

generated underwater noise, such as noise from propeller cavitation or hydrodynamic flow” for “propeller cavitation” in cl. (iv).

Subsec. (c). Pub. L. 117-263, § 3543(a)(9), added subsec. (c). Former subsec. (c) redesignated (a)(3).

Pub. L. 117-263, § 3543(a)(3), redesignated pars. (1) and (2) as subpars. (A) and (B), respectively, and realigned margins.

Subsec. (d). Pub. L. 117-263, § 3543(a)(9), added subsec. (d). Former subsec. (d) redesignated (a)(4).

Subsec. (e). Pub. L. 117-263, § 3543(a)(9), added subsec. (e). Former subsec. (e) redesignated (b).

Subsec. (f). Pub. L. 117-263, § 3543(a)(6), struck out subsec. (f). Text read as follows: “Not more than three percent of the funds appropriated to carry out this section may be used for administrative purposes.”

2021—Subsec. (a). Pub. L. 116-283 substituted “maritime transportation” for “marine transportation”.

Subsecs. (e), (f). Pub. L. 117-81 added subsec. (e) and redesignated former subsec. (e) as (f).

2019—Subsec. (a). Pub. L. 116-92, § 3503(1), substituted “The Secretary of Transportation, acting through the Maritime Administrator, shall engage in the study” for “The Secretary of Transportation may engage in the environmental study”.

Subsec. (b). Pub. L. 116-92, § 3503(2), in introductory provisions of par. (1), substituted “shall identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices to improve—” for “may—” and “environmental performance to meet United States Federal and international standards and guidelines, including—” for “(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—”, in subpar. (C) of par. (1), substituted “species; or” for “species; and”, added subpar. (D) of par. (1), and, in par. (2), substituted “the efficiency and safety of domestic maritime industries.” for “coordinate with the Environmental Protection Agency, the Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.”

Subsec. (c)(2). Pub. L. 116-92, § 3503(3), substituted “or other benefits to domestic maritime industries” for “benefits”.

Subsec. (e). Pub. L. 116-92, § 3503(4), added subsec. (e).

#### Statutory Notes and Related Subsidiaries

##### DEADLINE FOR IMPLEMENTATION

Pub. L. 117-263, div. C, title XXXV, § 3543(b), Dec. 23, 2022, 136 Stat. 3100, provided that: “The Secretary of Transportation shall establish the United States Center for Maritime Innovation under subsection (e) of section 50307 of title 46, United States Code, as added by subsection (a), by not later than one year after the date of the enactment of this Act [Dec. 23, 2022].”

#### § 50308. Maritime transportation system emergency relief program

(a) GENERAL AUTHORITY.—The Maritime Administrator may make grants to, and enter into contracts and agreement with, eligible State and Tribal entities and eligible entities for—

(1) the costs of capital projects to protect, repair, reconstruct, or replace equipment and facilities of the United States maritime transportation system that the Maritime Administrator determines is in danger of suffering serious physical damage, or has suffered serious physical damage, as a result of an emergency; and

(2) eligible operating costs of United States maritime transportation equipment and facilities in an area directly affected by an emergency during—

(A) the one-year period beginning on the date of a declaration of an emergency re-

ferred to in subparagraph (A) or (B) of subsection (j)(4); and

(B) an additional one-year period beginning one year after the date of an emergency referred to in subparagraph (A) or (B) of subsection (j)(4), if the Maritime Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, determines there is a compelling need arising out of the emergency for which the declaration is made.

(b) ALLOCATION.—

(1) IN GENERAL.—The Maritime Administrator shall determine an appropriate method for the equitable allocation and distribution of funds under this section to eligible State and Tribal entities and eligible entities.

(2) PRIORITY.—To the extent practicable, in allocating and distributing funds under this section, the Maritime Administrator shall give priority to applications submitted by eligible State or Tribal entities.

(c) APPLICATIONS.—An applicant for assistance under this section shall submit an application for such assistance to the Maritime Administrator at such time, in such manner, and containing such information and assurances as the Maritime Administrator may require.

(d) COORDINATION OF EMERGENCY FUNDS.—

(1) USE OF FUNDS.—Funds appropriated to carry out this section shall be in addition to any other funds available under this chapter.

(2) NO EFFECT ON OTHER GOVERNMENT ACTIVITY.—The provision of funds under this section shall not affect the ability of any other agency of the Government, including the Federal Emergency Management Agency, or a State agency, a local governmental entity, organization, or person, to provide any other funds otherwise authorized by law.

(e) GRANT REQUIREMENTS.—A grant awarded under this section that is made to address an emergency referred to in subsection (j)(4)(B) shall be—

(1) subject to the terms and conditions the Maritime Administrator determines are necessary;

(2) made only for expenses that are not reimbursed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or any Federal, State, or local assistance program; and

(3) made only for expenses that are not reimbursed under any type of marine insurance.

(f) FEDERAL SHARE OF COSTS.—The Federal share payable of the costs for which a grant is made under this section shall be 100 percent.

(g) ADMINISTRATIVE COSTS.—Of the amounts available to carry out this section, not more than two percent may be used for administration of this section.

(h) QUALITY ASSURANCE.—The Maritime Administrator shall institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and program mismanagement for the distribution of funds under this section.

(i) REPORTS.—On an annual basis, the Maritime Administrator shall submit to the Com-

mittee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the financial assistance provided under this section during the year covered by the report. Each such report shall include, for such year, a description of such assistance provided and of how such assistance—

- (1) affected the United States maritime transportation system;
- (2) mitigated the financial impact of the emergency on the recipient of the assistance; and
- (3) protected critical infrastructure in the United States.

(j) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE OR TRIBAL ENTITY.—The term “eligible State or Tribal entity” means—

- (A) a port authority; or
- (B) a vessel owned and operated by a State or Tribal government and facilities associated with the operation of such vessel.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a public or private entity that is created or organized in the United States or under the laws of the United States, with significant operations in and a majority of its employees based in the United States, that is engaged in—

- (A) vessel construction, transportation by water, or support activities for transportation by water with an assigned North American Industry Classification System code beginning with 3366, 483, 4883, or 6113, or in the case of such construction, transportation, or support activities conducted by a fish processing vessel, such an assigned code beginning with 3117; or
- (B) as determined by the Secretary of Transportation—
  - (i) construction or water transportation related to activities described in subparagraph (A); or
  - (ii) maritime education and training.

(3) ELIGIBLE OPERATING COSTS.—The term “eligible operating costs” means costs relating to—

- (A) emergency response;
- (B) cleaning;
- (C) sanitization;
- (D) janitorial services;
- (E) staffing;
- (F) workforce retention;
- (G) paid leave;
- (H) procurement and use of protective health equipment, testing, and training for employees and contractors;
- (I) debt service payments;
- (J) infrastructure repair projects;
- (K) fuel; and
- (L) other maritime transportation system operations, as determined by the Secretary of Transportation;

(4) EMERGENCY.—The term “emergency” means a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm, or landslide) or a catastrophic failure from any external cause, that

impacts the United States maritime transportation system and as a result of which—

- (A) the Governor of a State has declared an emergency and the Maritime Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, has concurred in the declaration;
- (B) the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);
- (C) national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) is in effect; or
- (D) a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) is in effect.

(Added Pub. L. 116-283, div. C, title XXXV, §3505(a), Jan. 1, 2021, 134 Stat. 4402; amended Pub. L. 118-31, div. C, title XXXV, §3514(e), Dec. 22, 2023, 137 Stat. 811.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (e)(2), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 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 5121 of Title 42 and Tables.

The National Emergencies Act, referred to in subsec. (j)(4)(C), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, which is classified principally to chapter 34 (§1601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

##### AMENDMENTS

2023—Subsec. (a)(2)(B). Pub. L. 118-31, §3514(e)(1), substituted “Federal Emergency Management Agency” for “Federal Emergency Management Administration”.

Subsec. (j)(4)(A). Pub. L. 118-31, §3514(e)(2), substituted “Federal Emergency Management Agency” for “Federal Emergency Management Administration”.

#### Statutory Notes and Related Subsidiaries

##### INCLUSION OF COVID-19 PANDEMIC PUBLIC HEALTH EMERGENCY

Pub. L. 116-283, div. C, title XXXV, §3505(c), Jan. 1, 2021, 134 Stat. 4405, provided that: “For purposes of section 50308 of title 46, United States Code, as added by subsection (a), the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID-19 pandemic shall be treated as an emergency.”

#### § 50309. Securing logistics information data of the United States

(a) IN GENERAL.—

(1) PROHIBITION.—A covered entity shall not use a covered logistics platform.

(2) ELIGIBILITY.—A covered entity that is found to use a covered logistics platform shall not be eligible to receive any Federal grant funding as long as the covered entity uses a covered logistics platform.

(b) GUIDANCE.—The Secretary of Transportation shall—