(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1517.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30707	46 App.:194.	Feb. 13, 1893, ch. 105, § 5, 27 Stat. 446.

In subsection (a), the words ''and who refuses to issue on demand the bill of lading herein provided for'' are omitted as unnecessary. The words ''shall be fined under title 18'' are substituted for ''shall be liable to a fine not exceeding $2,000'' because of chapter 227 of title 18.

In subsection (b), the words ''A civil action in rem to enforce the lien may be brought in the district court of the United States for any district in which the vessel is found'' are substituted for ''such vessel may be libeled therefor in any district court of the United States'' for clarity and to modernize the language.

CHAPTER 309—SUITS IN ADMIRALTY AGAINST THE UNITED STATES

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§ 30901. Short title

This chapter may be cited as the ''Suits in Admiralty Act''.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1517.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30901	46 App.:741 note.	

SHORT TITLE

Act Mar. 9, 1920, ch. 95, 41 Stat. 525, which enacted chapter 20 (§ 741 et seq.) of the former Appendix to this title, was popularly known as the ''Suits in Admiralty Act'', prior to being repealed and restated in this chapter by Pub. L. 109–304, §§ 6(c), 19, Oct. 6, 2006, 120 Stat. 1509, 1710.

§ 30902. Definition

In this chapter, the term ''federally-owned corporation'' means a corporation in which the United States owns all the outstanding capital stock.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1517.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30902	46 App.:741 (11th–26th words).	Mar. 9, 1920, ch. 95, § 1 (11th–26th words), 41 Stat. 525.

The term ''federally-owned corporation'' is defined in this section and used in this chapter to avoid repeating the substance of the definition in several sections in this chapter. The words ''or its representatives'' are omitted as unnecessary.

§ 30903. Waiver of immunity

(a) IN GENERAL.—In a case in which, if a vessel were privately owned or operated, or if cargo were privately owned or possessed, or if a private person or property were involved, a civil action in admiralty could be maintained, a civil action in admiralty in personam may be brought against the United States or a federally-owned corporation. In a civil action in admiralty brought by the United States or a federally-owned corporation, an admiralty claim in personam may be filed or a setoff claimed against the United States or corporation.

(b) NON-JURY.—A claim against the United States or a federally-owned corporation under this section shall be tried without a jury.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1518.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30903	46 App.:742 (1st, 3d sentences).	Mar. 9, 1920, ch. 95, § 2 (1st, 3d sentences), 41 Stat. 525; Pub. L. 86–770, § 3, Sept. 13, 1960, 74 Stat. 912; Pub. L. 104–324, title XI, § 1105, Oct. 19, 1996, 110 Stat. 3967.

In subsection (a), the words ''civil action'' are substituted for ''proceeding'' and ''libel'' because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.) and for consistency in the chapter. The words ''civil action in admiralty in personam'' are substituted for ''any appropriate nonjury proceeding in personam'' for clarity. The words ''in rem or in personam in any district'' are omitted as unnecessary. The words ''admiralty claim'' are substituted for ''cross libel'' for consistency in this chapter and with the various means of asserting a claim (such as by counterclaim or cross-claim) allowed by the Federal Rules of Civil Procedure. The words ''with the same force and effect as if the libel had been filed by a private party'' are omitted as unnecessary.

Subsection (b) is substituted for the word ''nonjury'' to clarify that the nonjury requirement applies to any claim against the United States or a federally-owned corporation under this section regardless of which party brings the action.

§ 30904. Exclusive remedy

If a remedy is provided by this chapter, it shall be exclusive of any other action arising out of the same subject matter against the officer, employee, or agent of the United States or the federally-owned corporation whose act or omission gave rise to the claim.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1518.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30904	46 App.:745 (1st proviso).	Mar. 9, 1920, ch. 95, § 5 (1st proviso), 41 Stat. 526; June 30, 1932, ch. 315, 47 Stat. 420; Dec. 13, 1950, ch. 1136, 64 Stat. 1112.

The words ''officer, employee, or agent of the United States or the federally-owned corporation'' are substituted for ''agent or employee of the United States or of any incorporated or unincorporated agency thereof'' for consistency in this chapter and to eliminate unnecessary words.

§ 30905. Period for bringing action

A civil action under this chapter must be brought within 2 years after the cause of action arose.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1518.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30905	46 App.:745 (words before 1st proviso).	Mar. 9, 1920, ch. 95, § 5 (words before 1st proviso), 41 Stat. 526; June 30, 1932, ch. 315, 47 Stat. 420; Dec. 13, 1950, ch. 1136, 64 Stat. 1112.

§ 30906. 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—

(1) any plaintiff resides or has its principal place of business; or

(2) the vessel or cargo is found.

(b) TRANSFER.—On a motion by a party, the court may transfer the action to any other district court of the United States.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1518.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30906(a)	46 App.:742 (2d sentence).	Mar. 9, 1920, ch. 95, § 2 (2d, last sentences), 41 Stat. 526.
30906(b)	46 App.:742 (last sentence).	

In subsection (a)(1), the words ''in the United States'' are omitted as unnecessary.

In subsection (a)(2), the words ''charged with liability'' are omitted as unnecessary.

In subsection (b), the words ''in the discretion of the court'' are omitted as unnecessary. For general change of venue provision, see 28 U.S.C. 1404.

§ 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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30907(a)	46 App.:743 (1st, 4th sentences).	Mar. 9, 1920, ch. 95, § 3 (1st, 4th–6th sentences), 41 Stat. 526.
30907(b)	46 App.:743 (5th, 6th sentences).	

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30908	46 App.:741 (less 11th–26th words).	Mar. 9, 1920, ch. 95, § 1 (less 11th–26th words), 41 Stat. 525; Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038; Pub. L. 96–70, § 3(b)(5), Sept. 27, 1979, 93 Stat. 455.

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30909	46 App.:743 (last sentence).	Mar. 9, 1920, ch. 95, § 3 (last sentence), 41 Stat. 526; Pub. L. 97–31, § 12(25)(A), Aug. 6, 1981, 95 Stat. 155.