

117TH CONGRESS  
1ST SESSION

# H. R. 5584

To amend title 46, United States Code, to provide for a cause of action by the family of a person who dies from an accident on the high seas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2021

Ms. ESCOBAR introduced the following bill; which was referred to the  
Committee on the Judiciary

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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 person who dies from an accident 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 Fallen  
5       Sailors Act”.

6       **SEC. 2. AMENDMENTS TO DEATH ON THE HIGH SEAS ACT.**

7       (a) CAUSE OF ACTION.—Section 30302 of title 46,  
8       United States Code, is amended to read as follows:

1 **“§ 30302. Cause of action**

2 “When the death of an individual is caused by wrong-  
 3 ful act, neglect, or default occurring on the high seas be-  
 4 yond 3 nautical miles from the shore of the United States,  
 5 the personal representative of the decedent or the dece-  
 6 dent’s estate may bring a civil action in admiralty or in  
 7 law against the person or vessel responsible. The action  
 8 shall be for the exclusive benefit of the decedent’s spouse,  
 9 parent, child, estate, or dependent relative.”.

10 (b) AMOUNT AND APPORTIONMENT OF RECOVERY.—

11 Section 30303 of title 46, United States Code, is amended  
 12 by inserting “, the pre-death pain and suffering of the de-  
 13 cedent, and non-pecuniary damages for the loss of care,  
 14 comfort, and companionship of a family member of a dece-  
 15 dent” after “action is brought”.

16 (c) AVIATION ACCIDENTS.—Section 30307 of title  
 17 46, United States Code, is amended—

18 (1) in the section heading by striking “**Com-**  
 19 **mercial aviation**” and inserting “**Aviation**”;  
 20 and

21 (2) by striking “commercial” each place it ap-  
 22 pears.

23 (d) CONFORMING AMENDMENT.—The analysis for  
 24 chapter 303 of title 46, United States Code, is amended

- 1 by striking the item relating to section 30307 and insert-
- 2 ing the following:

“30307. Aviation accidents.”.

