

Blumenthal\_5 (as modified)

Richard Blumenthal

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide authorization for nonpecuniary damages in an action resulting from a cruise ship accident occurring on the high seas, and to provide for medical standards on vessels.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 2297

To authorize appropriations for the Coast Guard, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 At the end of title IV, add the following:

2 ~~SEC. \_\_\_\_ . HAMMERS' LAW.~~

3 (a) ~~SHORT TITLE.~~ This section may be cited as the  
4 "Hammers' Law".

5 (b) ~~LIMITATIONS IN CERTAIN CASES.—~~

6 (1) ~~IN GENERAL.—~~Section 30307 of title 46,  
7 United States Code, is amended—

8 (A) ~~in the section heading, by striking~~  
9 "~~Commercial aviation accidents~~" and  
10 inserting "~~Limitations in certain cases~~";

1 (B) by striking subsection (a) and insert-  
2 ing the following:

3 “(a) DEFINITIONS.—In this section:

4 “(1) CRUISE SHIP.—The term ‘cruise ship’  
5 means a passenger vessel, other than a vessel of the  
6 United States operated by the Federal Government  
7 or a vessel owned and operated by a State, that—

8 “(A) is authorized to carry at least 250  
9 passengers;

10 “(B) has onboard sleeping facilities for  
11 each passenger;

12 “(C) is on a voyage that embarks or dis-  
13 embarks passengers in the United States; and

14 “(D) is not engaged on a coastwise voyage.

15 “(2) NONPECUNIARY DAMAGES.—The term  
16 ‘nonpecuniary damages’ means damages for loss of  
17 care, comfort, and companionship.”;

18 (C) in subsection (b), by inserting “or  
19 cruise ship” after “commercial aviation”; and

20 (D) in subsection (c), by inserting “or  
21 cruise ship” after “commercial aviation”.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
23 tions for chapter 303 of title 46, United States  
24 Code, is amended by striking the item relating to  
25 section 30307 and inserting the following:

“30307. Limitations in certain cases.”

1 (c) MEDICAL STANDARDS.—

2 (1) IN GENERAL.—Section 3507 of title 46,  
3 United States Code, is amended—

4 (A) in subsection (d)—

5 (i) in paragraph (3)—

6 (I) in subparagraph (A), by re-  
7 designating clauses (i) and (ii) as sub-  
8 clauses (I) and (II), respectively; and

9 (II) by redesignating subpara-  
10 graphs (A), (B), and (C) as clauses  
11 (i), (ii), and (iii), respectively;

12 (ii) in paragraph (5), by redesignating  
13 subparagraphs (A) and (B) as clauses (i)  
14 and (ii), respectively;

15 (iii) by redesignating paragraphs (1)  
16 through (5) as subparagraphs (A) through  
17 (E), respectively; and

18 (iv) by striking “The owner” and in-  
19 serting the following:

20 “(1) IN GENERAL.—The owner”;

21 (B) in subsection (e)—

22 (i) in paragraph (1)—

23 (I) in the matter preceding sub-  
24 paragraph (A), by striking “under

1 ~~subsection (d)” and inserting “under~~  
2 ~~paragraph (1)”~~; and

3 ~~(H) by redesignating subpara-~~  
4 ~~graphs (A), (B), and (C) as clauses~~  
5 ~~(i), (ii), and (iii), respectively;~~

6 ~~(ii) by redesignating paragraphs (1)~~  
7 ~~and (2) as subparagraphs (A) and (B), re-~~  
8 ~~spectively; and~~

9 ~~(iii) by striking “(c)” and all that fol-~~  
10 ~~lows through “The master” and inserting~~  
11 ~~the following:~~

12 ~~“(2) CONFIDENTIALITY OF SEXUAL ASSAULT~~  
13 ~~EXAMINATION AND SUPPORT INFORMATION.—The~~  
14 ~~master”~~; and

15 ~~(C) by inserting after subsection (d) the~~  
16 ~~following:~~

17 “(e) MEDICAL STANDARDS.—The owner of a vessel  
18 to which this section applies shall ensure that—

19 “(1) a physician is always present and available  
20 to treat any passengers who may be on board the  
21 vessel in the event of an emergency situation;

22 ~~“(2) there are a sufficient number of qualified~~  
23 ~~medical staff on the vessel to treat the number of~~  
24 ~~passengers who may be on board the vessel, as de-~~  
25 ~~termined by the Secretary, by regulation;~~

**2**

5

1           “(3) the vessel is in compliance with the Health  
2           Care Guidelines for Cruise Ship Medical Facilities  
3           established by the American College of Emergency  
4           Physicians, ~~or any successor standard;~~

5           “(4) if a United States citizen dies onboard the  
6           vessel and the citizen’s next of kin requests that the  
7           citizen’s body return to the United States on the  
8           vessel, such request is granted;

9           “(5) every crew member on the vessel has re-  
10          ceived basic life support training and is certified in  
11          cardiopulmonary resuscitation;

12          “(6) every crew member on a vessel leaving  
13          from or en route to a United States port of call has  
14          a basic understanding of the English language;

15          “(7) automated external defibrillators are—

16                 “(A) placed throughout the vessel in clear-  
17                 ly designated locations; and

18                 “(B) available for passenger access in the  
19                 event of an emergency; and

20          “(8) the initial safety briefing given to the pas-  
21          sengers on the vessel includes—

22                 “(A) the location of the vessel’s medical fa-  
23                 cilities;

24                 “(B) the appropriate steps passengers  
25                 should follow during a medical emergency;

1                   ~~“(C) the location and proper use of auto-~~  
2                   ~~mated external defibrillators; and~~

3                   ~~“(D) the proper way to report an incident~~  
4                   ~~or to seek security assistance in the event of a~~  
5                   ~~medical emergency.”.~~

6                   ~~(2) EFFECTIVE DATE.—The amendments made~~  
7                   ~~by paragraph (1) shall take effect on the date that~~  
8                   ~~is 180 days after the date of the enactment of this~~  
9                   ~~Act.~~