

in Regular Marine Corps of General Alexander A. Vandegrift. Section also provided for full pay upon retirement.

ADMIRAL IN COAST GUARD

ACT MAR. 21, 1945, CH. 30, 59 STAT. 37

§§ 1721 to 1725. Repealed. Pub. L. 101-225, title III, § 307(15), Dec. 12, 1989, 103 Stat. 1925

Section 1721, act Mar. 21, 1945, ch. 30, §1, 59 Stat. 37, established grade and rank of Admiral in Coast Guard and provided for appointment of Commandant of Coast Guard thereto.

Section 1722, act Mar. 21, 1945, ch. 30, §2, 59 Stat. 37, related to appointment without examination, tenure and effect on permanent or temporary status.

Section 1723, act Mar. 21, 1945, ch. 30, §3, 59 Stat. 37, related to pay and allowances of appointees under sections 1721 to 1725 of this Appendix.

Section 1724, act Mar. 21, 1945, ch. 30, §4, 59 Stat. 37, related to rank and pay on retirement of appointees under sections 1721 to 1725 of this Appendix.

Section 1725, act Mar. 21, 1945, ch. 30, §5, 59 Stat. 37, provided for termination of sections 1721 to 1725 of this Appendix six months after termination of wars in which United States was engaged as proclaimed by President or such earlier date as Congress, by concurrent resolution, might fix. Cessation of hostilities of World War II, eff. twelve o'clock noon, Dec. 31, 1946, proclaimed by President in Proc. No. 2714, Dec. 31, 1946, 12 F.R. 1. Treaty of Peace with Japan, signed at San Francisco on Sept. 8, 1951, ratified by United States Senate on Mar. 20, 1952, and came into force on Apr. 28, 1952. See Termination of State of War notes set out preceding section 1 of this Appendix.

PERMANENT APPOINTMENT

Section 3 of act Mar. 3, 1946, ch. 112, 60 Stat. 60, provided for permanent appointment in grade of Admiral in Coast Guard of Admiral Russell R. Waesche. Section also provided for full pay upon retirement.

EXCEPTION OF NAVY OR COAST GUARD VESSELS FROM CERTAIN NAVIGATION RULES

ACT DEC. 3, 1945, CH. 511, 59 STAT. 590

§§ 1731, 1732. Transferred

CODIFICATION

Section 1731, act Dec. 3, 1945, ch. 511, §1, 59 Stat. 590, which related to an exemption from requirements as to number, position, etc., of lights for vessels of special construction, was transferred to section 360 of Title 33, Navigation and Navigable Waters, and was subsequently repealed by Pub. L. 96-591, §8(a), Dec. 24, 1980, 94 Stat. 3435.

Section 1732, act Dec. 3, 1945, ch. 511, §2, 59 Stat. 591, which related to publication of notice of findings or certification and character and number of lights, was transferred to section 360a of Title 33, Navigation and Navigable Waters, and was subsequently repealed by Pub. L. 96-591, §8(a), Dec. 24, 1980, 94 Stat. 3435.

SALE OF SURPLUS WAR-BUILT VESSELS

ACT MAR. 8, 1946, CH. 82, 60 STAT. 41

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1743.	Repealed.
1744.	National Defense Reserve Fleet.
1745.	Reconversion of vessels for normal commercial operation; applicability of other laws to construction contracts; coastwise trade; disposition of moneys; Great Lakes trade.
1745a, 1746.	Repealed.

§ 1735. Declaration of policy

(a) It is necessary for the national security and development and maintenance of the domestic and the export and import foreign commerce of the United States that the United States have an efficient and adequate American-owned merchant marine (1) sufficient to carry its domestic water-borne commerce and a substantial portion of its water-borne export and import foreign commerce and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times; (2) capable of serving as a naval and military auxiliary in time of war or national emergency; (3) owned and operated under the United States flag by citizens of the United States; (4) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel; and (5) supplemented by efficient American-owned facilities for shipbuilding and ship repair, marine insurance, and other auxiliary services.

(b) It is hereby declared to be the policy of this Act [sections 1735 to 1746 of this Appendix] to foster the development and encourage the maintenance of such a merchant marine.

(Mar. 8, 1946, ch. 82, §2, 60 Stat. 41.)

SHORT TITLE

Act Mar. 8, 1946, ch. 82, §1, 60 Stat. 41, provided that: "This Act [enacting this section and sections 1736 to 1746 of this Appendix] may be cited as the 'Merchant Ship Sales Act of 1946'."

TERMINATION DATE

Act Mar. 8, 1946, ch. 82, §14, 60 Stat. 50, as amended June 28, 1947, ch. 161, §1, 61 Stat. 190; Feb. 27, 1948, ch. 78, §1(a), 62 Stat. 38; Feb. 28, 1949, ch. 12, 63 Stat. 9; June 29, 1949, ch. 281, §1, 63 Stat. 349; June 30, 1950, ch. 427, §1, 64 Stat. 308; Aug. 17, 1950, ch. 725, 64 Stat. 452, provided that: "No contract of sale shall be made under this Act [sections 1735 to 1746 of this Appendix] after January 15, 1951, and no contract of charter shall be made under this Act [sections 1735 to 1746 of this Appendix] after June 30, 1950, except as provided for charter under subsections (e) and (f) of section 5 hereof, as amended [section 1738(e), (f) of this Appendix]."

GREAT LAKES VESSELS

Act Sept. 28, 1950, ch. 1093, §3, 64 Stat. 1078, provided: "Contracts for the sale of vessels for exclusive use on the Great Lakes, including the Saint Lawrence River and Gulf and their connecting waterways, may be made until December 31, 1950. Such contracts shall require that transfer to the Great Lakes of such vessels by the buyers shall be completed by December 31, 1951."

§ 1736. Definitions

As used in this Act [sections 1735 to 1746 of this Appendix] the term—

(a) "Secretary" means the Secretary of Transportation.

(b) to (f) Repealed. Pub. L. 101-225, title III, §307(12), Dec. 12, 1989, 103 Stat. 1925.

(g) "Citizen of the United States" includes a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 50501 of title 46. The term "affiliated interest" as used in sections 9 and 10 of this Act [sections 1742 and 1743 of this Appendix] includes any person affiliated or associated with a citizen applicant for benefits under this Act [sections 1735 to 1746 of this Appendix] who the Secretary, pursuant to rules and regulations prescribed hereunder, determines should be so included in order to carry out the policy and purposes of this Act [said sections].

(Mar. 8, 1946, ch. 82, § 3, 60 Stat. 41; Pub. L. 97-31, § 12(153), Aug. 6, 1981, 95 Stat. 167; Pub. L. 101-225, title III, § 307(12), Dec. 12, 1989, 103 Stat. 1925.)

CODIFICATION

In subsec. (g), "section 50501 of title 46" substituted for "section 2 of the Shipping Act of 1916, as amended" which probably meant section 2 of the Shipping Act, 1916, on authority of Pub. L. 109-304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 50501 of Title 46, Shipping.

AMENDMENTS

1989—Subsecs. (b) to (f). Pub. L. 101-225 struck out subsecs. (b) to (f) which defined "war-built vessel", "prewar domestic cost", "statutory sales price", "domestic war cost", and "cessation of hostilities", respectively.

1981—Subsec. (a). Pub. L. 97-31, § 12(153)(A), (B), substituted "Secretary" for "Commission" and "Secretary of Transportation" for "United States Maritime Commission".

Subsecs. (c) to (e), (g). Pub. L. 97-31, § 12(153)(C), substituted "Secretary" for "Commission" wherever appearing.

§ 1737. Repealed. Pub. L. 101-225, title III, § 307(12), Dec. 12, 1989, 103 Stat. 1925

Section, acts Mar. 8, 1946, ch. 82, § 4, 60 Stat. 43; June 12, 1960, Pub. L. 86-518, § 1, 74 Stat. 216; Aug. 6, 1981, Pub. L. 97-31, § 12(154), 95 Stat. 167, provided for sales of vessels to citizens, sales price, down payment and installment payments, and restrictions on vessel operations.

§ 1738. Charter of vessels

(a), (b) Repealed. Pub. L. 101-225, title III, § 307(12), Dec. 12, 1989, 103 Stat. 1925

(c) Laws applicable to charter hire

The provisions of sections 57514 and 57516 to 57521 of title 46 shall be applicable to charters made under this section.

(d) Repealed. Pub. L. 101-225, title III, § 307(12), Dec. 12, 1989, 103 Stat. 1925

(e) Proceedings and findings; extension of charters

(1) Notwithstanding the provisions of sections 11 and 14 of this Act, as amended [sections 1744 and 1735 note of this Appendix], war-built dry-cargo vessels owned by the United States on or after June 30, 1950, may be chartered pursuant to this Act [sections 1735 to 1746 of this Appendix] for bareboat use in any service which, in the opinion of the Maritime Administration, is required in the public interest and is not adequately served, and for which privately owned American flag vessels are not available for charter by private operators on reasonable condi-

tions and at reasonable rates for use in such service. No charters shall be made by the Secretary of Transportation under authority of this subsection until the Maritime Administration shall have given due notice to all interested parties and shall have afforded such parties an opportunity for a public hearing on such charters and shall have certified its findings to the Secretary of Transportation. The Secretary of Transportation is authorized to include in such charters such restrictions and conditions as the Maritime Administration determines to be necessary or appropriate to protect the public interest in respect of such charters and to protect privately owned vessels against competition from vessels chartered under this section: *Provided, however*, That all such charters shall contain a provision that they will be reviewed annually by the Maritime Administration, with recommendations to the Secretary of Transportation, for the purpose of determining whether conditions exist justifying continuance of the charters under the provisions of this subsection.

(2) A charter existing on June 30, 1950, with respect to a war-built dry-cargo vessel may be extended to October 31, 1950, if application is made within ten days after the enactment hereof [June 30, 1950] for the charter of such vessel under this subsection and if the Secretary of Transportation deems such extension is justified in accordance with the provisions of subdivision (1) of this subsection: *Provided, however*, That a new voyage under such extended charter shall not be begun after October 31, 1950, unless it has been determined prior to such date, in accordance with the procedure set forth in this subsection, that the continued use of the vessel in the service is required. The Maritime Administration shall conduct all hearings on applications made under this paragraph immediately upon receipt thereof and shall promptly certify its findings to the Secretary of Transportation, provided that all such certifications shall be made not later than October 31, 1950.

(f) Charter of passenger vessels

(1) Notwithstanding the provisions of sections 11 and 14 of this Act, as amended [sections 1744 and 1735 note of this Appendix], the Secretary of Transportation may charter any passenger vessel, whether or not war-built, owned by the United States on or after June 30, 1950, pursuant to chapter 575 of title 46, and may charter any war-built passenger vessel owned by the United States for use in the domestic trade of the United States, under the conditions prescribed for the charter of war-built cargo vessels in subsection (e) of this section.

(2) Charters existing on June 30, 1950, with respect to passenger vessels may be continued until December 31, 1951, or until expiration thereof by the terms of their provisions.

(Mar. 8, 1946, ch. 82, § 5, 60 Stat. 43; June 28, 1947, ch. 161, § 2, 61 Stat. 191; June 30, 1950, ch. 427, § 3, 64 Stat. 308; Aug. 31, 1954, ch. 1175, 68 Stat. 1050; Pub. L. 97-31, § 12(155), Aug. 6, 1981, 95 Stat. 167; Pub. L. 101-225, title III, § 307(12), Dec. 12, 1989, 103 Stat. 1925.)

CODIFICATION

In subsec. (c), "sections 57514 and 57516 to 57521 of title 46" substituted for "sections 708, 709, 710, 712, and