

(3) any plaintiff is a citizen of a State and any defendant is a foreign state or citizen or subject of a foreign state,

may be removed by any defendant to the district court of the United States for the district and division embracing the place where such action is pending without regard to the amount in controversy between the parties.

(Added Pub. L. 111-223, §3(a), Aug. 10, 2010, 124 Stat. 2383.)

#### § 4104. Declaratory judgments

(a) CAUSE OF ACTION.—

(1) IN GENERAL.—Any United States person against whom a foreign judgment is entered on the basis of the content of any writing, utterance, or other speech by that person that has been published, may bring an action in district court, under section 2201(a), for a declaration that the foreign judgment is repugnant to the Constitution or laws of the United States. For the purposes of this paragraph, a judgment is repugnant to the Constitution or laws of the United States if it would not be enforceable under section 4102(a), (b), or (c).

(2) BURDEN OF ESTABLISHING UNENFORCEABILITY OF JUDGMENT.—The party bringing an action under paragraph (1) shall bear the burden of establishing that the foreign judgment would not be enforceable under section 4102(a), (b), or (c).

(b) NATIONWIDE SERVICE OF PROCESS.—Where an action under this section is brought in a district court of the United States, process may be served in the judicial district where the case is brought or any other judicial district of the United States where the defendant may be found, resides, has an agent, or transacts business.

(Added Pub. L. 111-223, §3(a), Aug. 10, 2010, 124 Stat. 2383.)

#### § 4105. Attorneys' fees

In any action brought in a domestic court to enforce a foreign judgment for defamation, including any such action removed from State court to Federal court, the domestic court shall, absent exceptional circumstances, allow the

party opposing recognition or enforcement of the judgment a reasonable attorney's fee if such party prevails in the action on a ground specified in section 4102(a), (b), or (c).

(Added Pub. L. 111-223, §3(a), Aug. 10, 2010, 124 Stat. 2383.)

### CHAPTER 190—MISCELLANEOUS

Sec.

5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of United States.

#### § 5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of United States

(a) DEATH.—In the case of the death of an individual by the neglect or wrongful act of another in a place subject to the exclusive jurisdiction of the United States within a State, a right of action shall exist as though the place were under the jurisdiction of the State in which the place is located.

(b) PERSONAL INJURY.—In a civil action brought to recover on account of an injury sustained in a place described in subsection (a), the rights of the parties shall be governed by the law of the State in which the place is located.

(Added Pub. L. 113-287, §4(b)(1), Dec. 19, 2014, 128 Stat. 3261.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5001 .....	16 U.S.C. 457	Feb. 1, 1928, ch. 15, 45 Stat. 54.

In subsection (a), the words "civil action" are substituted for "action" for consistency in the revised title and with other titles of the United States Code.