection. The laws that have attracted the most attention of Congress include the *Death on the High Seas Act*, *Merchant Marine Act of 1920* (Jones Act), and the *Limitation of Shipowners' Liability Act*.

Importance

These admiralty and maritime laws have become antiquated and without change, will continue to provide perverse liability protections that can be used to even deny or significantly limit wrongful death claimants and deny the ability of decedents of family members to recover non-pecuniary losses.

For instance, Transocean, the owner of the Deepwater Horizon, is attempting to use the *Limitation of Shipowners' Liability Act of 1851* to limit its liability from the Deepwater Horizon oil spill to less than \$27 million.

In addition, the *Death on the High Seas Act* maintains that the families of the victims may only receive pecuniary damages, such as the future lost wages (minus income taxes and amount likely consumed by the deceased). Therefore, the party or parties responsible for the death of the individual is provided with an unlimited amount of liability for non-pecuniary damages (pain, suffering or emotional trauma).

Legislation

The Clean Energy Jobs and Oil Company Accountability Act would help to correct these antiquated laws by:

- Repealing the *Limitation of Shipowners' Liability Act of 1851*;
- Amending the *Death on the High Seas Act* to permit recovery of non-pecuniary damages; and

The Clean Energy Jobs and Oil Company Accountability Act would also make these changes effective to causes of action and claims arising after April 19, 2010, as well as actions commenced before the date of enactment that have not been finally adjudicated.