

**AMENDMENT TO RULES COMMITTEE PRINT 118-**

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**OFFERED BY MS. ESCOBAR OF TEXAS**

At the end of subtitle D of title XXXV, insert the following:

1 **SEC. 35\_\_ . DEATH OF A MEMBER OF THE ARMED FORCES**  
2 **FROM AN ACCIDENT ON THE HIGH SEAS.**

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:

9 **“§ 30308. Death of a member of the armed forces from**  
10 **an accident on the high seas**

11 “(a) CIVIL ACTION.—In an action under this chapter,  
12 if the death of a member of the Armed Forces resulted  
13 from an accident occurring on the high seas beyond 12  
14 nautical miles from the shore of the United States while  
15 the decedent was serving aboard a United States military  
16 vessel, the personal representative of the decedent may  
17 bring a civil action in admiralty or at law against the per-  
18 son or vessel responsible. The action shall be for the exclu-

1 sive benefit of the decedent's spouse, parent, child, de-  
2 pendent relative, or estate. Compensation is recoverable  
3 for nonpecuniary and pecuniary damages.

4 “(b) JURY TRIAL.—A claim under this section may  
5 be tried with a jury.

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

8 “(d) GOVERNMENT IMMUNITY.—Nothing in this Act  
9 shall be construed to affect any existing laws or doctrines  
10 establishing governmental immunity from tort-based  
11 claims.

12 “(e) NONPECUNIARY DAMAGES DEFINED.—In this  
13 section, the term ‘nonpecuniary damages’ means damages  
14 for loss of care, comfort, or companionship.”

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

17 (1) by redesignating the item relating to section  
18 30308 as the item relating to section 30309; and

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

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

