

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30902 .....	46 App.:741 (11th–26th words).	Mar. 9, 1920, ch. 95, §1 (11th–26th words), 41 Stat. 525.

The term “federally-owned corporation” is defined in this section and used in this chapter to avoid repeating the substance of the definition in several sections in this chapter. The words “or its representatives” are omitted as unnecessary.

**§ 30903. Waiver of immunity**

(a) IN GENERAL.—In a case in which, if a vessel were privately owned or operated, or if cargo were privately owned or possessed, or if a private person or property were involved, a civil action in admiralty could be maintained, a civil action in admiralty in personam may be brought against the United States or a federally-owned corporation. In a civil action in admiralty brought by the United States or a federally-owned corporation, an admiralty claim in personam may be filed or a setoff claimed against the United States or corporation.

(b) NON-JURY.—A claim against the United States or a federally-owned corporation under this section shall be tried without a jury.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1518.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30903 .....	46 App.:742 (1st, 3d sentences).	Mar. 9, 1920, ch. 95, §2 (1st, 3d sentences), 41 Stat. 525; Pub. L. 86–770, §3, Sept. 13, 1960, 74 Stat. 912; Pub. L. 104–324, title XI, §1105, Oct. 19, 1996, 110 Stat. 3967.

In subsection (a), the words “civil action” are substituted for “proceeding” and “libel” because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.) and for consistency in the chapter. The words “civil action in admiralty in personam” are substituted for “any appropriate nonjury proceeding in personam” for clarity. The words “in rem or in personam in any district” are omitted as unnecessary. The words “admiralty claim” are substituted for “cross libel” for consistency in this chapter and with the various means of asserting a claim (such as by counterclaim or cross-claim) allowed by the Federal Rules of Civil Procedure. The words “with the same force and effect as if the libel had been filed by a private party” are omitted as unnecessary.

Subsection (b) is substituted for the word “nonjury” to clarify that the nonjury requirement applies to any claim against the United States or a federally-owned corporation under this section regardless of which party brings the action.

**§ 30904. Exclusive remedy**

If a remedy is provided by this chapter, it shall be exclusive of any other action arising out of the same subject matter against the officer, employee, or agent of the United States or the federally-owned corporation whose act or omission gave rise to the claim.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1518.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30904 .....	46 App.:745 (1st proviso).	Mar. 9, 1920, ch. 95, §5 (1st proviso), 41 Stat. 526; June 30, 1932, ch. 315, 47 Stat. 420; Dec. 13, 1950, ch. 1136, 64 Stat. 1112.

The words “officer, employee, or agent of the United States or the federally-owned corporation” are substituted for “agent or employee of the United States or of any incorporated or unincorporated agency thereof” for consistency in this chapter and to eliminate unnecessary words.

**§ 30905. Period for bringing action**

A civil action under this chapter must be brought within 2 years after the cause of action arose.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1518.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30905 .....	46 App.:745 (words before 1st proviso).	Mar. 9, 1920, ch. 95, §5 (words before 1st proviso), 41 Stat. 526; June 30, 1932, ch. 315, 47 Stat. 420; Dec. 13, 1950, ch. 1136, 64 Stat. 1112.

**§ 30906. Venue**

(a) IN GENERAL.—A civil action under this chapter shall be brought in the district court of the United States for the district in which—

- (1) any plaintiff resides or has its principal place of business; or
- (2) the vessel or cargo is found.

(b) TRANSFER.—On a motion by a party, the court may transfer the action to any other district court of the United States.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1518.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30906(a) .....	46 App.:742 (2d sentence).	Mar. 9, 1920, ch. 95, §2 (2d, last sentences), 41 Stat. 526.
30906(b) .....	46 App.:742 (last sentence).	

In subsection (a)(1), the words “in the United States” are omitted as unnecessary.

In subsection (a)(2), the words “charged with liability” are omitted as unnecessary.

In subsection (b), the words “in the discretion of the court” are omitted as unnecessary. For general change of venue provision, see 28 U.S.C. 1404.

**§ 30907. Procedure for hearing and determination**

(a) IN GENERAL.—A civil action under this chapter shall proceed and be heard and determined according to the principles of law and the rules of practice applicable in like cases between private parties.

(b) IN REM.—

(1) REQUIREMENTS.—The action may proceed according to the principles of an action in rem if—

- (A) the plaintiff elects in the complaint; and