

**AMENDMENT TO RULES COMMITTEE PRINT FOR
H.R. 6395
OFFERED BY MS. ESCOBAR OF TEXAS**

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

1 **SEC. 35__ . MARITIME LIABILITY FOR DEATHS ON HIGH**
2 **SEAS.**

3 (a) **BENEFIT OF CAUSE OF ACTION.**—Section 30302
4 of title 46, United States Code, is amended—

5 (1) by striking “When” and inserting “(a) IN
6 **GENERAL.**—When”;

7 (2) by striking “or dependent relative” and in-
8 serting “dependent relative, or estate”; and

9 (3) by adding at the end the following new sub-
10 sections:

11 “(b) **GOVERNING LAW.**—In an action under this sec-
12 tion, the maritime law of the United States shall apply.

13 “(c) **GOVERNMENT IMMUNITY.**—Nothing in this sec-
14 tion shall be construed to affect any existing laws or doc-
15 trines establishing governmental immunity from tort-
16 based claims.”.

17 (b) **AMOUNT AND APPORTIONMENT OF RECOVERY.**—
18 Section 30303 of such title is amended—

1 (1) by striking “The recovery” and inserting
2 “(a) IN GENERAL.—The recovery”;

3 (2) by inserting “or nonpecuniary” after “pecu-
4 niary”; and

5 (3) by adding at the end the following new sub-
6 sections:

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

9 “(c) GOVERNMENT IMMUNITY.—Nothing in this sec-
10 tion shall be construed to affect any existing laws or doc-
11 trines establishing governmental immunity from tort-
12 based claims.”.

13 (c) DEATH OF PLAINTIFF IN PENDING ACTION.—
14 Section 30305 of such title is amended—

15 (1) by striking “If a civil action” and inserting
16 “(a) IN GENERAL.—If a civil action”; and

17 (2) by adding at the end the following new sub-
18 sections:

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

21 “(c) GOVERNMENT IMMUNITY.—Nothing in this sec-
22 tion shall be construed to affect any existing laws or doc-
23 trines establishing governmental immunity from tort-
24 based claims.”.

1 (d) FOREIGN CAUSE OF ACTION.—Section 30306 of
2 such title is amended—

3 (1) by striking “When” and inserting “(a) IN
4 GENERAL.—When”; and

5 (2) by adding at the end the following new sub-
6 sections:

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

9 “(c) GOVERNMENT IMMUNITY.—Nothing in this sec-
10 tion shall be construed to affect any existing laws or doc-
11 trines establishing governmental immunity from tort-
12 based claims.”.

13 (e) AVIATION ACCIDENTS.—

14 (1) IN GENERAL.—Section 30307 of such title
15 is amended—

16 (A) in the section heading, by striking
17 “**Commercial aviation**” and inserting
18 “**Aviation**”;

19 (B) in each of subsections (b) and (c), by
20 striking “commercial”; and

21 (C) by adding at the end the following new
22 subsections:

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

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

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of chapter 303 of such title
7 is amended by striking the item relating to section
8 30307 and inserting the following new item:

“30307. Aviation accidents.”.

9 (f) AVAILABILITY OF JURY TRIALS.—Such title is
10 further amended—

11 (1) in section 30302, by inserting “or at law”
12 after “in admiralty”;

13 (2) in section 30305, by inserting “or at law”
14 after “in admiralty”; and

15 (3) in section 30306, by inserting “or at law”
16 after “in admiralty”.

17 (g) EFFECTIVE DATE.—The amendments made by
18 this section shall apply with respect to a death occurring
19 on or after January 1, 2017.

