

such services may be maintained during the remainder of the year as may be advisable.

(b) The ice patrol vessels shall warn vessels known to be approaching a dangerous area and recommend safe routes.

(c) The ice patrol vessels shall record the name, together with all the facts in the case, of any ship which is observed or known to be on other than a regular recognized or advertised ship route crossing the North Atlantic Ocean, or to have crossed the fishing banks of Newfoundland north of latitude forty-three degrees north during the fishing season, or, when proceeding to and from ports of North America to have passed through regions known or believed to be endangered by ice. The name of any such ship and all pertinent information relating to the incident shall be reported to the government of the country to which the ship belongs, if the government of that country so requests.

(d) The Commandant of the Coast Guard, under the direction of the Secretary of the Treasury, shall administer the services provided for in this section and shall assign thereto such vessels, material, and personnel of the Coast Guard as may be necessary. Any executive department or agency may upon the request of the Secretary of the Treasury detail personnel, loan or contribute material or equipment, or otherwise assist in the carrying out of the services named.

(e) The Commandant of the Coast Guard shall publish each year a report of the activities of the services provided for in this section, a copy of which shall be furnished to each interested foreign government and to each agency assisting in the work. (June 25, 1936, ch. 807, § 2, 49 Stat. 1922.)

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard, referred to in this section, is generally a service in the Treasury Department, but the Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note under section 1 of this title.

§ 738b. Operator of vessel to give notice of routes; avoidance of ice regions; penalty.

(a) The owner, or operating agent, of any passenger vessel of the United States crossing the North Atlantic Ocean shall give public notice, in such manner as may be prescribed by the Secretary of the Treasury, of the regular routes which he proposes such vessel will follow and of any changes made in a route, and shall require the vessel to follow the published route as far as circumstances will permit. Any passenger vessel of the United States crossing the North Atlantic Ocean shall follow, as far as circumstances will permit, the recognized ship routes; it

shall avoid, as far as practicable, the fishing banks of Newfoundland, north of latitude forty-three degrees north during the fishing season; and shall, as far as circumstances will permit, pass outside of the regions reported or known to be endangered by ice.

(b) If the owner, or operating agent, of any such passenger vessel fails to comply with this section, he shall for each offense be liable to a fine not exceeding \$100. (June 25, 1936, ch. 807, § 3, 49 Stat. 1923.)

§ 738c. Speed of vessel in ice region; penalty.

(a) The master of every vessel of the United States, when ice is reported on or near his course, shall proceed at a moderate speed or alter his course so as to go well clear of the danger zone.

(b) If the master of any such ship fails to comply with this section, he shall for each offense be liable to a fine not exceeding \$500. (June 25, 1936, ch. 807, § 4, 49 Stat. 1923.)

§ 738d. Publication of rules and regulations in Federal Register.

All rules and regulations, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof, issued, prescribed, or promulgated pursuant to authority contained in sections 738—738d of this title, shall be forwarded forthwith to the Division of the Federal Register in The National Archives for filing and publishing in the Federal Register. (June 25, 1936, ch. 807, § 5, 49 Stat. 1924.)

Chapter 19A.—ADMIRALTY AND MARITIME JURISDICTION

Sec.

740. Extension of admiralty and maritime jurisdiction; libel in rem or in personam; exclusive remedy; waiting period.

§ 740. Extension of admiralty and maritime jurisdiction; libel in rem or in personam; exclusive remedy; waiting period.

The admiralty and maritime jurisdiction of the United States shall extend to and include all cases of damage or injury, to person or property, caused by a vessel on navigable water, notwithstanding that such damage or injury be done or consummated on land.

In any such case suit may be brought in rem or in personam according to the principles of law and the rules of practice obtaining in cases where the injury or damage has been done and consummated on navigable water: *Provided*, That as to any suit against the United States for damage or injury done or consummated on land by a vessel on navigable waters, the Public Vessels Act or Suits in Admiralty Act, as appropriate, shall constitute the exclusive remedy for all causes of action arising after June 19, 1948, and for all causes of action where suit has not been hitherto filed under the Federal Tort Claims Act: *Provided further*, That no suit shall be filed against the United States until there shall have expired a period of six months after the claim has been presented in writing to the Federal agency owning or operating the vessel causing the injury or damage. (June 19, 1948, ch. 526, 62 Stat. 496.)

REFERENCES IN TEXT

The Public Vessels Act, referred to in the text, is classified to chapter 22 of this title.

The Suits in Admiralty Act, referred to in the text, is classified to chapter 20 of this title.

The Federal Tort Claims Act, referred to in the text, was repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 962. Provisions covering Federal tort claims will be found in sections 1291, 1346, 1402, 1504, 2110, 2402, 2411, 2412, and 2671—2680 of Title 28, Judiciary and Judicial Procedure.

Chapter 20.—SUITS IN ADMIRALTY BY OR AGAINST VESSELS OR CARGOES OF UNITED STATES

Sec.

- 741. Exemption of United States vessels and cargoes from arrest or seizure.
- 742. Libel in personam.
- 743. Procedure in cases of libel in personam.
- 743a. Same; interest.
- 744. Release of privately owned vessel after seizure.
- 745. Causes of action for which suits may be brought; limitations; exceptions; actions which may not be revived; interest on claims.
- 746. Exemptions and limitations of liability.
- 747. Seizures in foreign jurisdictions.
- 748. Payment of judgment, award, or settlement.
- 749. Arbitration, compromise, or settlement of claims.
- 750. Recovery for salvage services by vessel or crew.
- 751. Disposition of moneys recovered by United States.
- 752. Reports as to suits, awards, and settlements.

§ 741. Exemption of United States vessels and cargoes from arrest or seizure.

No vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock or in the possession of the United States or of such corporation or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: *Provided*, That this chapter shall not apply to the Panama Railroad Company. (Mar. 9, 1920, ch. 95, § 1, 41 Stat. 525.)

CROSS REFERENCES

Disposition of moneys recovered by United States, see section 751 of this title.

Exemptions and limitations of liability extended to corporations described in this section, see section 746 of this title.

Recovery for salvage services by vessel or crew, see section 750 of this title.

Release of privately owned vessel after seizure, see section 744 of this title.

Reports as to awards and settlements, see section 752 of this title.

Seizures in foreign jurisdictions, see section 747 of this title.

§ 742. Libel in personam.

In cases where if such vessel were privately owned or operated, or if such cargo were privately owned or possessed, or if a private person or property were involved, a proceeding in admiralty could be maintained, any appropriate nonjury proceeding in personam may be brought against the United States or against any corporation mentioned in section 741 of this title. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libelant shall forthwith serve

a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party. Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States. (Mar. 9, 1920, ch. 95, § 2, 41 Stat. 525; Sept. 13, 1960, Pub. L. 86-770, § 3, 74 Stat. 912.)

AMENDMENTS

1960—Pub. L. 86-770 amended the first sentence by substituting "owned or possessed" for "owned and possessed" and ", any appropriate nonjury proceeding" for "at the time of the commencement of the action herein provided for, a libel", inserting "or if a private person or property were involved" and deleting following "section 741 of this title" the words "as the case may be, provided that such vessel is employed as a merchant vessel or is a tugboat operated by such corporation."

EFFECTIVE DATE OF 1960 AMENDMENT

Section 4 of Pub. L. 86-770 provided in part that: "The amendment made by section 3 [to this section] shall apply to any case or proceeding brought after the date of enactment of this Act [Sept. 13, 1960]."

CROSS REFERENCES

Actions on war risk insurance claims, see section 1292 of this title.

§ 743. Procedure in cases of libel in personam.

Such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. A decree against the United States or a corporation mentioned in section 741 of this title may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per centum per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel, the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder. (Mar. 9, 1920, ch. 95, § 3, 41 Stat. 526.)

CODIFICATION

Final sentence declaring any bond or stipulation, given prior to March 9, 1920 in admiralty causes, by the United States or the Shipping Board, or the United States Shipping Board Emergency Fleet Corporation, to be void and providing for the surrender thereof has been omitted as obsolete as there are no longer any bonds outstanding or stipulations current which were entered into in admiralty litigation.