

§ 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

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

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

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

fore 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

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

§ 31108. Arbitration, compromise, or settlement

The Attorney General may arbitrate, compromise, or settle a claim under this chapter if a civil action based on the claim has been commenced.

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

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31108, 46 App.:786, Mar. 3, 1925, ch. 428, §6, 43 Stat. 1113.

The words “claim under this chapter” are substituted for “claim on which a libel or cross libel would lie under the provisions of this chapter” to eliminate unnecessary words.

§ 31109. Payment of judgment or settlement

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. Payment shall be made from any money in the Treasury appropriated for the purpose.

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

HISTORICAL AND REVISION NOTES

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

HISTORICAL AND REVISION NOTES

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