

ments 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 L. 108-375, was repealed by Pub.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 include 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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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 person 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

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

[§ 53912. Repealed. Pub. L. 115-232, div. C, title XXXV, § 3504(a), Aug. 13, 2018, 132 Stat. 2308]

Section, 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, set an expiration date of authority to provide insurance and reinsurance under this chapter.

CHAPTER 541—MISCELLANEOUS

Sec¹

- 54101. Assistance for small shipyards.
- 54102. Centers of excellence for domestic maritime workforce training and education.

PRIOR PROVISIONS

A prior chapter 541, Miscellaneous, consisting of section 54101 and relating to assistance for small shipyards and maritime communities, added by Pub. L. 110-181, div. C, title XXXV, § 3523(a)(6)(A), Jan. 28, 2008, 122 Stat. 599, was repealed by Pub. L. 110-417, div. C, title XXXV, § 3508(b), Oct. 14, 2008, 122 Stat. 4769, as amended by Pub. L. 111-84, div. A, title X, § 1073(c)(14), Oct. 28, 2009, 123 Stat. 2475, effective Oct. 14, 2008, and as if included in Pub. L. 110-417 as enacted.

AMENDMENTS

2017—Pub. L. 115-91, div. C, title XXXV, §§ 3505(b), 3507(b), Dec. 12, 2017, 131 Stat. 1914, 1915, substituted “Assistance for small shipyards” for “Assistance for small shipyards and maritime communities” in item 54101 and added item 54102.

§ 54101. Assistance for small shipyards

(a) ESTABLISHMENT OF PROGRAM.—Subject to the availability of appropriations, the Administrator of the Maritime Administration shall execute agreements with shipyards to provide assistance—

- (1) in the form of grants, loans, and loan guarantees to small shipyards for capital improvements; and
- (2) for maritime training programs to foster technical skills and operational productivity relating to shipbuilding, ship repair, and associated industries.

(b) AWARDS.—

(1) IN GENERAL.—In providing assistance under the program, the Administrator shall consider projects that foster—

- (A) efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and
- (B) employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries.

(2) TIMING OF GRANT NOTICE.—The Administrator shall post a Notice of Funding Opportunity regarding grants awarded under this section not more than 15 days after the date of enactment of the appropriations Act for the fiscal year concerned.

(3) TIMING OF GRANTS.—The Administrator shall award grants under this section not later than 120 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

(4) REUSE OF UNEXPENDED GRANT FUNDS.—Notwithstanding paragraph (3), amounts awarded as a grant under this section that are not expended by the grantee shall remain available to the Administrator for use for grants under this section.

(c) USE OF FUNDS.—

- (1) IN GENERAL.—Assistance provided under this section may be used to—
 - (A) make capital and related improvements in small shipyards; and
 - (B) provide training for workers in shipbuilding, ship repair, and associated industries.

(2) ADMINISTRATIVE COSTS.—Not more than 2 percent of amounts made available to carry out the program may be used for the necessary costs of grant administration.

(d) PROHIBITED USES.—

(1) IN GENERAL.—Grants awarded under this section may not be used to construct buildings or other physical facilities or to acquire land.

(2) BUY AMERICA.—

(A) IN GENERAL.—Subject to subparagraph (B), no funds may be obligated by the Administrator of the Maritime Administration under this section, unless each product and material purchased with those funds (including products and materials purchased by a grantee), and including any commercially available off-the-shelf item, is—

- (i) an unmanufactured article, material, or supply that has been mined or produced in the United States; or
- (ii) a manufactured article, material, or supply that has been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

(B) EXCEPTIONS.—

(1) IN GENERAL.—Notwithstanding subparagraph (A), the requirements of that subparagraph shall not apply with respect to a particular product or material if the Administrator determines—

- (I) that the application of those requirements would be inconsistent with the public interest;

¹ So in original. Probably should be followed by a period.