

may use the agent, or a claims adjuster who is independent of the underwriting agent, to adjust claims under this chapter, but claims may be paid only when approved by the Secretary.

(2) The Secretary may pay reasonable compensation to an underwriting agent for servicing insurance the agent writes for the Secretary. Compensation may include payment for reasonable expenses incurred by the agent but may not include a payment by the agent for stimulation or solicitation of insurance business.

(3) Except as provided by this subsection, the Secretary may not pay an insurance broker or other person acting in a similar capacity any consideration for arranging insurance when the Secretary directly insures any part of the risk.

(d) BUDGET.—The Secretary shall submit annually a budget program for carrying out this chapter as provided for wholly owned Government corporations under chapter 91 of title 31.

(e) ACCOUNTS.—The Secretary shall maintain a set of accounts for audit under chapter 35 of title 31. Notwithstanding chapter 35, the Comptroller General shall allow credit for expenditures under this chapter made consistent with commercial practices in the aviation insurance business when shown to be necessary because of the business activities authorized by this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1171; Pub. L. 104-316, title I, §127(e), Oct. 19, 1996, 110 Stat. 3840; Pub. L. 105-137, §4, Dec. 2, 1997, 111 Stat. 2640; Pub. L. 112-95, title VII, §704, Feb. 14, 2012, 126 Stat. 118.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44308(a)	49 App.:1537(c) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, §1307(a) (1st sentence), (c), (d), 72 Stat. 803, 804.
44308(b)(1) ..	49 App.:1537(a) (1st sentence words before 6th comma). 49 App.:1537(b).	Aug. 23, 1958, Pub. L. 85-726, §1307(b), 72 Stat. 804; Nov. 9, 1977, Pub. L. 95-163, §5(a), 91 Stat. 1280.
44308(b)(2) ..	49 App.:1537(a) (1st sentence words after 6th comma).	
44308(c)(1) ..	49 App.:1537(d) (1st, 3d sentences).	
44308(c)(2) ..	49 App.:1537(d) (2d, last sentences).	
44308(c)(3) ..	49 App.:1537(c) (last sentence).	
44308(d)	49 App.:1537(f) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, §1307(f), 72 Stat. 804; Jan. 2, 1975, Pub. L. 93-604, §702, 88 Stat. 1964.
44308(e)	49 App.:1537(f) (last sentence).	

In subsection (a), the words “may carry out this chapter” are substituted for “in administering this subchapter, may exercise his powers, perform his duties and functions, and make his expenditures” to eliminate unnecessary words.

In subsection (b)(1), the word “insurance” is added for clarity. The words “rules, and regulations” are omitted as unnecessary because of 49:322(a). The words “as he deems proper” and “subject to the following provisions of this subsection” are omitted as surplus. The words “and change” and “fix, adjust, and change” are omitted as being included in “prescribe”. The words “under the policies” are added for clarity. The word “charged” is substituted for “provided for in this subchapter” for consistency in this subchapter.

In subsection (b)(2), before clause (A), the words “the Secretary” are added because of the restatement. In

clause (A), the words “adjust and . . . losses, compromise and” are omitted as included in “settle and pay the claim”. The word “made” is substituted for “whether” for clarity. In clause (B), the word “entered” is substituted for “rendered” because it is more appropriate. The words “in any suit” are omitted as surplus. The words “or the amount of any settlement agreed upon” are omitted as being included in “settle and pay the claim”.

In subsection (c)(1), the words “and when practical shall” are substituted for “and whenever he finds it practical to do so shall” to eliminate unnecessary words. The word “his” is omitted as surplus. The words “The Secretary may use” are substituted for “may be utilized” for consistency. The words “The services of” are omitted as unnecessary.

In subsection (c)(2), the words “pay reasonable compensation” are substituted for “allow . . . fair and reasonable compensation” for consistency in the revised title. The words “an underwriting agent” are substituted for “such companies or groups of companies”, and the words “the agent writes” are substituted for “written by such companies or groups of companies as underwriting agent”, for clarity. The word “payment” is substituted for “allowance” for consistency.

In subsection (c)(3), the words “intermediary” and “fee or other” are omitted as surplus. The word “for” is substituted for “by virtue of his participation in” to eliminate unnecessary words.

In subsection (d), the word “prepare” is omitted as being included in “submit”. The words “for carrying out this chapter” are substituted for “in the performance of, and with respect to, the functions, powers, and duties vested in him by this subchapter” for consistency and to eliminate unnecessary words. The words “under chapter 91 of title 31” are substituted for “by the Government Corporation Control Act, as amended (59 Stat. 597; 31 U.S.C. 841)” in section 1307(f) of the Act of August 23, 1958 (Public Law 85-726, 72 Stat. 804) because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067).

In subsection (e), the words “under chapter 35 of title 31” are substituted for “in accordance with the provisions of the Accounting and Auditing Act of 1950” in section 1307(f) of the Act of August 23, 1958 (Public Law 85-726, 72 Stat. 804) because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067). The words “Provided, That . . . the Secretary may exercise the powers conferred in said subchapter, perform the duties and functions” are omitted as surplus. The words “Notwithstanding chapter 35” are added for clarity. The words “Comptroller General” are substituted for “General Accounting Office” because of 31:702.

AMENDMENTS

2012—Subsec. (c)(1). Pub. L. 112-95 substituted “agent, or a claims adjuster who is independent of the underwriting agent,” for “agent” in second sentence.

1997—Subsec. (b)(1). Pub. L. 105-137, §4(a), inserted after second sentence “Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates.”

Subsec. (b)(2). Pub. L. 105-137, §4(b), struck out “and” at end of subpar. (A), added subpar. (B), and redesignated former subpar. (B) as (C).

1996—Subsec. (e). Pub. L. 104-316 substituted “for audit” for “. The Comptroller General shall audit those accounts”.

§ 44309. Civil actions

(a) LOSSES.—

(1) ACTIONS AGAINST UNITED STATES.—A person may bring a civil action in a district court of the United States or in the United States Court of Federal Claims against the United States Government when—

(A) a loss insured under this chapter is in dispute; or

(B)(i) the person is subrogated under a contract between the person and a party insured under this chapter (other than section 44305(b)) to the rights of the insured party against the United States Government; and

(ii) the person has paid to the insured party, with the approval of the Secretary of Transportation, an amount for a physical damage loss that the Secretary has determined is a loss covered by insurance issued under this chapter (other than section 44305(b)).

(2) LIMITATION.—A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter. A civil action shall not be instituted against the United States under this chapter unless the claimant first presents the claim to the Secretary of Transportation and such claim is finally denied by the Secretary in writing and notice of the denial of such claim is sent by certified or registered mail.

(3) PROCEDURE.—To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28, United States Code, applies to an action under this subsection.

(b) VENUE AND JOINDER.—(1) A civil action under subsection (a) of this section may be brought in the judicial district for the District of Columbia or in the judicial district in which the plaintiff or the agent of the plaintiff resides if the plaintiff resides in the United States. If the plaintiff does not reside in the United States, the action may be brought in the judicial district for the District of Columbia or in the judicial district in which the Attorney General agrees to accept service.

(2) An interested person may be joined as a party to a civil action brought under subsection (a) of this section initially or on motion of either party to the action.

(c) TIME REQUIREMENTS.—(1) Except as provided under paragraph (2), an insurance claim made under this chapter against the United States shall be forever barred unless it is presented in writing to the Secretary of Transportation within two years after the date on which the loss event occurred. Any civil action arising out of the denial of such a claim shall be filed by not later than six months after the date of the mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

(2)(A) For claims based on liability to persons with whom the insured has no privity of contract, an insurance claim made under the authority of this chapter against the United States shall be forever barred unless it is presented in writing to the Secretary of Transportation by not later than the earlier of—

(i) the date that is 60 days after the date on which final judgment is entered by a tribunal of competent jurisdiction; or

(ii) the date that is six years after the date on which the loss event occurred.

(B) Any civil action arising out of the denial of such claim shall be filed by not later than six

months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

(3) A claim made under this chapter shall be deemed to be administratively denied if the Secretary fails to make a final disposition of the claim before the date that is 6 months after the date on which the claim is presented to the Secretary, unless the Secretary makes a different agreement with the claimant when there is good cause for an agreement.

(d) INTERPLEADER.—(1) If the Secretary admits the Government owes money under an insurance claim under this chapter and there is a dispute about the person that is entitled to payment, the Government may bring a civil action of interpleader in a district court of the United States against the persons that may be entitled to payment. The action may be brought in the judicial district for the District of Columbia or in the judicial district in which any party resides.

(2) The district court may order a party not residing or found in the judicial district in which the action is brought to appear in a civil action under this subsection. The order shall be served in a reasonable manner decided by the district court. If the court decides an unknown person might assert a claim under the insurance that is the subject of the action, the court may order service on that person by publication in the Federal Register.

(3) Judgment in a civil action under this subsection discharges the Government from further liability to the parties to the action and to all other persons served by publication under paragraph (2) of this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1172; Pub. L. 105–277, div. C, title I, §110(c)(1), Oct. 21, 1998, 112 Stat. 2681–587; Pub. L. 113–291, div. A, title X, §1074(a), Dec. 19, 2014, 128 Stat. 3518.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44309(a)	49 App.:1540 (1st sentence less 19th–70th words, 3d sentence).	Aug. 23, 1958, Pub. L. 85–726, §1310, 72 Stat. 805.
44309(b)(1) ..	49 App.:1540 (1st sentence 19th–70th words, 2d sentence).	
44309(b)(2) ..	49 App.:1540 (4th sentence).	
44309(c)	49 App.:1540 (last sentence).	
44309(d)	49 App.:1540 (5th–8th sentences).	

In subsection (a), the words “A person may bring” are substituted for “may be maintained” for clarity. The words “a civil action” are substituted for “suit” because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “A civil action . . . (except the action authorized by this subsection) may not be brought” are substituted for “and this remedy shall be exclusive of any other action”, and the words “involving the” are substituted for “by reason of”, for clarity. The words “carrying out this chapter” are substituted for “employed or retained under this subchapter”, and the words “in an action” are substituted for “for suits in the district courts”, for consistency. The words “applies to” are substituted for “shall otherwise be the same as that provided for” to eliminate unnecessary words. The words “an action under this subsection” are substituted for “such suits” for consistency.

In subsection (b)(1), the words “A civil action under subsection (a) of this section may be brought” are added for clarity. The words “the plaintiff or the agent of the plaintiff resides” are substituted for “the claimant or his agent resides” for consistency in the revised title. The words “if the plaintiff resides in the United States” are added for clarity. The words “notwithstanding the amount of the claim” are omitted as obsolete because jurisdiction under 28:1331 no longer depends on the amount of the claim. The words “and any provision of existing law as to the jurisdiction of United States district courts” are omitted as obsolete.

In subsection (b)(2), the words “interested person” are substituted for “All persons having or claiming or who might have an interest in such insurance” to eliminate unnecessary words. The word “either” is omitted as surplus. The words “to a civil action brought under subsection (a) of this section” are added for clarity.

In subsection (c), the words “during which, under section 2401 of title 28, a civil action must be brought under subsection (a) of this section” are substituted for “within which suits may be commenced contained in section 2401 of title 28 providing for bringing of suits against the United States” for clarity. The words “from such time of filing” are omitted as surplus. The words “60 days after the Secretary of Transportation denies the claim” are substituted for “the claim shall have been administratively denied by the Secretary and for sixty days thereafter” for clarity.

In subsection (d)(1), the words “a civil action of interpleader” are substituted for “an action in the nature of a bill of interpleader” because of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “persons that may be entitled to payment” are substituted for “such parties” for clarity.

In subsection (d)(2), the words “in which the action is brought” are added for clarity. The words “The order shall be” are added because of the restatement. The words “the court may order service on that person” are substituted for “it may direct service upon such persons unknown” as being more precise.

In subsection (d)(3), the words “in a civil action under this subsection” are substituted for “in any such suit” for clarity.

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113-291, §1074(a)(1), inserted at end “A civil action shall not be instituted against the United States under this chapter unless the claimant first presents the claim to the Secretary of Transportation and such claim is finally denied by the Secretary in writing and notice of the denial of such claim is sent by certified or registered mail.”

Subsec. (c). Pub. L. 113-291, §1074(a)(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “When an insurance claim is made under this chapter, the period during which, under section 2401 of title 28, a civil action must be brought under subsection (a) of this section is suspended until 60 days after the Secretary of Transportation denies the claim. The claim is deemed to be administratively denied if the Secretary does not act on the claim not later than 6 months after filing, unless the Secretary makes a different agreement with the claimant when there is good cause for an agreement.”

1998—Subsec. (a). Pub. L. 105-277 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “A person may bring a civil action in a district court of the United States against the United States Government when a loss insured under this chapter is in dispute. A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter. To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28 applies to an action under this subsection.”

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-291, div. A, title X, §1074(b), Dec. 19, 2014, 128 Stat. 3519, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to a claim arising after the date of the enactment of this Act [Dec. 19, 2014].”

§ 44310. Ending effective date

(a) IN GENERAL.—The authority of the Secretary of Transportation to provide insurance and reinsurance under any provision of this chapter other than section 44305 is not effective after December 11, 2014.

(b) INSURANCE OF UNITED STATES GOVERNMENT PROPERTY.—The authority of the Secretary of Transportation to provide insurance and reinsurance for a department, agency, or instrumentality of the United States Government under section 44305 is not effective after December 31, 2018.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1173; Pub. L. 105-85, div. A, title X, §1088(a), Nov. 18, 1997, 111 Stat. 1921; Pub. L. 105-137, §5(a), Dec. 2, 1997, 111 Stat. 2641; Pub. L. 105-277, div. C, title I, §110(c)(2), Oct. 21, 1998, 112 Stat. 2681-588; Pub. L. 106-6, §6, Mar. 31, 1999, 113 Stat. 10; Pub. L. 106-31, title VI, §6002(f), May 21, 1999, 113 Stat. 113; Pub. L. 106-181, title VII, §711, Apr. 5, 2000, 114 Stat. 160; Pub. L. 108-11, title IV, §4001(c), Apr. 16, 2003, 117 Stat. 606; Pub. L. 108-176, title I, §106(d), Dec. 12, 2003, 117 Stat. 2499; Pub. L. 110-181, div. A, title III, §378, Jan. 28, 2008, 122 Stat. 85; Pub. L. 113-46, div. A, §154, Oct. 17, 2013, 127 Stat. 565; Pub. L. 113-66, div. A, title X, §1093, Dec. 26, 2013, 127 Stat. 878; Pub. L. 113-76, div. L, title I, §119E(c), Jan. 17, 2014, 128 Stat. 582; Pub. L. 113-164, §148(c), Sept. 19, 2014, 128 Stat. 1874; Pub. L. 113-235, div. L, §102(c), Dec. 16, 2014, 128 Stat. 2767.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44310, 49 App.:1542, Aug. 23, 1958, Pub. L. 85-726, §1312, 72 Stat. 806; July 20, 1961, Pub. L. 87-89, 75 Stat. 210; June 13, 1966, Pub. L. 89-447, 80 Stat. 199; Sept. 8, 1970, Pub. L. 91-399, 84 Stat. 837; Aug. 9, 1975, Pub. L. 94-90, §2, 89 Stat. 439; July 31, 1976, Pub. L. 94-374, 90 Stat. 1065; Nov. 9, 1977, Pub. L. 95-163, §6, 91 Stat. 1280; Oct. 14, 1982, Pub. L. 97-309, §3, 96 Stat. 1453; Oct. 30, 1987, Pub. L. 100-148, 101 Stat. 878; Oct. 31, 1992, Pub. L. 102-581, §402, 106 Stat. 4897.

The words “is not effective after” are substituted for “shall expire at the termination of” for clarity and consistency in the revised title.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-235 substituted “December 11, 2014” for “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015”.

Pub. L. 113-164 substituted “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015” for “September 30, 2014”.

Pub. L. 113-76 substituted “September 30, 2014” for “the date specified in section 106(3) of the Continuing Appropriations Act, 2014”.

2013—Pub. L. 113-66 designated existing provisions as subsec. (a) and inserted heading, substituted “any pro-