

TITLE 49 - TRANSPORTATION
SUBTITLE I - DEPARTMENT OF TRANSPORTATION
CHAPTER 1 - ORGANIZATION

§ 109. Maritime Administration

(a) **Organization.**— The Maritime Administration is an administration in the Department of Transportation.

(b) **Maritime Administrator.**— The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

(c) **Deputy Maritime Administrator.**— The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

(d) **Duties and Powers Vested in Secretary.**— All duties and powers of the Maritime Administration are vested in the Secretary.

(e) **Regional Offices.**— The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

(f) **Interagency and Industry Relations.**— The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

(g) **Detailing Officers From Armed Forces.**— To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the armed forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer's pay and allowances as an officer in the armed forces, makes the officer's total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

(h) **Contracts, Cooperative Agreements, and Audits.**—

(1) **Contracts and cooperative agreements.**— In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

(A) carry out the Secretary's duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

(2) **Audits.**— The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

(i) Grant Administrative Expenses.— Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

(j) Authorization of Appropriations.—

(1) In general.— Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

(2) Limitations.— Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

(A) acquisition, construction, or reconstruction of vessels;

(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

(C) costs of national defense features;

(D) payments of obligations incurred for operating-differential subsidies;

(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

(F) the Vessel Operations Revolving Fund;

(G) National Defense Reserve Fleet expenses;

(H) expenses necessary to carry out part B of subtitle V of title 46; and

(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

(3) Training Vessels.— Amounts may not be appropriated for the purchase or construction of training vessels for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies.

(Pub. L. 97–449, § 1(b), Jan. 12, 1983, 96 Stat. 2417; Pub. L. 103–272, § 5(m)(5), July 5, 1994, 108 Stat. 1375; Pub. L. 109–304, § 12, Oct. 6, 2006, 120 Stat. 1698; Pub. L. 111–84, div. C, title XXXV, § 3508, Oct. 28, 2009, 123 Stat. 2721; Pub. L. 111–383, div. A, title X, § 1075(d)(26), Jan. 7, 2011, 124 Stat. 4374.)

Historical and Revision Notes

Pub. L. 97–449

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
109	(no source).	

The section is included to provide in chapter 1 of the revised title a complete list of the organizational units established by law that are in the Department of Transportation or are subject to the direction and supervision of the Secretary of Transportation.

Pub. L. 109–304

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
109(a)		
46 App.:1111 note.		
Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 201, 64 Stat. 1276.		
	46 App.:1601.	

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
Pub. L. 97–31, § 2, Aug. 6, 1981, 95 Stat. 151.		
109(b)		
46 App.:1111 note.		
Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 201, 75 Stat. 842; Pub. L. 88–426, title III, § 305(19)(B), Aug. 14, 1964, 78 Stat. 425; Pub. L. 91–469, § 38(a), Oct. 21, 1970, 84 Stat. 1036.		
	46 App.:1603.	
Pub. L. 97–31, § 4, Aug. 6, 1981, 95 Stat. 151.		
109(c)		
46 App.:1111 note.		
Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 203, 64 Stat. 1276.		
109(d)		
46 App.:1111 note.		
Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 204, 64 Stat. 1276.		
	46 App.:1602.	
Pub. L. 97–31, § 3, Aug. 6, 1981, 95 Stat. 151.		
109(e)		
46 App.:1213(b).		
June 29, 1936, ch. 858, title VIII, § 809(b), as added Pub. L. 94–10, § 3, Mar. 23, 1975, 89 Stat. 16; Pub. L. 97–31, § 12(121), Aug. 6, 1981, 95 Stat. 164.		
109(f)		
46 App.:1122(d).		
June 29, 1936, ch. 858, title II, § 212(d), 49 Stat. 1990; Pub. L. 97–31, § 12(69), Aug. 6, 1981, 95 Stat. 159.		
109(g)		
46 App.:1111(f) (2d sentence related to Secretary).		
June 29, 1936, ch. 858, title II, § 201(f) (2d sentence related to Secretary), 49 Stat. 1986; Aug. 4, 1939, ch. 417, § 4, 53 Stat. 1182; Pub. L. 97–31, § 12(58)(D), Aug. 6, 1981, 95 Stat. 158.		
109(h)		
46 App.:1117 (related to Secretary).		
June 29, 1936, ch. 858, title II, § 207 (related to Secretary), 49 Stat. 1988; June 23, 1938, ch. 600, § 2, 52 Stat. 954; Pub. L. 97–31, § 12(64), Aug. 6, 1981, 95 Stat. 159; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.		
109(i)(1)		
46 App.:1119(a).		
June 29, 1936, ch. 858, title II, § 209, 49 Stat. 1988; Aug. 26, 1937, ch. 822, § 3, 50 Stat. 839; Pub. L. 90–81, Sept. 5, 1967, 81 Stat. 193; Pub. L. 91–469, § 2, Oct. 21, 1970, 84 Stat. 1018; Pub. L. 95–173, Nov. 12, 1977, § 6(a), 91 Stat. 1360; Pub. L. 96–387, § 4, Oct. 7, 1980, 94 Stat. 1546; Pub. L. 96–453, § 3(a), Oct. 15, 1980, 94 Stat. 2008; Pub. L. 97–31, § 12(66), Aug. 6, 1981, 95 Stat. 159.		
109(i)(2)		
46 App.:1119(b).		
109(i)(3)		
46 App.:1295c–1.		
Pub. L. 100–202, § 101(a) [title V (4th proviso on p. 1329–28)], Dec. 22, 1987, 101 Stat. 1329, 1329–28.		

In subsection (b), the words “The Assistant Secretary of Commerce for Maritime Affairs shall, ex officio, be the Administrator” in section 201 of Reorganization Plan No. 7 of 1961 are omitted as superseded by 46 App. U.S.C. 1601 and 1603. The words “and who shall be compensated at the rate provided for level III of the Executive Schedule” in 46 App. U.S.C. 1603 are omitted as unnecessary because of 5 U.S.C. 5314.

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In subsection (c), the word “Secretary” means the “Secretary of Transportation” because under 46 App. U.S.C. 1602 all functions, powers, and duties relating to the Maritime Administration were transferred from the Secretary of Commerce to the Secretary of Transportation. The words “in the competitive service” are substituted for “under the classified civil service” because of 5 U.S.C. 2102 (c). The words “Provided, That such Deputy Administrator shall at no time sit as a member or acting member of the Federal Maritime Board” are omitted as obsolete because the Federal Maritime Board was abolished by section 304 of Reorganization Plan No. 7 of 1961 (46 App. U.S.C. 1111 note).

In subsection (f), the words “vessels of the United States” are substituted for “vessels of United States registry” because of the definition of “vessel of the United States” in chapter 1 of the revised title.

In subsection (g), the words “equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility” are substituted for “equal to the pay and allowances he would receive if he were the incumbent of an office or position in such service (or in the corresponding executive department), which, in the opinion of . . . the Secretary of Transportation, involves the performance of work similar in importance, difficulty, and responsibility” to eliminate unnecessary words.

In subsection (h)(2), the words “according to approved commercial practice as provided in the Act of March 20, 1922 (42 Stat. 444)” are omitted as obsolete and unnecessary.

In subsection (i)(2), the words “Notwithstanding any other provision of this chapter or any other law” are omitted as unnecessary. In clause (G), the words “National Defense Reserve Fleet” are substituted for “reserve fleet” for clarity. Clause (H) is substituted for “(7) maritime training at the Merchant Marine Academy at Kings Point, New York”, “(8) financial assistance to State maritime academies under section 1295c of this Appendix”, “(10) expenses necessary for additional training provided under section 1295d of this Appendix”, and “(10) expenses necessary to carry out subchapter XIII of this chapter” because of the reorganization of revised title 46 and to eliminate unnecessary words. The text of 46 App. U.S.C. 1119 (proviso) is omitted as obsolete.

Amendments

2011—Subsec. (h). Pub. L. 111–383 made technical amendment to directory language of Pub. L. 111–84, § 3508(1). See 2009 Amendment note below.

2009—Subsec. (h). Pub. L. 111–84, § 3508(1), as amended by Pub. L. 111–383, substituted “Contracts, Cooperative Agreements, and Audits” for “Contracts and Audits” in heading.

Subsec. (h)(1). Pub. L. 111–84, § 3508(2), (3), substituted “Contracts and cooperative agreements” for “Contracts” in heading and “make contracts and cooperative agreements” for “make contracts” in introductory provisions.

Subsec. (h)(1)(A). Pub. L. 111–84, § 3508(4), (5), substituted “section,” for “section and” and “title 46, and all other Maritime Administration programs;” for “title 46;”.

Subsecs. (i), (j). Pub. L. 111–84, § 3508(6), added subsec. (i) and redesignated former subsec. (i) as (j).

2006—Pub. L. 109–304 amended section generally. Prior to amendment, section read as follows:

“(a) The Maritime Administration transferred by section 2 of the Maritime Act of 1981 (46 App. U.S.C. 1601) is an administration in the Department of Transportation.

“(b) The Administrator of the Administration appointed under section 4 of the Maritime Act of 1981 (46 App. U.S.C. 1603) reports directly to the Secretary of Transportation.”

1994—Pub. L. 103–272 inserted “App.” after “(46)” in subsecs. (a) and (b).

Effective Date of 2011 Amendment

Pub. L. 111–383, div. A, title X, § 1075(d), Jan. 7, 2011, 124 Stat. 4372, provided that the amendment by section 1075 (d)(26) is effective as of Oct. 28, 2009, and as if included in Pub. L. 111–84 as enacted.

References in Other Federal Laws to Functions or Offices Transferred

Pub. L. 97-31, § 10, Aug. 6, 1981, 95 Stat. 153, provided that: “With respect to any function or office transferred by this Act [see Tables for classification] and exercised on or after the effective date of this Act [Aug. 6, 1981], reference in any other Federal law to the Maritime Administration or any of its predecessor agencies or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary of Transportation, other official, or component of the Department of Transportation to which this Act transfers such functions.”

Expansion of the Marine View System

Pub. L. 111-84, div. C, title XXXV, § 3516, Oct. 28, 2009, 123 Stat. 2725, provided that:

“(a) Definitions.—In this section:

“(1) Marine transportation system.—The term ‘marine transportation system’ means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

“(2) Marine view system.—The term ‘Marine View system’ means the information system of the Maritime Administration known as Marine View.

“(b) Purposes.—The purposes of this section are—

“(1) to expand the Marine View system; and

“(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

“(c) Expansion of Marine View System.—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

“(1) provides access to many disparate marine transportation system data sources;

“(2) enables a system-wide view of the marine transportation system;

“(3) fosters partnerships between the Government of the United States and private entities;

“(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

“(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

“(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.”