HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30918	46 App.:752.	Mar. 9, 1920, ch. 95, § 12, 41 Stat. 528; Aug. 30, 1954, ch. 1076, § 1(26), 68 Stat. 968; Pub. L. 97–31, § 12(25)(E), Aug. 6, 1981, 95 Stat. 155.

CHAPTER 311—SUITS INVOLVING PUBLIC VESSELS

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§ 31101. Short title

This chapter may be cited as the ''Public Vessels Act''.

(Pub. L. 109–304, § 6(c), Oct. 6, 2006, 120 Stat. 1521.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31101	46 App.:781 note.	

SHORT TITLE

Act of March 3, 1925, ch. 428, 43 Stat. 1112, which enacted chapter 22 (§ 781 et seq.) of the former Appendix to this title, was popularly known as the ''Public Vessels Act'', prior to being repealed and restated in this chapter by Pub.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.

§ 31102. Waiver of immunity

(a) IN GENERAL.—A civil action in personam in admiralty may be brought, or an impleader filed, against the United States for—

(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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31102(a)	46 App.:781.	Mar. 3, 1925, ch. 428, § 1, 43 Stat. 1112.
31102(b)	46 App.:783 (words before proviso).	Mar. 3, 1925, ch. 428, § 3 (words before proviso), 43 Stat. 1112.

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 terminolgy in the Federal Rules of Civil Procedure and to eliminate unnecessary words. The words ''for damages arising out of the same subject matter'' are substituted for ''in such suit for and on account of any damages arising out of the same subject matter or cause of action'' 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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31103	46 App.:782 (last sentence words before last comma).	Mar. 3, 1925, ch. 428, § 2 (last sentence words before last comma), 43 Stat. 1112.

§ 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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.)