

116TH CONGRESS  
2D SESSION

# H. R. 6277

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 an accident on the high seas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2020

Ms. ESCOBAR (for herself and Mr. RODNEY DAVIS of Illinois) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 an accident 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. AMENDMENTS TO TITLE 46.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Fairness for Families of Fallen Sailors Act”.

6 (b) **IN GENERAL.**—Chapter 303 of title 46, United  
7 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 an accident 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 an accident occurring on the high  
13          seas beyond 12 nautical miles from the shore of the United  
14          States while the decedent was serving aboard a United  
15          States military vessel, the personal representative of the  
16          decedent may bring a civil action in admiralty or at law  
17          against the person or vessel responsible. The action shall  
18          be for the exclusive benefit of the decedent’s spouse, par-  
19          ent, child, dependent relative, or estate. Compensation is  
20          recoverable for nonpecuniary and pecuniary damages.

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

23          “(d) EFFECTIVE DATE.—The amendments made by  
24          subsections (a), (b), (c), and (d) shall apply to any death  
25          occurring after January 1, 2017.

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

5       (c) CLERICAL AMENDMENT.—The analysis at the be-  
6 ginning of such chapter is amended—

7           (1) by redesignating the item relating to section  
8       30308 as the item relating to section 30309; and

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

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

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