

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.

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## 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

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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 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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