

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

Purpose: To amend title 46, United States Code, to add provisions related to penalty wages and recourse for noncitizens.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S. 2829**

To amend and enhance certain maritime programs of the Department of Transportation, 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 Mr. SULLIVAN (for himself and Mr. WICKER) to the amendment (No. \_\_\_\_\_) proposed by Mr. NELSON

Viz:

- 1 At the end, add the following:
- 2 **SEC. \_\_\_\_ . PENALTY WAGES.**
- 3 (a) FOREIGN AND INTERCOASTAL VOYAGES.—Sec-
- 4 tion 10313(g) of title 46, United States Code, is amend-
- 5 ed—
- 6 (1) in paragraph (2)—
- 7 (A) by striking “all claims in a class action
- 8 suit by seamen” and inserting “each claim by
- 9 a seaman”; and

1 (B) by striking “the seamen” and inserting  
2 “the seaman”; and  
3 (2) in paragraph (3)—

4 (A) by striking “class action”; and

5 (B) in subparagraph (B), by striking “, by  
6 a seaman who is a claimant in the suit,” and  
7 inserting “by the seaman”.

8 (b) COASTWISE VOYAGES.—Section 10504(c) of such  
9 title is amended—

10 (1) in paragraph (2)—

11 (A) by striking “all claims in a class action  
12 suit by seamen” and inserting “each claim by  
13 a seaman”; and

14 (B) by striking “the seamen” and inserting  
15 “the seaman”; and

16 (2) in paragraph (3)—

17 (A) by striking “class action”; and

18 (B) in subparagraph (B), by striking “, by  
19 a seaman who is a claimant in the suit,” and  
20 inserting “by the seaman”.

21 **SEC. \_\_\_\_ . RECOURSE FOR NONCITIZENS.**

22 Section 30104 of title 46, United States Code, is  
23 amended—

24 (1) by inserting “(a) IN GENERAL.—” before  
25 the first sentence; and

1 (2) by adding at the end the following:

2 “(b) RESTRICTION ON RECOVERY FOR NON-  
3 RESIDENT ALIENS EMPLOYED ON FOREIGN PASSENGER  
4 VESSELS.—A claim for damages or expenses relating to  
5 personal injury, illness, or death of a seaman who is a  
6 citizen of a foreign nation, arising during or from the en-  
7 gagement of the seaman by or for a passenger vessel duly  
8 registered under the laws of a foreign nation, may not be  
9 brought under the laws of the United States if—

10 “(1) such seaman was not a permanent resident  
11 alien of the United States at the time the claim  
12 arose;

13 “(2) the injury, illness, or death arose outside  
14 the territorial waters of the United States; and

15 “(3) the seaman or the seaman’s personal rep-  
16 resentative has or had a right to seek compensation  
17 for the injury, illness, or death in, or under the laws  
18 of—

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

21 “(B) the nation in which the seaman main-  
22 tained citizenship or residency at the time the  
23 claim arose.

24 “(c) COMPENSATION DEFINED.—As used in sub-  
25 section (b), the term ‘compensation’ means—

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

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