

(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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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.

§ 30916. Recovery by the United States for salvage services

(a) CIVIL ACTION.—The United States, and the crew of a merchant vessel owned or operated by the United States, or a federally-owned corporation, may bring a civil action to recover for salvage services provided by the vessel and crew.

(b) DEPOSIT OF AMOUNTS RECOVERED.—Any amount recovered under this section by the United States for its own benefit, and not for the benefit of the crew, shall be deposited in the Treasury to the credit of the department of the United States Government, or the corporation, having control of the possession or operation of the vessel.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1520.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30916, 46 App.:750, Mar. 9, 1920, ch. 95, § 10, 41 Stat. 528; Pub. L. 97–31, § 12(25)(D), Aug. 6, 1981, 95 Stat. 155.

In subsection (a), the words "may bring a civil action to recover" are substituted for "shall have the right to collect and sue" for consistency in this chapter and to eliminate unnecessary words.

§ 30917. Disposition of amounts recovered by the United States

Amounts recovered in a civil action brought by the United States on a claim arising from the

ownership, possession, or operation of a merchant vessel, or the ownership, possession, or carriage of cargo, shall be deposited in the Treasury to the credit of the department of the United States Government, or the federally-owned corporation, having control of the vessel or cargo, for reimbursement of the appropriation, insurance fund, or other fund from which the compensation for which the judgment was recovered was or will be paid.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1520.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30917, 46 App.:751, Mar. 9, 1920, ch. 95, § 11, 41 Stat. 528; Pub. L. 97–31, § 12(25)(D), Aug. 6, 1981, 95 Stat. 155.

The words "or in connection with" and "with respect to which such cause of action arises" are omitted as unnecessary.

§ 30918. Reports

The Secretary of each department of the United States Government, and the board of trustees of each federally-owned corporation, shall report to Congress at each session thereof all arbitration awards and settlements agreed to under this chapter since the previous session, for which the time to appeal has expired or been waived.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1521.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30918, 46 App.:752, Mar. 9, 1920, ch. 95, § 12, 41 Stat. 528; Aug. 30, 1954, ch. 1076, § 1(26), 68 Stat. 968; Pub. L. 97–31, § 12(25)(E), Aug. 6, 1981, 95 Stat. 155.

CHAPTER 311—SUITS INVOLVING PUBLIC VESSELS

- Sec. 31101. Short title.
31102. Waiver of immunity.
31103. Applicable procedure.
31104. Venue.
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31108. Arbitration, compromise, or settlement.
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31111. Claims by nationals of foreign countries.
31112. Lien not recognized or created.
31113. Reports.

§ 31101. Short title

This chapter may be cited as the "Public Vessels Act".

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1521.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31101, 46 App.:781 note.

SHORT TITLE

Act of March 3, 1925, ch. 428, 43 Stat. 1112, which enacted chapter 22 (§ 781 et seq.) of the former Appendix to

this title, was popularly known as the “Public Vessels Act”, prior to being repealed and restated in this chapter by Pub. L. 109-304, §§6(c), 19, Oct. 6, 2006, 120 Stat. 1509, 1710.

**§ 31102. Waiver of immunity**

(a) IN GENERAL.—A civil action in personam in admiralty may be brought, or an impleader filed, against the United States for—

- (1) damages caused by a public vessel of the United States; or
- (2) compensation for towage and salvage services, including contract salvage, rendered to a public vessel of the United States.

(b) COUNTERCLAIM OR SETOFF.—If the United States brings a civil action in admiralty for damages caused by a privately owned vessel, the owner of the vessel, or the successor in interest, may file a counterclaim in personam, or claim a setoff, against the United States for damages arising out of the same subject matter.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1521.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31102(a) .....	46 App.:781.	Mar. 3, 1925, ch. 428, §1, 43 Stat. 1112.
31102(b) .....	46 App.:783 (words before proviso).	Mar. 3, 1925, ch. 428, §3 (words before proviso), 43 Stat. 1112.

In this section, the words “civil action” are substituted for “libel” because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (a), the words “*Provided*, That the cause of action arose after the 6th day of April, 1920” are omitted as unnecessary.

In subsection (b), the words “in rem or in personam” are omitted as unnecessary. The words “file a counterclaim in personam, or claim a setoff” are substituted for “file a cross libel in personam or claim a set-off or counterclaim” to conform to the terminology in the Federal Rules of Civil Procedure and to eliminate unnecessary words. The words “for damages arising out of the same subject matter” are substituted for “in such suit for and on account of any damages arising out of the same subject matter or cause of action” to eliminate unnecessary words.

**§ 31103. Applicable procedure**

A civil action under this chapter is subject to the provisions of chapter 309 of this title except to the extent inconsistent with this chapter.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1521.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31103 .....	46 App.:782 (last sentence words before last comma).	Mar. 3, 1925, ch. 428, §2 (last sentence words before last comma), 43 Stat. 1112.

**§ 31104. 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 the vessel or cargo is found within the United States.

(b) VESSEL OR CARGO OUTSIDE TERRITORIAL WATERS.—If the vessel or cargo is outside the territorial waters of the United States—

(1) the action shall be brought in the district court of the United States for any district in which any plaintiff resides or has an office for the transaction of business; or

(2) if no plaintiff resides or has an office for the transaction of business in the United States, the action may be brought in the district court of the United States for any district.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1521.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31104 .....	46 App.:782 (1st sentence).	Mar. 3, 1925, ch. 428, §2 (1st sentence), 43 Stat. 1112.

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

In subsection (b)(2), the words “in the United States” are omitted as unnecessary.

**§ 31105. Security when counterclaim filed**

If a counterclaim is filed for a cause of action for which the original action is filed under this chapter, the respondent to the counterclaim shall give security in the usual amount and form to respond to the counterclaim, unless the court for cause shown orders otherwise. The proceedings in the original action shall be stayed until the security is given.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31105 .....	46 App.:783 (proviso).	Mar. 3, 1925, ch. 428, §3 (proviso), 43 Stat. 1112.

The word “counterclaim” is substituted for “cross-libel”, and the words “original action” are substituted for “original libel”, to conform to the terminology in the Federal Rules of Civil Procedure (28 App. U.S.C.).

**§ 31106. 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. 1522.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31106 .....	46 App.:789.	Mar. 3, 1925, ch. 428, §9, 43 Stat. 1113.

**§ 31107. Interest**

A judgment in a civil action under this chapter may not include interest for the period before the judgment is issued unless the claim is based on a contract providing for interest.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31107 .....	46 App.:782 (last sentence words after last comma).	Mar. 3, 1925, ch. 428, §2 (last sentence words after last comma), 43 Stat. 1112.