

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50301(g)	46 App.:1241c.	Aug. 1, 1956, ch. 846, 70 Stat. 897; Pub. L. 97-31, §12(130), Aug. 6, 1981, 95 Stat. 165.

In subsection (c), the words “Director of the Office of Management and Budget” are substituted for “Bureau of the Budget” in the Act of June 2, 1951 (ch. 121, 65 Stat. 59), because of sections 101 and 102 of Reorganization Plan No. 2 of 1970 (5 App. U.S.C.) and 31 U.S.C. ch. 5. The words “for the purposes of that appropriation” are omitted for clarity and for consistency in the subsection.

In subsection (d), the words “notwithstanding any other provisions of law” and “and consolidated with” are omitted as unnecessary.

In subsection (e), in paragraph (1), the words “Comptroller General” are substituted for “Government Accountability Office” for consistency in the revised title. Paragraph (3) is substituted for “(except in cases where section 1212 of this Appendix is applicable)” because section 1212 applies to all vessels under a construction-differential subsidy contract.

In subsection (f), the words “On and after June 20, 1956”, and the last proviso in the 4th complete par. at 70 Stat. 319 (46 App. U.S.C. 1241b note), are omitted as obsolete.

In subsection (g), the words “beginning July 1, 1956” and “after July 1, 1956” are omitted as obsolete.

REFERENCES IN TEXT

Sections 1(a) and (c), 3(c), and 4 of the Act of March 24, 1943 (50 App. U.S.C. 1291(a), (c), 1293(c), 1294), referred to in subsec. (b), are sections 1(a) and (c), 3(c), and 4 of act Mar. 24, 1943, ch. 26, 57 Stat. 45, 47, 49, 51, which were formerly classified to sections 1291(a), (c), 1293(c), and 1294 of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification as sections 4701(a), (c), 4703(c), and 4704, respectively, of Title 50.

§ 50302. Port development

(a) GENERAL REQUIREMENTS.—With the objective of promoting, encouraging, and developing ports and transportation facilities in connection with water commerce over which the Secretary of Transportation has jurisdiction, the Secretary, in cooperation with the Secretary of the Army, shall—

(1) investigate territorial regions and zones tributary to ports, taking into consideration the economies of transportation by rail, water, and highway and the natural direction of the flow of commerce;

(2) investigate the causes of congestion of commerce at ports and applicable remedies;

(3) investigate the subject of water terminals, including the necessary docks, warehouses, and equipment, to devise and suggest the types most appropriate for different locations and for the most expeditious and economical transfer or interchange of passengers or property between water carriers and rail carriers;

(4) consult with communities on the appropriate location and plan of construction of wharves, piers, and water terminals;

(5) investigate the practicability and advantages of harbor, river, and port improvements in connection with foreign and coastwise trade; and

(6) investigate any other matter that may tend to promote and encourage the use by ves-

sels of ports adequate to care for the freight that naturally would pass through those ports.

(b) SUBMISSION OF FINDINGS TO SURFACE TRANSPORTATION BOARD.—After an investigation under subsection (a), if the Secretary of Transportation believes that the rates or practices of a rail carrier subject to the jurisdiction of the Surface Transportation Board are detrimental to the objective specified in subsection (a), or that new rates or practices, new or additional port terminal facilities, or affirmative action by a rail carrier is necessary to promote that objective, the Secretary may submit findings to the Board for action the Board considers appropriate under existing law.

(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administrator, shall establish a port infrastructure development program for the improvement of port facilities as provided in this subsection.

(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any project under the program established under paragraph (1), the Administrator may—

(A) receive funds provided for the project from Federal, non-Federal, and private entities that have a specific agreement or contract with the Administrator to further the purposes of this subsection;

(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to improve the efficiency of the transportation system, to increase port security, or to provide greater access to port facilities;

(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

(D) provide such technical assistance and financial assistance, including grants, to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out projects under the port infrastructure development program. The Fund shall be available to the Administrator—

(i) to administer and carry out projects under the program;

(ii) to receive Federal, non-Federal, and private funds from entities which have specific agreements or contracts with the Administrator; and

(iii) to make refunds for projects that will not be completed.

(B) CREDITS.—There may be deposited into the Fund—

(i) funds from Federal, non-Federal, and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended or refunded; and

(ii) such amounts as may be appropriated or transferred, subject to subparagraph (C), to the Fund under this subsection.

(C) TRANSFERS.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), amounts appropriated or otherwise made available for any fiscal year for a marine facility or intermodal facility that includes maritime transportation may be transferred, at the option of the recipient of such amounts, to the Fund and administered by the Administrator as a component of a project under the program.

(ii) PROHIBITION ON TRANSFERS.—Except as provided in clause (iii), no funds appropriated or made available under title 23 or chapter 53 of title 49, United States Code, including funds from the Highway Trust Fund (section 9503(c) of the Internal Revenue Code of 1986), funds from the Mass Transit Account of the Highway Trust Fund (section 9503(e) of Internal Revenue Code of 1986), and funds provided for public transportation programs within the mass transit category (as defined in section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985), shall be transferred into the Fund.

(iii) EXCEPTION.—

(I) IN GENERAL.—Amounts described in subclause (II) are eligible for transfer into the Fund if—

(aa) the recipient of the amounts has a specific agreement or contract with the Administrator;

(bb) the Department of Transportation agency that administers the amounts to be transferred has granted project approval for each component of the project that is to be funded using such amounts;

(cc) the Department of Transportation agency that administers the amounts to be transferred and the Maritime Administration agree to the transfer through a signed Memorandum of Understanding; and

(dd) the amounts will be used only to carry out the project for which funds were approved, and in accordance with any conditions governing the amounts under title 23 or chapter 53 of title 49, United States Code.

(II) AMOUNTS DESCRIBED.—The amounts referred to in subclause (I) are amounts appropriated or made available—

(aa) for loans, loan guarantees, or lines of credit under chapter 6 of title 23, United States Code, for a project eligible under such chapter to facilitate direct intermodal exchange, transfer, and access into and out of a port as defined under section 601(a)(8)(D)(iii) of such title, as in effect on the date of enactment of this subsection; or

(bb) for projects under title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(D) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect existing authorities to conduct port infrastructure programs in Hawaii (as authorized by section 9008 of Public Law 109-59), Alaska (as authorized by section 10205 of Public Law 109-59), or Guam (as authorized by section 3512 of Public Law 110-417).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under paragraph (3)(A)(ii).

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1564; Pub. L. 111-84, div. C, title XXXV, §3512, Oct. 28, 2009, 123 Stat. 2722; Pub. L. 113-66, div. C, title XXXV, §3505(b), Dec. 26, 2013, 127 Stat. 1086.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50302(a)	46 App.:867 (words before proviso).	June 5, 1920, ch. 250, §8, 41 Stat. 992; Exec. Order No. 6166, June 10, 1933, §12; June 29, 1936, ch. 858, title II, §204, title IX, §904, 49 Stat. 1987, 2016; Pub. L. 97-31, §12(40), Aug. 6, 1981, 95 Stat. 156; Pub. L. 104-88, §321(1), Dec. 29, 1995, 109 Stat. 949.
50302(b)	46 App.:867 (provisio).	

In subsection (a), before paragraph (1), the words “Secretary of the Army” are substituted for “Secretary of War” in section 8 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 992) because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501). See 10 U.S.C. 3011 et seq. In paragraph (3), the words “apparatus” and “appliances” are omitted as unnecessary. In paragraph (4), the words “consult with” are substituted for “advise with” as being more grammatical.

In subsection (b), the words “rates or practices” are substituted for “rates, charges, rules, or regulations” for consistency in the revised title and with other titles of the United States Code.

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (c)(2)(B), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Section 9503 of the Internal Revenue Code of 1986, referred to in subsec. (c)(3)(C)(ii), is classified to section 9503 of Title 26, Internal Revenue Code.

Section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c)(3)(C)(ii), is classified to section 900 of Title 2, The Congress.

The date of enactment of this subsection, referred to in subsec. (c)(3)(C)(iii)(II)(aa), is the date of enactment of Pub. L. 111-84, which was approved Oct. 28, 2009.

The American Recovery and Reinvestment Act of 2009, referred to in subsec. (c)(3)(C)(iii)(II)(bb), is Pub. L. 111-5, Feb. 17, 2009, 123 Stat. 115. The provisions of title XII of div. A of the Act making appropriations are not classified to the Code. For complete classification of this Act to the Code, see Short Title of 2009 Amendment note set out under section 1 of Title 26, Internal Revenue Code, and Tables.

Section 9008 of Public Law 109-59, referred to in subsec. (c)(3)(D), is section 9008 of Pub. L. 109-59, title IX,

Aug. 10, 2005, 119 Stat. 1926, which is not classified to the Code.

Section 10205 of Public Law 109-59, referred to in subsec. (c)(3)(D), is section 10205 of Pub. L. 109-59, title X, Aug. 10, 2005, 119 Stat. 1934, which is not classified to the Code.

Section 3512 of Public Law 110-417, referred to in subsec. (c)(3)(D), is classified to section 1421r of Title 48, Territories and Insular Possessions.

AMENDMENTS

2013—Subsec. (c)(2)(D). Pub. L. 113-66 inserted “and financial assistance, including grants,” after “technical assistance”.

2009—Subsec. (c). Pub. L. 111-84 added subsec. (c).

STRATEGIC SEAPORTS

Pub. L. 113-66, div. C, title XXXV, §3505(a), Dec. 26, 2013, 127 Stat. 1086, provided that:

“(1) IN GENERAL.—Under the port infrastructure development program established under section 50302(c) of title 46, United States Code, the Maritime Administrator, in consultation with the Secretary of Defense, may give priority to providing funding to strategic seaports in support of national security requirements.

“(2) STRATEGIC SEAPORT DEFINED.—In this subsection the term ‘strategic seaport’ means a military port or [sic] commercial port that is subject to a port planning order or Basic Ordering Agreement (or both) that is projected to be used for the deployment of forces and shipment of ammunition or sustainment supplies in support of military operations.”

§ 50303. Operating property and extending term of notes

(a) GENERAL AUTHORITY.—The Secretary of Transportation may—

- (1) operate or lease docks, wharves, piers, vessels, or real property under the Secretary’s control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense; and
- (2) make extensions and accept renewals of—
 - (A) promissory notes and other evidences of indebtedness on property; and
 - (B) mortgages and other contracts securing the property.

(b) TERMS OF TRANSACTIONS.—A transaction under subsection (a) shall be on terms the Secretary considers necessary to carry out the purposes of this subtitle, but consistent with sound business practice.

(c) AVAILABILITY OF AMOUNTS.—Amounts received by the Secretary from a transaction under this section are available for expenditure by the Secretary as provided in this subtitle.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1564; Pub. L. 110-181, div. C, title XXXV, §3512, Jan. 28, 2008, 122 Stat. 594.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50303	46 App.:1112.	June 29, 1936, ch. 858, title II, §202, 49 Stat. 1986; Aug. 26, 1937, ch. 822, §1, 50 Stat. 839; June 23, 1938, ch. 600, §1, 52 Stat. 953; Pub. L. 97-31, §12(60), Aug. 6, 1981, 95 Stat. 158.

In subsection (a), the words “Notwithstanding any other provision of law” are omitted as unnecessary. In

paragraph (1), the word “lands” is omitted as included in “real property”. In paragraph (2)(A), the word “promissory” is added for clarity. The words “hereby transferred”, referring to the transfer under the first sentence of section 202 of the Merchant Marine Act, 1936 (repealed by section 12(60)(A) of Public Law 97-31), are omitted as obsolete.

Subsection (b) is substituted for “in accordance with good business methods and on such terms and conditions as he determines to effectuate the policy of this chapter” and “upon such terms and conditions as he may prescribe in accordance with sound business practice” for consistency and to eliminate unnecessary words.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-181 inserted “vessels,” after “piers,” and substituted “control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense;” for “control;”.

§ 50304. Sale and transfer of property

(a) AUTHORITY TO SELL.—The Secretary of Transportation may sell property (other than vessels transferred under section 4 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 990)) on terms the Secretary considers appropriate.

(b) TRANSFERS FROM MILITARY TO CIVILIAN CONTROL.—When the President considers it in the interest of the United States, the President may transfer to the Secretary of Transportation possession and control of property described in the second paragraph of section 17 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 994), as originally enacted, that is possessed and controlled by the Secretary of a military department.

(c) TRANSFERS FROM CIVILIAN TO MILITARY CONTROL.—When the President considers it necessary, the President by executive order may transfer to the Secretary of a military department possession and control of property described in section 17 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 994), as originally enacted, that is possessed and controlled by the Secretary of Transportation. The President’s order shall state the need for the transfer and the period of the need. When the President decides that the need has ended, the possession and control shall revert to the Secretary of Transportation. The property may not be sold except as provided by law.

(d) VESSEL CHARTERS TO OTHER DEPARTMENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Secretary may charter or otherwise make available a vessel under the jurisdiction of the Secretary to any other department, upon the request by the Secretary of the Department that receives the vessel. The prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1565; Pub. L. 110-181, div. C, title XXXV, §3515, Jan. 28, 2008, 122 Stat. 595.)