

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.)

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<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.)

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<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.)

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<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.)

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<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.)

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<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

SUBCHAPTER I—GENERAL

- Sec.
- 31301. Definitions.
- 31302. Availability of instruments, copies, and information.
- 31303. Certain civil actions not authorized.
- 31304. Liability for noncompliance.
- 31305. Waiver of lien rights.
- 31306. Declaration of citizenship.
- 31307. State statutes superseded.
- 31308. Secretary of Commerce or Transportation as mortgagee.
- 31309. General civil penalty.

SUBCHAPTER II—COMMERCIAL INSTRUMENTS

- 31321. Filing, recording, and discharge.
- 31322. Preferred mortgages.
- 31323. Disclosing and incurring obligations before executing preferred mortgages.
- 31324. Retention and examination of mortgages of vessels covered by preferred mortgages.
- 31325. Preferred mortgage liens and enforcement.
- 31326. Court sales to enforce preferred mortgage liens and maritime liens and priority of claims.
- 31327. Forfeiture of mortgagee interest.
- [31328. Repealed.]
- 31329. Court sales of documented vessels.
- 31330. Penalties.

SUBCHAPTER III—MARITIME LIENS

- 31341. Persons presumed to have authority to procure necessities.
- 31342. Establishing maritime liens.
- 31343. Recording and discharging notices of claim of maritime lien.

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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-