

sary. The words “obtain reinsurance from” are substituted for “reinsure with, or cede or retrocede to” for clarity and to eliminate unnecessary words.

§ 53908. Additional insurance privately obtained

With the approval of the Secretary of Transportation, a person having an insurable interest in a vessel may obtain insurance on the vessel with other underwriting agents in addition to the insurance with the Secretary. The Secretary is not entitled to the benefit of the additional insurance.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1630.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 53908, 46 App.:1293, June 29, 1936, ch. 858, title XII, §1213, as added Sept. 7, 1950, ch. 906, 64 Stat. 777; Pub. L. 97-31, §12(141), Aug. 6, 1981, 95 Stat. 166.

§ 53909. War risk insurance revolving fund

(a) IN GENERAL.—There is a war risk insurance revolving fund in the Treasury.

(b) DEPOSITS.—There shall be deposited in the fund amounts appropriated to carry out this chapter and amounts received in carrying out this chapter.

(c) PAYMENTS.—There shall be paid from the fund amounts for return premiums, losses, settlements, judgments, and all liabilities incurred by the United States Government under this chapter.

(d) INVESTMENT.—The Secretary of Transportation may request the Secretary of the Treasury to invest such portion of the fund as is not, in the judgment of the Secretary of Transportation, required to meet the current needs of the fund. These investments shall be made by the Secretary of the Treasury in public debt securities of the Government, with maturities suitable to the needs of the fund, and bearing interest rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the Government of comparable maturity. Interest and benefits from the securities shall be deposited in the fund.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1630; Pub. L. 109-364, div. C, title XXXV, §3510(a)(1), Oct. 17, 2006, 120 Stat. 2520; Pub. L. 110-181, div. C, title XXXV, §3526(g), Jan. 28, 2008, 122 Stat. 602.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 53909, 46 App.:1288, June 29, 1936, ch. 858, title XII, §1208, as added Sept. 7, 1950, ch. 906, 64 Stat. 775; Pub. L. 87-743, Oct. 3, 1962, 76 Stat. 740; Pub. L. 97-31, §12(139), Aug. 6, 1981, 95 Stat. 166; Pub. L. 108-375, div. C, title XXXV, §3502(b), Oct. 28, 2004, 118 Stat. 2195. Row 2: 46 App.:1288a, Nov. 1, 1951, ch. 664, par. under heading “War-Risk Insurance Revolving Fund”, 65 Stat. 746; Pub. L. 97-31, §12(140), Aug. 6, 1981, 95 Stat. 166.

In subsection (c), the reference to the Fiscal Service [previously Division of Disbursement] in the Treasury Department is omitted as unnecessary.

In subsection (d), the amendment by section 3502(b) of Public Law 108-375, which struck the third sentence in 46 App. U.S.C. 1288 and inserted new material, was executed as if it were intended to strike the fourth sentence instead, to reflect probably [sic] intent.

The text of 46 App. U.S.C. 1288(b) is omitted as unnecessary because enactment of a law authorizing certain governmental functions is itself an authorization of appropriations to carry out those functions. The text of 46 App. U.S.C. 1288a is omitted as executed and impliedly repealed by 46 App. U.S.C. 1119.

AMENDMENTS

2008—Pub. L. 110-181 repealed Pub. L. 109-364, §3510(a)(1). See 2006 Amendment note below.

2006—Pub. L. 109-364, §3510(a)(1), which directed the amendment of section 1288(a) of the former Appendix to this title from which this section was derived in part, was repealed by Pub. L. 110-181. The substance of the amendment was incorporated in this section as enacted by Pub. L. 109-304. See Historical and Revision notes above.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. C, title XXXV, §3510(a)(2), Oct. 17, 2006, 120 Stat. 2520, which provided that the amendments made by paragraph (1) [amending section 1288(a) of the former Appendix to this title, from which this section was derived in part] were to be effective as if enacted by section 3502 of Pub. L. 108-375, was repealed by Pub. L. 110-181, div. C, title XXXV, §3526(g), Jan. 28, 2008, 122 Stat. 602.

§ 53910. Administrative

(a) ACCORDANCE WITH COMMERCIAL PRACTICE.—In carrying out this chapter, the Secretary of Transportation may act in accordance with commercial practice in the marine insurance business.

(b) REGULATIONS.—The Secretary may prescribe regulations the Secretary considers appropriate to carry out this chapter.

(c) POLICIES, RATES, AND ANNUAL FEES.—The Secretary may prescribe and change forms and policies, and fix and change the amounts insured and rates of premium, under this chapter.

(d) ANNUAL FEES.—The Secretary may charge and collect an annual fee in an amount calculated to cover the expenses of processing applications for insurance, employing underwriting agents, and appointing experts under this chapter.

(e) PAYMENT OF CLAIMS AND JUDGMENTS.—The Secretary may settle and pay claims, and pay judgments against the United States, related to insurance under this chapter.

(f) UNDERWRITING AGENTS.—

(1) IN GENERAL.—The Secretary may, and when the Secretary finds it practical to do so shall, employ a domestic company or group of domestic companies, authorized to do marine insurance business in a State of the United States, to act as underwriting agent for the Secretary. The services of an underwriting agent may be used in adjusting claims, but a claim may not be paid until approved by the Secretary.

(2) COMPENSATION.—The Secretary may allow the company or group of companies reasonable compensation for services as the underwriting agent. The compensation may in-

clude an allowance for expenses reasonably incurred by the agent, but may not include any amount for soliciting or stimulating business.

(g) FEES FOR ARRANGING INSURANCE.—Except as provided in subsection (f)(2), the Secretary may not pay an insurance broker or other person acting in a similar intermediary capacity a fee or other consideration for participating in arranging insurance when the Secretary directly insures any of the risk.

(h) EMPLOYMENT OF MARINE INSURANCE EXPERTS.—The Secretary, without regard to the laws and regulations on the employment of Federal employees, may appoint and prescribe the duties of experts in marine insurance as the Secretary considers necessary to carry out this chapter.

(i) SERVICES OF OTHER GOVERNMENT AGENCIES.—With the consent of another agency of the United States Government, the Secretary may use information, services, facilities, officers, and employees of the agency in carrying out this chapter.

(j) VESSEL LOCATION REPORTING.—The Secretary may prescribe by regulation vessel location reporting requirements for a vessel insured under this chapter.

(Pub. L. 109–304, §8(c), Oct. 6, 2006, 120 Stat. 1630.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
53910(a)	46 App.:1289(c) (1st sentence).	June 29, 1936, ch. 858, title XII, §1209(a)(1), (b)–(f), as added Sept. 7, 1950, ch. 906, 64 Stat. 775; Aug. 3, 1956, ch. 929, §1, 70 Stat. 984; Pub. L. 94–523, §4, Oct. 17, 1976, 90 Stat. 2474.
53910(b)	46 App.:1289(a)(1) (1st–19th words).	
53910(c)	46 App.:1289(b) (1st sentence).	
53910(d)	46 App.:1289(b) (last sentence).	
53910(e)	46 App.:1289(a)(1) (20th–last words).	
53910(f)	46 App.:1289(d).	
53910(g)	46 App.:1289(c) (last sentence).	
53910(h)	46 App.:1289(e).	
53910(i)	46 App.:1289(f).	
53910(j)	46 App.:1283(a) (last sentence).	June 29, 1936, ch. 858, title XII, §1203(a) (last sentence), as added Sept. 7, 1950, ch. 906, 64 Stat. 774; Pub. L. 94–523, §1, Oct. 17, 1976, 90 Stat. 2474.

Subsection (e) is substituted for “may adjust and pay losses, compromise and settle claims, whether in favor of or against the United States and pay the amount of any judgment rendered against the United States in any suit, or the amount of any settlement agreed upon, in respect of any claim under insurance authorized by this subchapter” to eliminate unnecessary words.

§ 53911. Civil actions for losses

(a) IN GENERAL.—If there is a disagreement about a loss insured under this chapter, a civil action in admiralty may be brought against the United States in the district court of the United States for the district in which the plaintiff or the plaintiff’s agent resides. If the plaintiff has no residence in the United States, the action may be brought in the United States District Court for the District of Columbia or in the district court for any district in which the Attorney General agrees to accept service. Any per-

son who may have an interest in the insurance may be made a party, either initially or on the motion of either party.

(b) EXCLUSIVE REMEDY.—A civil action against the United States under this section is exclusive of any other action by reason of the same subject matter against an officer, employee, or agent employed or retained by the Government under this chapter.

(c) PROCEDURE.—A civil action under this section shall be heard and determined under chapter 309 of this title.

(d) TOLLING OF LIMITATIONS PERIOD.—If a claim is filed with the Secretary of Transportation, the running of the limitations period for bringing a civil action is suspended until the Secretary denies the claim, and for 60 days thereafter. The Secretary is deemed to have denied the claim if the Secretary does not act on the claim within 6 months after the claim is filed, unless the Secretary for good cause shown agrees with the claimant on a different period for the Secretary to act on the claim.

(e) INTERPLEADER.—If the Secretary acknowledges the indebtedness of the Government under the insurance and there is a dispute about the persons entitled to receive payment, the Government may bring a civil action interpleading those persons. The action shall be brought in the United States District Court for the District of Columbia or in the district court for the district in which any of those persons resides. A person not residing or found in the district may be made a party by service in any reasonable manner the court directs. If the court is satisfied that unknown persons might make a claim under the insurance, the court may direct service on those unknown persons by publication in the Federal Register. Judgment after service by publication in the Federal Register discharges the Government from further liability to all persons.

(Pub. L. 109–304, §8(c), Oct. 6, 2006, 120 Stat. 1631.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
53911	46 App.:1292.	June 29, 1936, ch. 858, title XII, §1212, as added Sept. 7, 1950, ch. 906, 64 Stat. 776.

§ 53912. Expiration date

The authority of the Secretary of Transportation to provide insurance and reinsurance under this chapter expires on December 31, 2020.

(Pub. L. 109–304, §8(c), Oct. 6, 2006, 120 Stat. 1632; Pub. L. 110–417, div. C, title XXXV, §3509, Oct. 14, 2008, 122 Stat. 4769; Pub. L. 113–66, div. C, title XXXV, §3502, Dec. 26, 2013, 127 Stat. 1085.)