HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30104(a)	46 App.:688(a) (1st sentence).	Mar. 4, 1915, ch. 153, § 20(a), 38 Stat. 1185; June 5, 1920, ch. 250, § 33, 41 Stat. 1007; Pub. L. 97–389, title V, § 503(a)(1), Dec. 29, 1982, 96 Stat. 1955.
30104(b)	46 App.:688(a) (last sentence).	

In subsection (a), the words ''A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman'' are substituted for ''Any seaman who shall suffer personal injury in the course of his employment'' and ''in case of the death of any seaman as a result of any such personal injury the personal representative'' to eliminate unnecessary words. The words ''bring a civil action'' are substituted for ''maintain an action'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''for damages'' are omitted as unnecessary. The words ''against the employer'' are added for clarity. The words ''Laws of the United States regulating recovery for personal injury to, or death of, a railway employee'' are substituted for ''all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees'' and ''all statutes of the United States conferring or regulating the right of action for death in the case of railway employees'' to eliminate unnecessary words.

In subsection (b), the words ''An action under this section shall be brought'' are substituted for ''Jurisdiction in such actions shall be under'' because 46 App. U.S.C. 688(a) (last sentence) provides for venue, not jurisdiction. *Panama R.R. Co. v. Johnson*, 264 U.S. 375 (1924). As to the relationship between 46 App. U.S.C. 688(a) (last sentence) and 28 U.S.C. 1391(c), see *Pure Oil Co. v. Suarez*, 384 U.S. 202 (1966).

AMENDMENTS

2008—Pub. L. 110–181 struck out subsec. (a) designation and heading before ''A seaman injured'' and struck out heading and text of subsec. (b). Text read as follows: ''An action under this section shall be brought in the judicial district in which the employer resides or the employer's principal office is located.''

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–181, div. C, title XXXV, § 3521(b), Jan. 28, 2008, 122 Stat. 596, provided that: ''The amendment made by subsection (a) [amending this section] shall be effective as if included in the enactment of Public Law 109–304.''

§ 30105. Restriction on recovery by non-citizens and non-resident aliens for incidents in waters of other countries

(a) DEFINITION.—In this section, the term ''continental shelf'' has the meaning given that term in article I of the 1958 Convention on the Continental Shelf.

(b) RESTRICTION.—Except as provided in subsection (c), a civil action for maintenance and cure or for damages for personal injury or death may not be brought under a maritime law of the United States if—

(1) the individual suffering the injury or death was not a citizen or permanent resident alien of the United States at the time of the incident giving rise to the action;

(2) the incident occurred in the territorial waters or waters overlaying the continental shelf of a country other than the United States; and

(3) the individual suffering the injury or death was employed at the time of the incident by a person engaged in the exploration, development, or production of offshore mineral or energy resources, including drilling, mapping, surveying, diving, pipelaying, maintaining, repairing, constructing, or transporting supplies, equipment, or personnel, but not including transporting those resources by a vessel constructed or adapted primarily to carry oil in bulk in the cargo spaces.

(c) NONAPPLICATION.—Subsection (b) does not apply if the individual bringing the action establishes that a remedy is not available under the laws of—

(1) the country asserting jurisdiction over the area in which the incident occurred; or

(2) the country in which the individual suffering the injury or death maintained citizenship or residency at the time of the incident.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1510.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30105(a)	46 App.:688(b)(1) (last sentence).	Mar. 4, 1915, ch. 153, § 20(b), as added Pub. L. 97–389, title V, § 503(a)(2), Dec. 29, 1982, 96 Stat. 1955.
30105(b)	46 App.:688(b)(1) (less last sentence).	
30105(c)	46 App.:688(b)(2).	

In subsection (b), before paragraph (1), the words ''civil action'' are substituted for ''action'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''under subsection (a) of this section or under any other'' are omitted as unnecessary. In paragraph (2), the words ''its territories, or possessions'' are omitted as unnecessary because of the definition of ''United States'' in chapter 1 of the revised title. In paragraph (3), the word ''person'' is substituted for ''enterprise'' for consistency in the revised title.

REFERENCES IN TEXT

The 1958 Convention on the Continental Shelf, referred to in subsec. (a), was done at Geneva, April 29, 1958, and entered into force for the United States, June 10, 1964. See 15 UST 471; TIAS 5578.

§ 30106. Time limit on bringing maritime action for personal injury or death

Except as otherwise provided by law, a civil action for damages for personal injury or death arising out of a maritime tort must be brought within 3 years after the cause of action arose.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30106	46 App.:763a.	Pub. L. 96–382, § 1, Oct. 6, 1980, 94 Stat. 1525.

The words ''civil action'' are substituted for ''suit'' for consistency with rule 2 of the Federal Rules or Civil Procedure (28 App. U.S.C.). The words ''or both'' are omitted as unnecessary. The words ''must be brought'' are substituted for ''shall not be maintained unless commenced'' for clarity and consistency. The word ''arose'' is substituted for ''accrued'' for consistency in the revised title.

CHAPTER 303—DEATH ON THE HIGH SEAS

Sec.
30301. Short title.
30302. Cause of action.
30303. Amount and apportionment of recovery.
30304. Contributory negligence.
30305. Death of plaintiff in pending action.
30306. Foreign cause of action.
30307. Commercial aviation accidents.
30308. Nonapplication.

§ 30301. Short title

This chapter may be cited as the ''Death on the High Seas Act''.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30301	46 App.:761 note.	

SHORT TITLE

Act Mar. 30, 1920, ch. 111, 41 Stat. 537, which enacted chapter 21 (§ 761 et seq.) of the former Appendix to this title, was popularly known as the ''Death on the High Seas Act'', prior to being repealed and restated in this chapter by Pub. L. 109–304, §§ 6(c), 19, Oct. 6, 2006, 120 Stat. 1509, 1710.

§ 30302. Cause of action

When the death of an individual is caused by wrongful act, neglect, or default occurring on the high seas beyond 3 nautical miles from the shore of the United States, the personal representative of the decedent may bring a civil action in admiralty against the person or vessel responsible. The action shall be for the exclusive benefit of the decedent's spouse, parent, child, or dependent relative.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30302	46 App.:761(a).	Mar. 30, 1920, ch. 111, § 1(a), 41 Stat. 537; Pub. L. 106–181, title IV, § 404(a)(1), Apr. 5, 2000, 114 Stat. 131.

The words ''Subject to subsection (b) of this section'' are omitted as unnecessary. The words ''3 nautical miles'' are substituted for ''a marine league'' for clarity. The words ''United States'' are substituted for ''any State, or the District of Columbia, or the Territories or dependencies of the United States'' because of the definition of ''United States'' in chapter 1 of the revised title. The words ''bring a civil action'' are substituted for ''maintain a suit'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''for damages'' are omitted as unnecessary. The words ''in the district courts of the United States'' are omitted as unnecessary because of 28 U.S.C. 1333. The words ''person or vessel'' are substituted for ''vessel, person, or corporation'' because of 1 U.S.C. 1. The word ''responsible'' is substituted for ''which would have been liable if death had not ensued'' to eliminate unnecessary words.

§ 30303. Amount and apportionment of recovery

The recovery in an action under this chapter shall be a fair compensation for the pecuniary loss sustained by the individuals for whose benefit the action is brought. The court shall apportion the recovery among those individuals in proportion to the loss each has sustained.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30303	46 App.:762(a).	Mar. 30, 1920, ch. 111, § 2(a), 41 Stat. 537; Pub. L. 106–181, title IV, § 404(b)(1), Apr. 5, 2000, 114 Stat. 131.

The words ''and just'' are omitted as redundant to ''fair''. The words ''each has sustained'' are substituted for ''they may severally have suffered by reason of the death of the person by whose representative the suit is brought'' to eliminate unnecessary words.

§ 30304. Contributory negligence

In an action under this chapter, contributory negligence of the decedent is not a bar to recovery. The court shall consider the degree of negligence of the decedent and reduce the recovery accordingly.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30304	46 App.:766.	Mar. 30, 1920, ch. 111, § 6, 41 Stat. 537.

§ 30305. Death of plaintiff in pending action

If a civil action in admiralty is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in section 30302 of this title, and the individual dies during the action as a result of the wrongful act, neglect, or default, the personal representative of the decedent may be substituted as the plaintiff and the action may proceed under this chapter for the recovery authorized by this chapter.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1511.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30305	46 App.:765.	Mar. 30, 1920, ch. 111, § 5, 41 Stat. 537.

The words ''If a civil action in admiralty is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in section 30302 of this title, and the individual dies during the action as a result of the wrongful act, neglect, or default'' are substituted for ''If a person die [sic] as the result of such wrongful act, neglect, or default as is mentioned in section 761 of this Appendix during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default'' to eliminate unnecessary words. The words ''the plaintiff'' are substituted for ''a party'' to be more precise.

§ 30306. Foreign cause of action

When a cause of action exists under the law of a foreign country for death by wrongful act, neglect, or default on the high seas, a civil action in admiralty may be brought in a court of the United States based on the foreign cause of ac-