

(e) This section does not apply to any claim while there is pending as to that claim a suit filed by or against the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 472; Pub. L. 89-67, July 7, 1965, 79 Stat. 212; Pub. L. 101-189, div. A, title XVI, §1633, Nov. 29, 1989, 103 Stat. 1608; Pub. L. 107-107, div. A, title X, §1014(b), Dec. 28, 2001, 115 Stat. 1212; Pub. L. 110-417, [div. A], title X, §1032, Oct. 14, 2008, 122 Stat. 4591.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7623 .....	34 U.S.C. 600a.	Dec. 5, 1945, ch. 555, §1, 59 Stat. 596.
	34 U.S.C. 600d.	Dec. 5, 1945, ch. 555, §4; added Aug. 2, 1946, ch. 742, 60 Stat. 806.
	34 U.S.C. 600c.	Dec. 5, 1945, ch. 555, §3, 59 Stat. 596.

In subsection (a) the words “consider, ascertain, adjust, determine” are omitted as covered by the word “settle”, as defined in section 7621(b) of this title. The words “of the United States” (following the word “property”), “by contract or otherwise”, and “thereto” are omitted as surplusage. The words “of a kind that is within the admiralty jurisdiction of” are substituted for the words “cognizable in admiralty in”. The words “receive payment of a claim \* \* \* if the net amount to be received by the United States is not more than \$1,000,000” are substituted for the words “receive in payment of any such claim the amount due the United States pursuant to determination, compromise, or settlement as herein authorized \* \* \* *Provided, further,* That no settlement or compromise where there is involved a payment in the net amount of over \$1,000,000 shall be authorized by this Act”.

In subsection (b) the words “and to deliver” are omitted as covered by the word “execute”. The words “Amounts received under this section” are substituted for the words “All such payments” for clarity and uniformity. The words “of the United States as miscellaneous receipts” are omitted as surplusage.

In subsection (c) the words “In any case where the amount to be received by the United States is not more than” are substituted for the words “Where the net amount received in settlement does not exceed” for clarity, since the delegation of authority necessarily precedes receipt of payment. The words “the Secretary may delegate his authority” are substituted for the words “the authority of the Secretary of the Navy \* \* \* may be exercised” for clarity.

In subsection (d) the words “but not until then”, “for all purposes”, and “to the contrary” are omitted as surplusage.

Subsection (e) is worded to insure that the effect of a suit pending at any time is preserved and that the provision is not interpreted to apply only to suits that are pending on the date of enactment of this title.

The first proviso of 34 U.S.C. 600a, stating that this section is supplementary to, and not in lieu of, other laws authorizing the settlement of claims, is omitted as unnecessary, since the other applicable claims laws are restated in this title.

#### AMENDMENTS

2008—Subsec. (b). Pub. L. 110-417 designated existing provisions as par. (1), struck out last sentence which read “Amounts received under this section shall be covered into the Treasury.”, and added par. (2).

2001—Subsec. (a)(2). Pub. L. 107-107, §1014(b)(1), substituted “\$15,000,000” for “\$1,000,000”.

Subsec. (c). Pub. L. 107-107, §1014(b)(2), substituted “\$1,000,000” for “\$100,000”.

1989—Subsec. (c). Pub. L. 101-189 substituted “\$100,000” for “\$10,000”.

1965—Subsec. (c). Pub. L. 89-67 substituted “\$10,000” for “\$1,000”.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 applicable with respect to any claim accruing on or after Feb. 1, 2001, see section 1014(c) of Pub. L. 107-107, set out as a note under section 7622 of this title.

#### § 7624. Repealed. Pub. L. 86-533, § 1(10)(A), June 29, 1960, 74 Stat. 247]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 473, related to reports to Congress with respect to amounts paid or received under sections 7622 and 7623 of this title.

#### § 7625. Repealed. Pub. L. 87-769, § 1(2)(A), Oct. 9, 1962, 76 Stat. 768]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 473, related to settlement of claims for damage to or loss of privately owned property. See section 2736 of this title.

### CHAPTER 655—PRIZE

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7679.	Powers of district court over prize property notwithstanding appeal.
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7681.	Reciprocal privileges to cobelligerent.

#### § 7651. Scope of chapter

(a) This chapter applies to all captures of vessels as prize during war by authority of the United States or adopted and ratified by the President. However, this chapter does not affect the right of the Army or the Air Force, while engaged in hostilities, to capture wherever found and without prize procedure—

(1) enemy property; or

(2) neutral property used or transported in violation of the obligations of neutrals under international law.

- (b) As used in this chapter—
  - (1) “vessel” includes aircraft; and
  - (2) “master” includes the pilot or other person in command of an aircraft.
- (c) Property seized or taken upon the inland waters of the United States by its naval forces is not maritime prize. All such property shall be delivered promptly to the proper officers of the courts.
- (d) Nothing in this chapter may be construed as contravening any treaty of the United States. (Aug. 10, 1956, ch. 1041, 70A Stat. 474.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7651(a) .....	34 U.S.C. 1131 (less 1st proviso).	R.S. 4613 (less 1st proviso); June 24, 1941, ch. 232, 55 Stat. 261.
	34 U.S.C. 1159 (as applicable to capture).	Aug. 18, 1942, ch. 553, §1 (as applicable to capture), 56 Stat. 746; July 1, 1944, ch. 370, §1, 58 Stat. 678; Nov. 14, 1945, ch. 472, §1, 59 Stat. 581.
7651(b) .....	34 U.S.C. 1131 (1st proviso).	R.S. 4613 (1st proviso); June 24, 1941, ch. 232, 55 Stat. 261.
	34 U.S.C. 1132.	R.S. 4614; June 24, 1941, ch. 232, 55 Stat. 261.
7651(c) .....	50 U.S.C. 214.	R.S. 5310.
7651(d) .....	34 U.S.C. 1158 (last sentence).	R.S. 4652 (last sentence).

In subsection (a) the words “including aircraft” are omitted as covered by subsection (b). The section is written to make the words “during war” applicable to the entire chapter. These words appear in 34 U.S.C. 1159, but not in 34 U.S.C. 1131. Prize is historically and uniformly treated as a war-time matter, so no substantive change results from the extension. The words “this chapter does not affect” are substituted for the words “nothing herein contained shall be construed as affecting, or in any way impairing”. The words “Air Force” are added under authority of §305(a) of the National Security Act of 1947, as amended (5 U.S.C. 171*l*), to provide the same applicability as formerly provided by the word “Army”. The word “legal” is omitted as surplusage.

In subsection (b) the definition of the term “ship” is omitted as covered by the term “vessel”. All of 34 U.S.C. 1132 except that part which includes “aircraft” within the term “vessels” is omitted as unnecessary since the defined term “vessels of the Navy” does not appear in the provisions to which the definition is made applicable. The last sentence of 34 U.S.C. 1158 applies only to Title LIV (Prize) of the Revised Statutes. In subsection (d) it is broadened to cover the entire body of statutory prize law. Additions to the prize law made by the Act of August 18, 1942, ch. 553, 56 Stat. 746, as amended, operated only to extend the jurisdiction of courts of the United States to certain cases in which the prizes are not brought into the territorial waters of the United States. Relations of this country with other countries are not affected by the 1942 Act except when jurisdiction is exercised by American courts over prizes brought into cobelligerent ports. As that Act provides that the consent of the cobelligerent is necessary to the exercise of such jurisdiction, the rule against contravention of treaties is properly applied to it.

**§ 7652. Jurisdiction**

- (a) The United States district courts have original jurisdiction, exclusive of the courts of the States, of each prize and each proceeding for the condemnation of property taken as prize, if the prize is—
  - (1) brought into the United States, or the Commonwealths or possessions;

- (2) brought into the territorial waters of a cobelligerent;
- (3) brought into a locality in the temporary or permanent possession of, or occupied by, the armed forces of the United States; or
- (4) appropriated for the use of the United States.
- (b) The United States district courts, exclusive of the courts of the States, also have original jurisdiction of a prize cause in which the prize property—
  - (1) is lost or entirely destroyed; or
  - (2) cannot be brought in for adjudication because of its condition.

(c) The jurisdiction conferred by this section of prizes brought into the territorial waters of a cobelligerent may not be exercised, nor may prizes be appropriated for the use of the United States within those territorial waters, unless the government having jurisdiction over those waters consents to the exercise of the jurisdiction or to the appropriation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 474; Pub. L. 109-163, div. A, title X, §1057(a)(5), Jan. 6, 2006, 119 Stat. 3440.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7652(a) .....	34 U.S.C. 1159 (less applicability to capture).	Aug. 18, 1942, ch. 553, §1 (less applicability to capture), 56 Stat. 746; July 1, 1944, ch. 370, §1, 58 Stat. 678; Nov. 14, 1945, ch. 472, §1, 59 Stat. 581.
	34 U.S.C. 1164 (2d sentence).	Aug. 18, 1942, ch. 553, §6 (less 1st sentence), 56 Stat. 747.
7652(c) .....	34 U.S.C. 1166.	Aug. 18, 1942, ch. 553, §8, 56 Stat. 747.
	34 U.S.C. 1161.	Aug. 18, 1942, ch. 553, §3, 56 Stat. 746.

Subsection (a) reflects 28 U.S.C. 1333 by restating the basic prize jurisdiction of that section over prizes brought into the United States, and by providing that the extension of prize jurisdiction conferred by 34 U.S.C. 1159 on the United States district courts is exclusive of the courts of the States. 34 U.S.C. 1166 and the second sentence of 34 U.S.C. 1164 are executed in the single jurisdictional statement of this section and the consolidation of the Act of August 18, 1942, ch. 553, 56 Stat. 746 (34 U.S.C. 1159-1166) with the earlier prize provisions. The words “during war” in 34 U.S.C. 1159 are omitted as covered in §7651 of this title. In clause (1) the words “or the Territories, Commonwealths, or possessions” are added, since “United States” in this title is geographically limited to the 48 States and the District of Columbia, whereas the term here is intended to include all places within the jurisdiction of the district courts.

In clause (4) the words “taken or” preceding the words “appropriated for the use of the United States” are omitted as surplusage and in order to avoid confusion between the two meanings of the word “taken” in prize law. In both the Revised Statutes and the 1942 Act the phrase “taken or appropriated” means no more than “appropriated” alone, whereas “taken”, in the phrase “taken as prize” means “captured”.

Subsection (b) is included to make the statement of jurisdiction complete. It is derived by implication from the first sentence of R.S. 4625 (34 U.S.C. 1141) which is the source of subsection (c) of §7653 of this title.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-163 substituted “Commonwealths or possessions” for “Territories, Commonwealths, or possessions”.