

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend title 46, United States Code, to provide for a cause of action by the family of a military service member who dies from a collision on the high seas, and for other purposes.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4049

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. MCSALLY

Viz:

1 At the end of subtitle E of title X, add the following:

2 **SEC. _____. AMENDMENTS TO TITLE 46.**

3 (a) IN GENERAL.—Chapter 303 of title 46, United
4 States Code, is amended—

5 (1) by redesignating section 30308 as section
6 30309; and

7 (2) by inserting after section 30307 the fol-
8 lowing:

1 **“§ 30308. Death of a member of the Armed Forces**
2 **from a collision on the high seas.**

3 “(a) DEFINITION.—In this section, the term ‘non-
4 pecuniary damages’ means damages for loss of care, com-
5 fort, or companionship.

6 “(b) MILITARY SERVICE MEMBERS.—In an action
7 under this chapter, if the death of a member of the Armed
8 Forces resulted from a collision occurring on the high seas
9 beyond 12 nautical miles from the shore of the United
10 States while the decedent was serving physically on board
11 a United States military vessel, the personal representa-
12 tive of the decedent may bring a civil action in admiralty
13 or at law against the person or vessel responsible. The ac-
14 tion shall be for the exclusive benefit of the decedent’s
15 spouse, parent, child, dependent relative, or estate. Com-
16 pensation is recoverable for nonpecuniary and pecuniary
17 damages.

18 “(c) JURY TRIAL.—A claim under this section may
19 be tried with a jury.

20 “(d) GOVERNING LAW.—In an action under this sec-
21 tion, the maritime law of the United States shall apply.

22 “(e) EFFECTIVE DATE.—This section shall apply to
23 any death occurring after January 1, 2017.

24 “(f) GOVERNMENT IMMUNITY.—Nothing in this Act
25 shall be construed to affect any existing laws or doctrines

1 establishing governmental immunity from tort-based
2 claims.”.

3 (b) CLERICAL AMENDMENT.—The analysis at the be-
4 ginning of such chapter is amended—

5 (1) by redesignating the item relating to section
6 30308 as the item relating to section 30309; and

7 (2) by inserting after the item relating to sec-
8 tion 30307 the following:

“30308. Death of a member of the Armed Forces from a collision on the high
seas.”.