

(1) damages caused by a public vessel of the United States; or

(2) compensation for towage and salvage services, including contract salvage, rendered to a public vessel of the United States.

(b) COUNTERCLAIM OR SETOFF.—If the United States brings a civil action in admiralty for damages caused by a privately owned vessel, the owner of the vessel, or the successor in interest, may file a counterclaim in personam, or claim a setoff, against the United States for damages arising out of the same subject matter.

(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). Rows for 31102(a) and 31102(b).

In this section, the words “civil action” are substituted for “libel” because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (a), the words “Provided, That the cause of action arose after the 6th day of April, 1920” are omitted as unnecessary.

In subsection (b), the words “in rem or in personam” are omitted as unnecessary. The words “file a counterclaim in personam, or claim a setoff” are substituted for “file a cross libel in personam or claim a set-off or counterclaim” to conform to the terminology in the Federal Rules of Civil Procedure and to eliminate unnecessary words.

§ 31103. Applicable procedure

A civil action under this chapter is subject to the provisions of chapter 309 of this title except to the extent inconsistent with this chapter.

(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 for 31103.

§ 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 for 31104.

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 for 31105.

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 for 31106.

§ 31107. Interest

A judgment in a civil action under this chapter may not include interest for the period before 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 for 31107.

§ 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

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

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 appears to the satisfaction of the court in which the action is brought that the government of that country, in similar circumstances, allows nationals of the United States to sue in its courts.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31111	46 App.:785.	Mar. 3, 1925, ch. 428, § 5, 43 Stat. 1113.

§ 31112. Lien not recognized or created

This chapter shall not be construed as recognizing the existence of or as creating a lien against a public vessel of the United States.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31112	46 App.:788.	Mar. 3, 1925, ch. 428, § 8, 43 Stat. 1113.

§ 31113. Reports

The Attorney General shall report to Congress at each session thereof all claims settled under this chapter.

(Pub. L. 109–304, §6(c), Oct. 6, 2006, 120 Stat. 1523.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31113	46 App.:790.	Mar. 3, 1925, ch. 428, § 10, 43 Stat. 1113; Aug. 30, 1954, ch. 1076, §1(26), 68 Stat. 968.

CHAPTER 313—COMMERCIAL INSTRUMENTS AND MARITIME LIENS

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- 31321. Filing, recording, and discharge.
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SUBCHAPTER III—MARITIME LIENS

- 31341. Persons presumed to have authority to procure necessities.
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HISTORICAL AND REVISION NOTES

Section 101 [102] of H.R. 3105 [became Pub. L. 100–710] revises, consolidates, and enacts certain general and permanent laws of the United States related to commercial instruments and liens and public vessels and goods. It amends subtitle III of title 46, United States Code by striking at the end “Chapters 313, 315—Reserved” and substituting “Chapter 313—Commercial Instruments and Maritime Liens”. Chapter 313 is essentially a codification of the Ship Mortgage Act, 1920 (46 App. U.S.C. 911–984). H.R. 3105 is the second step in the process of enacting laws compiled in title 46 of the Code into positive law. The first step in the codification process began in 1983 when certain general and perma-