

AMENDMENT TO RULES COMMITTEE PRINT 115-

23

OFFERED BY MR. HUNTER OF CALIFORNIA

At the end of title XXXV add the following:

1 **SEC. ____ . RECOURSE FOR NON-U.S. SEAMEN.**

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

4 “(g) RESTRICTION.—(1) Notwithstanding section
5 30104, a claim for damages or expenses relating to per-
6 sonal injury, illness, or death of a seaman who is a citizen
7 of a foreign nation, arising during or from the engagement
8 of the seaman by or for a passenger vessel duly registered
9 under the laws of a foreign nation or a vessel identified
10 as obsolete under subsection (a) or acquired under chapter
11 563, may not be brought under the laws of the United
12 States if—

13 “(A) such seaman was not a legal perma-
14 nent resident of the United States at the time
15 the claim arose;

16 “(B) the injury, illness, or death arose out-
17 side the territorial waters of the United States;
18 and

1 “(C) the seaman or the seaman’s personal
2 representative has or had a right to seek com-
3 pensation for the injury, illness, or death in, or
4 under the laws of—

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

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

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

12 “(A) a statutory workers’ compensation
13 remedy that complies with Standard A4.2 of
14 Regulation 4.2 of the Maritime Labour Conven-
15 tion, 2006; or

16 “(B) in the absence of the remedy de-
17 scribed in paragraph (1), a legal remedy that
18 complies with Standard A4.2 of Regulation 4.2
19 of the Maritime Labour Convention, 2006, that
20 permits recovery for lost wages, pain and suf-
21 fering, and future medical expenses.”.

