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.	