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.


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  "Hammer's 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 "Commercial aviation accidents" and

9  inserting "Limitations in certain cases";
2

(B) by striking subsection (a) and inserting the following:

“(a) DEFINITIONS. In this section:

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

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

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

“(C) is on a voyage that embarks or disembarks passengers in the United States; and

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

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

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

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

(2) CLERICAL AMENDMENT.—The table of sections for chapter 303 of title 46, United States Code, is amended by striking the item relating to section 80307 and inserting the following:

“20005. Limitations in certain cases.”
(c) **Medical Standards.**—

(1) **In General.**—Section 3507 of title 46, United States Code, is amended—

(A) in subsection (d)—

(i) in paragraph (5)—

(I) in subparagraph (A), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(II) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

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

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

(iv) by striking "The owner" and inserting the following:

"(1) **In General.**—The owner";

(B) in subsection (e)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "and"
subsection (d)” and inserting “under paragraph (1),” and—

(II) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and

(iii) by striking “(c)” and all that follows through “The master” and inserting

the following:

“(2) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION. — The

master”, and

(C) by inserting after subsection (d) the following:

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

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

“(2) there are a sufficient number of qualified medical staff on the vessel to treat the number of passengers who may be on board the vessel, as determined by the Secretary, by regulation;
"(4) the vessel is in compliance with the Health Care Guidelines for Cruise Ship Medical Facilities established by the American College of Emergency Physicians, or any successor standard;

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

"(5) every crew member on the vessel has received basic life support training and is certified in cardiopulmonary resuscitation;

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

"(7) automated external defibrillators are—

"(A) placed throughout the vessel in clearly designated locations, and

"(B) available for passenger access in the event of an emergency, and

"(8) the initial safety briefing given to the passengers on the vessel includes—

"(A) the location of the vessel’s medical facilities;

"(B) the appropriate steps passengers should follow during a medical emergency,"
"(C) the location and proper use of automated external defibrillators; and

"(D) the proper way to report an incident or to seek security assistance in the event of a medical emergency.");

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