AMENDMENT TO RULES COMMITTEE PRINT 115–23

OFFERED BY MR. HUNTER OF CALIFORNIA

At the end of title XXXV add the following:

SEC. 11. RECOURSE FOR NON-U.S. SEAMEN.

Section 57103 of title 46, United States Code, is amended by adding at the end the following:

“(g) RESTRICTION.—(1) Notwithstanding section 30104, a claim for damages or expenses relating to personal injury, illness, or death of a seaman who is a citizen of a foreign nation, arising during or from the engagement of the seaman by or for a passenger vessel duly registered under the laws of a foreign nation or a vessel identified as obsolete under subsection (a) or acquired under chapter 563, may not be brought under the laws of the United States if—

“(A) such seaman was not a legal permanent resident of the United States at the time the claim arose;

“(B) the injury, illness, or death arose outside the territorial waters of the United States;

and
“(C) the seaman or the seaman’s personal representative has or had a right to seek compensation for the injury, illness, or death in, or under the laws of—

“(i) the nation in which the vessel was registered at the time the claim arose; or

“(ii) the nation in which the seaman maintained citizenship or residency at the time the claim arose.

“(2) COMPENSATION DEFINED.—As used in paragraph (1), the term ‘compensation’ means—

“(A) a statutory workers’ compensation remedy that complies with Standard A4.2 of Regulation 4.2 of the Maritime Labour Convention, 2006; or

“(B) in the absence of the remedy described in paragraph (1), a legal remedy that complies with Standard A4.2 of Regulation 4.2 of the Maritime Labour Convention, 2006, that permits recovery for lost wages, pain and suffering, and future medical expenses.”.