

116TH CONGRESS
2D SESSION

S. 4111

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

JUNE 30, 2020

Ms. MCSALLY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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.

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 “Fairness for Families
5 of Fallen Sailors Act”.

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

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

1 (1) by redesignating section 30308 as section
2 30309; and

3 (2) by inserting after section 30307 the fol-
4 lowing:

5 **“§ 30308. Death of a member of the Armed Forces**
6 **from a collision on the high seas.**

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

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

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

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

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

3 “(f) GOVERNMENT IMMUNITY.—Nothing in this Act
4 shall be construed to affect any existing laws or doctrines
5 establishing governmental immunity from tort-based
6 claims.”.

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

9 (1) by redesignating the item relating to section
10 30308 as the item relating to section 30309; and

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

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

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