

(B) it appears that an action in rem could have been maintained had the vessel or cargo been privately owned and possessed.

(2) EFFECT ON RELIEF IN PERSONAM.—An election under paragraph (1) does not prevent the plaintiff from seeking relief in personam in the same action.

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

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows for 30907(a) and 30907(b).

In subsection (a), the text of 46 App. U.S.C. 743 (4th sentence) is omitted as unnecessary.

In subsection (b)(1)(A), the words “plaintiff” and “complaint” are substituted for “libelant” and “libel”, respectively, for consistency with the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (b)(2), the words “in any proper case” are omitted as unnecessary.

§ 30908. Exemption from arrest or seizure

The following are not subject to arrest or seizure by judicial process in the United States:

(1) A vessel owned by, possessed by, or operated by or for the United States or a federally-owned corporation.

(2) Cargo owned or possessed by the United States or a federally-owned corporation.

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

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 30908.

The words “a federally-owned corporation” are substituted for “any corporation in which the United States or its representatives shall own the entire outstanding capital stock” because of the definition of “federally-owned corporation” in section 30902 of the revised title. The words “after March 9, 1920” are omitted as obsolete. The words “in view of the provision herein made for a libel in personam” are omitted as unnecessary. The words “or its possessions” are omitted because of the definition of “United States” in chapter 1 of the revised title. The words “Provided, That this chapter shall not apply to the Panama Canal Commission” are omitted because the Commission has been dissolved. See 22 U.S.C. 3714a.

§ 30909. Security

Neither the United States nor a federally-owned corporation may be required to give a bond or admiralty stipulation in a civil action under this chapter.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1519.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 30909.

The words “civil action” are substituted for “proceeding” for consistency in this chapter and with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

§ 30910. Exoneration and limitation

The United States is entitled to the exemptions from and limitations of liability provided by law to an owner, charterer, operator, or agent of a vessel.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1519.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 30910.

§ 30911. Costs and interest

(a) IN GENERAL.—A judgment against the United States or a federally-owned corporation under this chapter may include costs and interest at the rate of 4 percent per year until satisfied. Interest shall run as ordered by the court, except that interest is not allowable for the period before the action is filed.

(b) CONTRACT PROVIDING FOR INTEREST.—Notwithstanding subsection (a), if the claim is based on a contract providing for interest, interest may be awarded at the rate and for the period provided in the contract.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1519.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 30911.

In subsection (a), the words “and when the decree is for a money judgment” are omitted as unnecessary. The words “except that interest is not allowable for the period before the action is filed” are substituted for “And provided further, That after June 30, 1932, no interest shall be allowed on any claim prior to the time when suit on such claim is brought as authorized by section 742 of this Appendix” to eliminate unnecessary words.

Subsection (b) is substituted for “or at any higher rate which shall be stipulated in any contract upon which such decree shall be based” in 46 App. U.S.C. 743 and “unless upon a contract expressly stipulating for the payment of interest” in 46 App. U.S.C. 745 (last proviso) for clarity and consistency.

§ 30912. Arbitration, compromise, or settlement

The Secretary of a department of the United States Government, or the board of trustees of a federally-owned corporation, may arbitrate, compromise, or settle a claim under this chapter.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1519.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30912 .....	46 App.:749.	Mar. 9, 1920, ch. 95, § 9, 41 Stat. 527; Pub. L. 92-417, § 3, Aug. 29, 1972, 86 Stat. 656; Pub. L. 97-31, § 12(25)(C), Aug. 6, 1981, 95 Stat. 155.

The words “claim under this chapter” are substituted for “claim in which suit will lie under the provisions of sections 742, 744, and 750 of this Appendix” to eliminate unnecessary words.

**§ 30913. Payment of judgment or settlement**

(a) IN GENERAL.—The proper accounting officer of the United States shall pay a final judgment, arbitration award, or settlement under this chapter on presentation of an authenticated copy.

(b) SOURCE OF PAYMENT.—Payment shall be made from an appropriation or fund available specifically for the purpose. If no appropriation or fund is specifically available, there is hereby appropriated, out of money in the Treasury not otherwise appropriated, an amount sufficient to pay the judgment, award, or settlement.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1519.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30913 .....	46 App.:748.	Mar. 9, 1920, ch. 95, § 8, 41 Stat. 527.

**§ 30914. Release of privately owned vessel after arrest or attachment**

If a privately owned vessel not in the possession of the United States or a federally-owned corporation is arrested or attached in a civil action arising or alleged to have arisen from prior ownership, possession, or operation by the United States or corporation, the vessel shall be released without bond or stipulation on a statement by the United States, through the Attorney General or other authorized law officer, that the United States is interested in the action, desires release of the vessel, and assumes liability for the satisfaction of any judgment obtained by the plaintiff. After the vessel is released, the action shall proceed against the United States in accordance with this chapter.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1519.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30914 .....	46 App.:744.	Mar. 9, 1920, ch. 95, § 4, 41 Stat. 526.

The words “on a statement” are substituted for “upon the suggestion” as more appropriate.

**§ 30915. Seizures and other proceedings in foreign jurisdictions**

(a) IN GENERAL.—If a vessel or cargo described in section 30908 or 30914 of this title is arrested, attached, or otherwise seized by judicial process in a foreign country, or if an action is brought in a court of a foreign country against the mas-

ter of such a vessel for a claim arising from the ownership, possession, or operation of the vessel, or the ownership, possession, or carriage of such cargo, the Secretary of State, on request of the Attorney General or another officer authorized by the Attorney General, may direct the United States consul residing at or nearest the place at which the action was brought—

(1) to claim the vessel or cargo as immune from arrest, attachment, or other seizure, and to execute an agreement, stipulation, bond, or undertaking, for the United States or federally-owned corporation, for the release of the vessel or cargo and the prosecution of any appeal; or

(2) if an action has been brought against the master of such a vessel, to enter the appearance of the United States or corporation and to pledge the credit of the United States or corporation to the payment of any judgment and costs in the action.

(b) ARRANGING BOND OR STIPULATION.—The Attorney General may—

(1) arrange with a bank, surety company, or other person, whether in the United States or a foreign country, to execute a bond or stipulation; and

(2) pledge the credit of the United States to secure the bond or stipulation.

(c) PAYMENT OF JUDGMENT.—The appropriate accounting officer of the United States or corporation may pay a judgment in an action described in subsection (a) on presentation of a copy of the judgment if certified by the clerk of the court and authenticated by—

(1) the certificate and seal of the United States consul claiming the vessel or cargo, or by the consul’s successor; and

(2) the certificate of the Secretary as to the official capacity of the consul.

(d) RIGHT TO CLAIM IMMUNITY NOT AFFECTED.—This section does not affect the right of the United States to claim immunity of a vessel or cargo from foreign jurisdiction.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1519.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30915 .....	46 App.:747.	Mar. 9, 1920, ch. 95, § 7, 41 Stat. 527; Pub. L. 97-31, § 12(25)(B), Aug. 6, 1981, 95 Stat. 155.

In this section, references to the Maritime Administration are omitted as unnecessary.

In subsection (a), before paragraph (1), the words “or in connection with”, “of the United States in his discretion”, and “duly” are omitted as unnecessary. In paragraph (1), the words “as by said court required” are omitted as unnecessary.

In subsection (b)(1), the words “firm, or corporation” are omitted as included in “person” as defined in 1 U.S.C. 1.

Subsection (b)(2) is substituted for “to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation” to eliminate unnecessary words.

In subsection (c), the words “may pay” are substituted for “presentation . . . shall be sufficient evidence . . . for the allowance and payment” to eliminate unnecessary words.