

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

(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.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30907(a) .....	46 App.:743 (1st, 4th sentences).	Mar. 9, 1920, ch. 95, §3 (1st, 4th–6th sentences), 41 Stat. 526.
30907(b) .....	46 App.:743 (5th, 6th sentences).	

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.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30908 .....	46 App.:741 (less 11th–26th words).	Mar. 9, 1920, ch. 95, §1 (less 11th–26th words), 41 Stat. 525; Sept. 26, 1950, ch. 1049, §2(a)(2), 64 Stat. 1038; Pub. L. 96–70, §3(b)(5), Sept. 27, 1979, 93 Stat. 455.

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30909 .....	46 App.:743 (last sentence).	Mar. 9, 1920, ch. 95, §3 (last sentence), 41 Stat. 526; Pub. L. 97–31, §12(25)(A), Aug. 6, 1981, 95 Stat. 155.

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.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30910 .....	46 App.:746.	Mar. 9, 1920, ch. 95, §6, 41 Stat. 527.

**§ 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.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30911 .....	46 App.:743 (2d, 3d sentences), 46 App.:745 (last proviso).	Mar. 9, 1920, ch. 95, §3 (2d, 3d sentences), 41 Stat. 526; Mar. 9, 1920, ch. 95, §5 (last proviso), 41 Stat. 526; June 30, 1932, ch. 315, 47 Stat. 420; Dec. 13, 1950, ch. 1136, 64 Stat. 1112.

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.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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-