

§ 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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows for 30907(a) and 30907(b).

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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 30908.

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 30909.

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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 30910.

§ 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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 30911.

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.