

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31109 .....	46 App.:787.	Mar. 3, 1925, ch. 428, § 7, 43 Stat. 1113.

Reference to an arbitration award is added for consistency with sections 30912 and 31108 of the revised title.

**§ 31110. Subpoenas to officers or members of crew**

An officer or member of the crew of a public vessel may not be subpoenaed in a civil action under this chapter without the consent of—

- (1) the Secretary of the department or the head of the independent establishment having control of the vessel at the time the cause of action arose; or
- (2) the master or commanding officer of the vessel at the time the subpoena is issued.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1522.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31110 .....	46 App.:784.	Mar. 3, 1925, ch. 428, § 4, 43 Stat. 1112.

**§ 31111. Claims by nationals of foreign countries**

A national of a foreign country may not maintain a civil action under this chapter unless it appears to the satisfaction of the court in which the action is brought that the government of that country, in similar circumstances, allows nationals of the United States to sue in its courts.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1522.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31111 .....	46 App.:785.	Mar. 3, 1925, ch. 428, § 5, 43 Stat. 1113.

**§ 31112. Lien not recognized or created**

This chapter shall not be construed as recognizing the existence of or as creating a lien against a public vessel of the United States.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1522.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31112 .....	46 App.:788.	Mar. 3, 1925, ch. 428, § 8, 43 Stat. 1113.

**§ 31113. Reports**

The Attorney General shall report to Congress at each session thereof all claims settled under this chapter.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1523.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31113 .....	46 App.:790.	Mar. 3, 1925, ch. 428, § 10, 43 Stat. 1113; Aug. 30, 1954, ch. 1076, § 1(26), 68 Stat. 968.

**CHAPTER 313—COMMERCIAL INSTRUMENTS AND MARITIME LIENS**

SUBCHAPTER I—GENERAL

- Sec. 31301. Definitions.
- 31302. Availability of instruments, copies, and information.
- 31303. Certain civil actions not authorized.
- 31304. Liability for noncompliance.
- 31305. Waiver of lien rights.
- 31306. Declaration of citizenship.
- 31307. State statutes superseded.
- 31308. Secretary of Commerce or Transportation as mortgagee.
- 31309. General civil penalty.

SUBCHAPTER II—COMMERCIAL INSTRUMENTS

- 31321. Filing, recording, and discharge.
- 31322. Preferred mortgages.
- 31323. Disclosing and incurring obligations before executing preferred mortgages.
- 31324. Retention and examination of mortgages of vessels covered by preferred mortgages.
- 31325. Preferred mortgage liens and enforcement.
- 31326. Court sales to enforce preferred mortgage liens and maritime liens and priority of claims.
- 31327. Forfeiture of mortgagee interest.
- [31328. Repealed.]
- 31329. Court sales of documented vessels.
- 31330. Penalties.

SUBCHAPTER III—MARITIME LIENS

- 31341. Persons presumed to have authority to procure necessaries.
- 31342. Establishing maritime liens.
- 31343. Recording and discharging notices of claim of maritime lien.

HISTORICAL AND REVISION NOTES

Section 101 [102] of H.R. 3105 [became Pub. L. 100-710] revises, consolidates, and enacts certain general and permanent laws of the United States related to commercial instruments and liens and public vessels and goods. It amends subtitle III of title 46, United States Code by striking at the end “Chapters 313, 315—Reserved” and substituting “Chapter 313—Commercial Instruments and Maritime Liens”. Chapter 313 is essentially a codification of the Ship Mortgage Act, 1920 (46 App. U.S.C. 911-984). H.R. 3105 is the second step in the process of enacting laws compiled in title 46 of the Code into positive law. The first step in the codification process began in 1983 when certain general and permanent laws related to vessels and seamen were enacted as subtitle II of the title 46, United States Code.

HOUSE FLOOR STATEMENT

Section 102 of this bill adds a new subtitle III to title 46, which contains a codification of the Ship Mortgage Act, 1920 and other related provisions. A previous version of this codification and the remaining sections of the bill were recently reported by the Merchant Marine and Fisheries Committee in H.R. 3105 (H. Rept. 100-918). The significant additions or changes by this provision to the version of H.R. 3105 reported by the Merchant Marine and Fisheries Committee are explained as follows: [see sections 31305, 31321, 31322, 31325, 31329, 31330, 31343 of this title].

AMENDMENTS

2002—Pub. L. 107-295, title II, §205(a)(2), Nov. 25, 2002, 116 Stat. 2096, substituted “notices of claim of mari-