

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 Repealed.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. Renumbered.]

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

Editorial Notes

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

2021—Pub. L. 116-283, div. C, title XXXV, §3507(b)(1), Jan. 1, 2021, 134 Stat. 4405, struck out item 54102 “Centers of excellence for domestic maritime workforce training and education”.

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.—

(i) 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;

(II) that such product or material is not available in the United States in sufficient and reasonably available quantities, of a satisfactory quality, or on a timely basis; or

(III) that inclusion of a domestic product or material will increase the cost of that product or material by more than 25 percent, with respect to a certain contract between a grantee and that grantee's supplier.

(ii) FEDERAL REGISTER.—A determination made by the Administrator under this subparagraph shall be published in the Federal Register.

(C) DEFINITIONS.—In this paragraph:

(i) The term “commercially available off-the-shelf item” means—

(I) any item of supply (including construction material) that is—

(aa) a commercial item, as defined by section 2.101 of title 48, Code of Federal Regulations (as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020); and

(bb) sold in substantial quantities in the commercial marketplace; and

(II) does not include bulk cargo, as defined in section 40102(4) of this title, such as agricultural products and petroleum products.

(ii) The term “product or material” means an article, material, or supply

brought to the site by the recipient for incorporation into the building, work, or project. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site.

(iii) The term “United States” includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(e) MATCHING REQUIREMENTS; ALLOCATION.—

(1) FEDERAL FUNDING.—Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

(2) ALLOCATION OF FUNDS.—The Administrator may not award more than 25 percent of the funds appropriated to carry out this section for any fiscal year to any small shipyard in one geographic location that has more than 600 employees.

(f) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for assistance under this section, an applicant shall submit an application, in such form, and containing such information and assurances as the Administrator may require, within 60 days after the date of enactment of the appropriations Act for the fiscal year concerned.

(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include a comprehensive description of—

(A) the need for the project;

(B) the methodology for implementing the project; and

(C) any existing programs or arrangements that can be used to supplement or leverage assistance under the program.

(3) PROCEDURAL SAFEGUARDS.—The Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

(A) grant funds are used for the purposes for which they were made available;

(B) grantees have properly accounted for all expenditures of grant funds; and

(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

(4) PROJECT APPROVAL REQUIRED.—The Administrator may not award a grant under this section unless the Administrator determines that—

(A) sufficient funding is available to meet the matching requirements of subsection (e);

(B) the project will be completed without unreasonable delay; and

(C) the recipient has authority to carry out the proposed project.

(g) AUDITS AND EXAMINATIONS.—All grantees under this section shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator.

(h) SMALL SHIPYARD DEFINED.—In this section, the term “small shipyard” means a shipyard facility in one geographic location that does not have more than 1,200 employees.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Maritime Administration for fiscal year 2021 to carry out this section \$20,000,000.

(Added Pub. L. 110-417, div. C, title XXXV, §3508(a), Oct. 14, 2008, 122 Stat. 4767; amended Pub. L. 113-281, title III, §303, Dec. 18, 2014, 128 Stat. 3043; Pub. L. 115-91, div. C, title XXXV, §3501(b), 3505(a), Dec. 12, 2017, 131 Stat. 1909, 1913; Pub. L. 115-232, div. C, title XXXV, §§3511, 3546(r), Aug. 13, 2018, 132 Stat. 2311, 2327; Pub. L. 116-92, div. C, title XXXV, §3507(a), (b), Dec. 20, 2019, 133 Stat. 1974, 1976; Pub. L. 116-283, div. C, title XXXV, §3501(c)(2), Jan. 1, 2021, 134 Stat. 4397.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, referred to in subsec. (d)(2)(C)(i)(I)(aa), is the date of enactment of Pub. L. 116-92, which was approved Dec. 20, 2019.

PRIOR PROVISIONS

A prior section 54101, added and amended Pub. L. 110-181, div. C, title XXXV, §3523(a)(6)(B)-(D), Jan. 28, 2008, 122 Stat. 599, which related to assistance for small shipyards and maritime communities, 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

2021—Subsec. (i). Pub. L. 116-283 substituted “for fiscal year 2021 to carry out this section \$20,000,000” for “for each of fiscal years 2020 and 2021 to carry out this section \$40,000,000”.

2019—Subsec. (d). Pub. L. 116-92, §3507(a), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (i). Pub. L. 116-92, §3507(b), substituted “2020 and 2021” for “2018, 2019, and 2020” and “\$40,000,000” for “\$35,000,000”.

2018—Subsec. (b)(2) to (4). Pub. L. 115-232, §3511, added par. (2), redesignated former pars. (2) and (3) as (3) and (4), respectively, and, in par. (4), substituted “paragraph (3)” for “paragraph (2)”.

Subsec. (f)(2). Pub. L. 115-232, §3546(r), added par. (2) and struck out former par. (2) consisting of subpar. (A) and cls. (i) to (iii) which related to minimum standards for payment or reimbursement.

2017—Pub. L. 115-91, §3505(a)(1), struck out “and maritime communities” after “shipyards” in section catchline.

Subsec. (a)(2). Pub. L. 115-91, §3505(a)(2), substituted “relating to shipbuilding, ship repair, and associated industries.” for “in communities whose economies are related to or dependent upon the maritime industry.”

Subsec. (b). Pub. L. 115-91, §3505(a)(3), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(b) AWARDS.—In providing assistance under the program, the Administrator shall—

“(1) take into account—

“(A) the economic circumstances and conditions of maritime communities;

“(B) projects that would be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

“(C) projects that would be effective in fostering employee skills and enhancing productivity; and

“(2) make grants within 120 days after the date of enactment of the appropriations Act for the fiscal year concerned.”

Subsec. (c)(1). Pub. L. 115-91, §3505(a)(4), inserted “to” after “may be used” in introductory provisions, added subpars. (A) and (B), and struck out former subpars. (A) to (C) which read as follows:

“(A) to make capital and related improvements in small shipyards located in or near maritime communities;

“(B) to provide training for workers in communities whose economies are related to the maritime industry; and

“(C) for such other purposes as the Administrator determines to be consistent with and supplemental to such activities.”

Subsec. (d). Pub. L. 115-91, §3505(a)(5), struck out “unless such use is specifically approved by the Administrator in support of subsection (c)(1)(C)” before period at end.

Subsec. (e)(1). Pub. L. 115-91, §3505(a)(6)(C), struck out “Except as provided in paragraph (2),” before “Federal funds”.

Subsec. (e)(2), (3). Pub. L. 115-91, §3505(a)(6)(A), (B), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “EXCEPTION.—If the Administrator determines that a proposed project merits support and cannot be undertaken without a higher percentage of Federal financial assistance, the Administrator may award a grant for such project with a lesser matching requirement than is described in paragraph (1).”

Subsec. (i). Pub. L. 115-91, §3501(b), substituted “2018, 2019, and 2020 to carry out this section \$35,000,000” for “2015 through 2017 to carry out this section—

“(1) \$5,000,000 for training grants; and

“(2) \$25,000,000 for capital and related improvements”.

2014—Subsec. (i). Pub. L. 113-281 substituted “2015 through 2017” for “2009 through 2013” in introductory provisions.

[§ 54102. Renumbered § 51706]

CHAPTER 543—PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

Sec.

54301. Port infrastructure development program.

§ 54301. Port infrastructure development program

(a) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—

(1) GENERAL AUTHORITY.—Subject to the availability of appropriations, the Secretary of Transportation shall make grants, on a competitive basis, to eligible applicants to assist in funding eligible projects for the purpose of improving the safety, efficiency, or reliability of the movement of goods through ports and intermodal connections to ports.

(2) ELIGIBLE APPLICANT.—The Secretary may make a grant under this subsection or subsection (b) to the following:

(A) A State.

(B) A political subdivision of a State, or a local government.