

of the Navy” to conform to the terminology of 14 U.S.C. 3.

Subsection (b) is inserted for clarity, and is based on the source laws for this revised chapter.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7621 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 8822. Admiralty claims against the United States

(a) The Secretary of the Navy may settle, or compromise, and pay in an amount not more than \$15,000,000 an admiralty claim against the United States for—

- (1) damage caused by a vessel in the naval service or by other property under the jurisdiction of the Department of the Navy;
- (2) compensation for towage and salvage service, including contract salvage, rendered to a vessel in the naval service or to other property under the jurisdiction of the Department of the Navy; or
- (3) damage caused by a maritime tort committed by any agent or employee of the Department of the Navy or by property under the jurisdiction of the Department of the Navy.

(b) If a claim under this section is settled or compromised for more than \$15,000,000, the Secretary shall certify it to Congress.

(c) In any case where the amount to be paid is not more than \$1,000,000, the Secretary may delegate his authority under this section to any person designated by him.

(d) Upon acceptance of payment by the claimant, the settlement or compromise of a claim under this section is final and conclusive notwithstanding any other provision of law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 472, §7622; Pub. L. 89-67, July 7, 1965, 79 Stat. 212; Pub. L. 92-417, §1(5), Aug. 29, 1972, 86 Stat. 654; Pub. L. 101-189, div. A, title XVI, §1633, Nov. 29, 1989, 103 Stat. 1608; Pub. L. 107-107, div. A, title X, §1014(a), Dec. 28, 2001, 115 Stat. 1212; renumbered §8822, Pub. L. 115-232, div. A, title VIII, §807(d)(9), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7622	46 U.S.C. 797. 46 U.S.C. 799.	July 3, 1944, ch. 399, § 7, 58 Stat. 726. July 3, 1944, ch. 399, § 9; added Aug. 2, 1946, ch. 739, 60 Stat. 803.

In subsection (a) the words “consider, ascertain, adjust, determine” are omitted as covered by the word “settle”, as defined in §7621(b) of this title. The words “vessel in the naval service” are substituted for the words “vessels of the Navy or in the naval service”, in view of the definition in §7621(a) of this title. The words “pay in an amount not more than \$1,000,000, a claim” are substituted for the words “pay the amount of any claim, so determined, compromised, or settled” and for the words “the payment of any claim on which a net amount exceeding \$1,000,000 is determined to be due from the United States, or which is compromised or settled at a net amount exceeding \$1,000,000 payable by the United States, shall not be authorized by this section”.

In subsection (c) the words “In any case where the amount to be paid is not more than” are substituted for the words “When the net amount paid in settlement does not exceed” for clarity, since the delegation necessarily precedes 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 by” for clarity.

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

The first proviso in 46 U.S.C. 797, 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. The second proviso, forbidding consideration of claims for more than \$3,000 if they accrued before Sept. 8, 1939, is omitted as obsolete. It was designed to avoid reviving stale claims upon enactment of the source law on July 3, 1944. However, as a matter of practice, no claims are settled under this authority which are more than two years old, in line with the two-year statute of limitations contained in the Suits in Admiralty Act and the Public Vessels Act. This limitation has been officially publicized in the Federal Register for May 22, 1947, p. 3296, and in 32 C.F.R. 752. The third proviso in 46 U.S.C. 797 is omitted as unnecessary, since the appropriation named therein no longer exists, and the payments are now made from appropriations for the Department of Defense.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7622 of this title as this section.

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

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

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

1972—Subsec. (a). Pub. L. 92-417 substituted “an admiralty claim against the United States” for “a claim against the United States” in text preceding par. (1), in par. (1) inserted “or by other property under the jurisdiction of the Department of the Navy”, in par. (2) inserted “or to other property under the jurisdiction of the Department of the Navy”, and added par. (3).

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

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title X, §1014(c), Dec. 28, 2001, 115 Stat. 1212, provided that: “The amendments made by this section [amending this section and section 7623 of this title] shall apply with respect to any claim accruing on or after February 1, 2001.”

§ 8823. Admiralty claims by the United States

(a) The Secretary of the Navy may settle, or compromise, and receive payment of a claim by the United States for damage to property under the jurisdiction of the Department of the Navy or property for which the Department has assumed an obligation to respond for damage, if—

(1) the claim is—

(A) of a kind that is within the admiralty jurisdiction of a district court of the United States; or

(B) for damage caused by a vessel or floating object; and

(2) the net amount to be received by the United States is not more than \$15,000,000.

(b)(1) In exchange for payment of an amount found to be due the United States under this section, the Secretary may execute a release of the claim on behalf of the United States.

(2)(A) Except as provided in subparagraph (B), amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

(B) Amounts received under this section for damage or loss to property operated and maintained with funds from a Department of Defense working capital fund or account shall be credited to that fund or account.

(c) In any case where the amount to be received by the United States is not more than \$1,000,000, the Secretary may delegate his authority under this section to any person designated by him.

(d) Upon acceptance of payment by the Secretary, the settlement or compromise of a claim under this section is final and conclusive notwithstanding any other provision of law.

(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, §7623; 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; renumbered §8823, Pub. L. 115-232, div. A, title VIII, §807(d)(9), Aug. 13, 2018, 132 Stat. 1837.)

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.

PRIOR PROVISIONS

Prior sections 8841 and 8842, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1535, related to separation or transfer to Retired Reserve of female reserve nurses and medical specialists at age 50 if in a Reserve grade below major and at age 55 if in a Reserve grade above captain, prior to repeal by Pub. L. 86-559, §1(66), June 30, 1960, 74 Stat. 278.

Prior sections 8843 to 8846 were repealed by Pub. L. 103-337, div. A, title XVI, §1629(c)(3), Oct. 5, 1994, 108 Stat. 2963, effective Oct. 1, 1996.

Section 8843, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-599, §1(67), June 30, 1960, 74 Stat. 278, related to transfer or discharge of reserve commissioned officers 60 years of age and below grade of major general. See section 14510 of this title.

Section 8844, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-559, §1(68), June 30, 1960, 74 Stat. 279, related to transfer or discharge of certain reserve major generals who are 62 years of age. See section 14511 of this title.

Section 8845, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-559, §1(69), June 30, 1960, 74 Stat. 279; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge of certain reserve officers of Air Force who are 64 years of age. See section 14512(a) of this title.

Section 8846, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 104-106, div. A, title XV, §1501(c)(32), Feb. 10, 1996, 110 Stat. 500, related to transfer or discharge of deferred officers.

A prior section 8847, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 86-559, §1(70), June 30, 1960, 74 Stat. 279, provided for mandatory retirement of female commissioned officers, Air Force nurses, and medical specialists on active duty in a Reserve grade below lieutenant colonel after completion of 25 years of service computed under former section 8853, prior to repeal by Pub. L. 90-130, §1(31)(A), Nov. 8, 1967, 81 Stat. 382.

A prior section 8848, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 86-559, §1(71), June 30, 1960, 74 Stat. 279; Pub. L. 90-130, §1(31)(B), Nov. 8, 1967, 81 Stat. 382; Pub. L. 90-486, §9(2), Aug. 13, 1968, 82 Stat. 760; Pub. L. 96-513, title V, §514(7), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 99-145, title V,