

reserve commissioned officers 60 years of age and below grade of major general. See section 14510 of this title.

Section 8844, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-559, §1(68), June 30, 1960, 74 Stat. 279, related to transfer or discharge of certain reserve major generals who are 62 years of age. See section 14511 of this title.

Section 8845, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-559, §1(69), June 30, 1960, 74 Stat. 279; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge of certain reserve officers of Air Force who are 64 years of age. See section 14512(a) of this title.

Section 8846, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 104-106, div. A, title XV, §1501(c)(32), Feb. 10, 1996, 110 Stat. 500, related to transfer or discharge of deferred officers.

A prior section 8847, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 86-559, §1(70), June 30, 1960, 74 Stat. 279, provided for mandatory retirement of female commissioned officers, Air Force nurses, and medical specialists on active duty in a Reserve grade below lieutenant colonel after completion of 25 years of service computed under former section 8853, prior to repeal by Pub. L. 90-130, §1(31)(A), Nov. 8, 1967, 81 Stat. 382.

A prior section 8848, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 86-559, §1(71), June 30, 1960, 74 Stat. 279; Pub. L. 90-130, §1(31)(B), Nov. 8, 1967, 81 Stat. 382; Pub. L. 90-486, §9(2), Aug. 13, 1968, 82 Stat. 760; Pub. L. 96-513, title V, §514(7), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 99-145, title V, §522(b)(1), title XIII, §1303(a)(27)(A), Nov. 8, 1985, 99 Stat. 632, 740, related to transfer or discharge of reserve first lieutenants, captains, majors, and lieutenant colonels with 28 years of service, prior to repeal by Pub. L. 103-337, div. A, title XVI, §1629(c)(3), Oct. 5, 1994, 108 Stat. 2963, effective Oct. 1, 1996. See section 14501 et seq. of this title.

A prior section 8849, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1536, related to separation or transfer to Retired Reserve of female reserve lieutenant colonels, except those designated under former section 8067 of this title, upon completion of 28 years of service, prior to repeal by Pub. L. 86-559, §1(72), June 30, 1960, 74 Stat. 279.

A prior section 8850, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1537; amended Pub. L. 90-168, §2(22), Dec. 1, 1967, 81 Stat. 525; Pub. L. 104-106, div. A, title XV, §1501(c)(25), Feb. 10, 1996, 110 Stat. 499, related to transfer or discharge of excessive reserve commissioned officers in active status with 30 or more years of service, prior to repeal by Pub. L. 103-337, div. A, title XVI, §1629(c)(3), Oct. 5, 1994, 108 Stat. 2963, effective Oct. 1, 1996. See sections 14514 and 14704 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7623 of this title as this section.

2008—Subsec. (b). Pub. L. 110-417 designated existing provisions as par. (1), struck out last sentence which read “Amounts received under this section shall be covered into the Treasury.”, and added par. (2).

2001—Subsec. (a)(2). Pub. L. 107-107, §1014(b)(1), substituted “\$15,000,000” for “\$1,000,000”.

Subsec. (c). Pub. L. 107-107, §1014(b)(2), substituted “\$1,000,000” for “\$100,000”.

1989—Subsec. (c). Pub. L. 101-189 substituted “\$100,000” for “\$10,000”.

1965—Subsec. (c). Pub. L. 89-67 substituted “\$10,000” for “\$1,000”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800

of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 applicable with respect to any claim accruing on or after Feb. 1, 2001, see section 1014(c) of Pub. L. 107-107, set out as a note under section 8822 of this title.

CHAPTER 883—PRIZE

Sec. 8851.	Scope of chapter.
8852.	Jurisdiction.
8853.	Court in which proceedings brought.
8854.	Effect of failure to start proceedings.
8855.	Appointment of prize commissioners and special prize commissioners.
8856.	Duties of United States attorney.
8857.	Duties of commanding officer of capturing vessel.
8858.	Duties of prize master.
8859.	Libel and proceedings by United States attorney.
8860.	Duties of prize commissioners.
8861.	Interrogation of witnesses by prize commissioners.
8862.	Duties of marshal.
8863.	Prize property appropriated for the use of the United States.
8864.	Delivery of property on stipulation.
8865.	Sale of prize.
8866.	Mode of making sale.
8867.	Transfer of prize property to another district for sale.
8868.	Disposition of prize money.
8869.	Security for costs.
8870.	Costs and expenses a charge on prize property.
8871.	Payment of costs and expenses from prize fund.
8872.	Recaptures: award of salvage, costs, and expenses.
8873.	Allowance of expenses to marshals.
8874.	Payment of witness fees.
8875.	Commissions of auctioneers.
8876.	Compensation of prize commissioners and special prize commissioners.
8877.	Accounts of clerks of district courts.
8878.	Interfering with delivery, custody, or sale of prize property.
8879.	Powers of district court over prize property notwithstanding appeal.
8880.	Appeals and amendments in prize causes.
8881.	Reciprocal privileges to cobelligerent.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(e)(4), (f)(1), Aug. 13, 2018, 132 Stat. 1838, redesignated chapter 655 of this title as this chapter and items 7651 to 7681 as 8851 to 8881, respectively.

§ 8851. Scope of chapter

(a) This chapter applies to all captures of vessels as prize during war by authority of the United States or adopted and ratified by the President. However, this chapter does not affect the right of the Army, the Air Force, or the Space Force, while engaged in hostilities, to capture wherever found and without prize procedure—

(1) enemy property; or

(2) neutral property used or transported in violation of the obligations of neutrals under international law.

- (b) As used in this chapter—
 - (1) “vessel” includes aircraft; and
 - (2) “master” includes the pilot or other person in command of an aircraft.

(c) Property seized or taken upon the inland waters of the United States by its naval forces is not maritime prize. All such property shall be delivered promptly to the proper officers of the courts.

(d) Nothing in this chapter may be construed as contravening any treaty of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 474, §7651; renumbered §8851, Pub. L. 115-232, div. A, title VIII, §807(d)(9), Aug. 13, 2018, 132 Stat. 1837; Pub. L. 116-283, div. A, title IX, §924(d)(5), Jan. 1, 2021, 134 Stat. 3826.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7651(a)	34 U.S.C. 1131 (less 1st proviso). 34 U.S.C. 1159 (as applicable to capture).	R.S. 4613 (less 1st proviso); June 24, 1941, ch. 232, 55 Stat. 261. Aug. 18, 1942, ch. 553, §1 (as applicable to capture), 56 Stat. 746; July 1, 1944, ch. 370, §1, 58 Stat. 678; Nov. 14, 1945, ch. 472, §1, 59 Stat. 581.
7651(b)	34 U.S.C. 1131 (1st proviso). 34 U.S.C. 1132.	R.S. 4613 (1st proviso); June 24, 1941, ch. 232, 55 Stat. 261. R.S. 4614; June 24, 1941, ch. 232, 55 Stat. 261.
7651(c)	50 U.S.C. 214.	R.S. 5310.
7651(d)	34 U.S.C. 1158 (last sentence).	R.S. 4652 (last sentence).

In subsection (a) the words “including aircraft” are omitted as covered by subsection (b). The section is written to make the words “during war” applicable to the entire chapter. These words appear in 34 U.S.C. 1159, but not in 34 U.S.C. 1131. Prize is historically and uniformly treated as a war-time matter, so no substantive change results from the extension. The words “this chapter does not affect” are substituted for the words “nothing herein contained shall be construed as affecting, or in any way impairing”. The words “Air Force” are added under authority of §305(a) of the National Security Act of 1947, as amended (5 U.S.C. 171*l*), to provide the same applicability as formerly provided by the word “Army”. The word “legal” is omitted as surplusage.

In subsection (b) the definition of the term “ship” is omitted as covered by the term “vessel”. All of 34 U.S.C. 1132 except that part which includes “aircraft” within the term “vessels” is omitted as unnecessary since the defined term “vessels of the Navy” does not appear in the provisions to which the definition is made applicable. The last sentence of 34 U.S.C. 1158 applies only to Title LIV (Prize) of the Revised Statutes. In subsection (d) it is broadened to cover the entire body of statutory prize law. Additions to the prize law made by the Act of August 18, 1942, ch. 553, 56 Stat. 746, as amended, operated only to extend the jurisdiction of courts of the United States to certain cases in which the prizes are not brought into the territorial waters of the United States. Relations of this country with other countries are not affected by the 1942 Act except when jurisdiction is exercised by American courts over prizes brought into cobelligerent ports. As that Act provides that the consent of the cobelligerent is necessary to the exercise of such jurisdiction, the rule against contravention of treaties is properly applied to it.

Editorial Notes

PRIOR PROVISIONS

A prior section 8851, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1537; amended Pub. L. 86-559,

§1(73), June 30, 1960, 74 Stat. 280; Pub. L. 90-83, §3(6), Sept. 11, 1967, 81 Stat. 220; Pub. L. 90-486, §9(2), Aug. 13, 1968, 82 Stat. 760; Pub. L. 96-513, title V, §514(7), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 98-525, title XIV, §1405(55), Oct. 19, 1984, 98 Stat. 2626; Pub. L. 99-145, title V, §522(b)(2), title XIII, §1303(a)(27)(B), Nov. 8, 1985, 99 Stat. 632, 740; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge of reserve lieutenant colonels, colonels, and brigadier generals with 30 years of service or five years in grade, prior to repeal by Pub. L. 103-337, div. A, title XVI, §1629(c)(3), Oct. 5, 1994, 108 Stat. 2963, effective Oct. 1, 1996.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “, the Air Force, or the Space Force” for “or the Air Force”.

2018—Pub. L. 115-232 renumbered section 7651 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8852. Jurisdiction

(a) The United States district courts have original jurisdiction, exclusive of the courts of the States, of each prize and each proceeding for the condemnation of property taken as prize, if the prize is—

- (1) brought into the United States, or the Commonwealths or possessions;
- (2) brought into the territorial waters of a cobelligerent;
- (3) brought into a locality in the temporary or permanent possession of, or occupied by, the armed forces of the United States; or
- (4) appropriated for the use of the United States.

(b) The United States district courts, exclusive of the courts of the States, also have original jurisdiction of a prize cause in which the prize property—

- (1) is lost or entirely destroyed; or
- (2) cannot be brought in for adjudication because of its condition.

(c) The jurisdiction conferred by this section of prizes brought into the territorial waters of a cobelligerent may not be exercised, nor may prizes be appropriated for the use of the United States within those territorial waters, unless the government having jurisdiction over those waters consents to the exercise of the jurisdiction or to the appropriation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 474, §7652; Pub. L. 109-163, div. A, title X, §1057(a)(5), Jan. 6, 2006, 119 Stat. 3440; renumbered §8852, Pub. L. 115-232, div. A, title VIII, §807(d)(9), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7652(a)	34 U.S.C. 1159 (less applicability to capture). 34 U.S.C. 1164 (2d sentence).	Aug. 18, 1942, ch. 553, §1 (less applicability to capture), 56 Stat. 746; July 1, 1944, ch. 370, §1, 58 Stat. 678; Nov. 14, 1945, ch. 472, §1, 59 Stat. 581. Aug. 18, 1942, ch. 553, §6 (less 1st sentence), 56 Stat. 747.