

(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 Repealed.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(a), (b) Repealed.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(d) Repealed.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

713, of the Merchant Marine Act, 1936, as amended," and in subsec. (f)(1), "chapter 575 of title 46," substituted for "title VII of the Merchant Marine Act, 1936, as amended," on authority of Pub. L. 109-304, §18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted chapter 575 of Title 46, Shipping.

AMENDMENTS

1989—Subsecs. (a), (b), (d). Pub. L. 101-225 struck out subsec. (a) which related to charter of vessels to citizens and publication of domestic prewar cost as a prerequisite, subsec. (b) which related to rate of charter hire, and subsec. (d) which related to computation of charter hire where an operator is engaged in both foreign and domestic trade.

1981—Subsec. (a). Pub. L. 97-31, §12(155)(A), (B), substituted "Secretary" for "Commission" and "his" for "its" wherever appearing.

Subsec. (b). Pub. L. 97-31, §12(155)(A), substituted "Secretary" for "Commission" wherever appearing.

Subsec. (d). Pub. L. 97-31, §12(155)(C), substituted "Secretary of Transportation" for "Maritime Commission".

Subsec. (e). Pub. L. 97-31, §12(155)(D), (E), substituted "Maritime Administration" for "Federal Maritime Board" and "Secretary of Transportation" for "Secretary of Commerce" wherever appearing.

Subsec. (f)(1). Pub. L. 97-31, §12(155)(E), substituted "Secretary of Transportation" for "Secretary of Commerce".

1954—Subsec. (f)(1). Act Aug. 31, 1954, allowed the chartering of war-built passenger vessels.

1950—Subsecs. (e), (f). Act June 30, 1950, added subsecs. (e) and (f).

1947—Subsec. (d). Act June 28, 1947, added subsec. (d).

AUTHORIZATION FOR PAYMENTS BY SECRETARY OF COMMERCE TO PERSONS TO WHOM HE CHARTERED VESSELS

Pub. L. 85-721, Aug. 21, 1958, 72 Stat. 710, provided: "That the Secretary of Commerce [now Secretary of Transportation] is authorized to pay to any person to whom he has chartered any vessel under authority of section 5 of the Merchant Ship Sales Act of 1946, as amended (50 U.S.C. App., sec. 1738), out of the Vessel Operations Revolving Fund established in chapter VIII of the Third Supplemental Appropriations [Appropriation] Act, 1951 (46 U.S.C. [App.], sec. 1241a) [now 46 U.S.C. 50301(a) to (e)], an amount equal to the fair and reasonable expenses incurred by such person, as determined by the Maritime Administrator, during the calendar year beginning January 1, 1957, to activate such vessel. Such amount shall be reduced by the amount of the difference, as determined by the Maritime Administrator, between the charter hire which such person paid for such vessel, and the charter hire which was paid for similar vessels which the United States activated at its own expense during such calendar year."

§ 1738a. Repealed. Pub. L. 101-225, title III, § 307(13), Dec. 12, 1989, 103 Stat. 1925

Section, acts June 29, 1949, ch. 281, §2, 63 Stat. 349; Aug. 6, 1981, Pub. L. 97-31, §12(156), 95 Stat. 167, provided for termination of charters, except passenger vessel charters.

§ 1738b. Omitted

CODIFICATION

Section, Pub. L. 94-121, title III, Oct. 21, 1975, 89 Stat. 628, which related to conditions for chartering vessels, was from the Department of Commerce Appropriation Act, 1976, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Oct. 5, 1974, Pub. L. 93-433, title III, 88 Stat. 1199.

Nov. 6, 1973, Pub. L. 93-162, title III, 87 Stat. 649.

Oct. 25, 1972, Pub. L. 92-544, title III, 86 Stat. 1124.

Aug. 10, 1971, Pub. L. 92-77, title III, 85 Stat. 260.
 Oct. 21, 1970, Pub. L. 91-472, title III, 84 Stat. 1054.
 Dec. 24, 1969, Pub. L. 91-153, title III, 83 Stat. 417.
 Aug. 9, 1968, Pub. L. 90-470, title III, 82 Stat. 682.
 Nov. 8, 1967, Pub. L. 90-133, title III, 81 Stat. 425.
 Nov. 8, 1966, Pub. L. 89-797, title III, 80 Stat. 1494.
 Sept. 2, 1965, Pub. L. 89-164, title III, 79 Stat. 634.
 Aug. 31, 1964, Pub. L. 88-527, title III, 78 Stat. 726.
 Dec. 30, 1963, Pub. L. 88-245, title III, 77 Stat. 791.
 Oct. 18, 1962, Pub. L. 87-843, title III, 76 Stat. 1093.
 Aug. 3, 1961, Pub. L. 87-125, title II, 75 Stat. 274.
 May 13, 1960, Pub. L. 86-451, title I, 74 Stat. 97.
 July 13, 1959, Pub. L. 86-88, title I, 73 Stat. 204.
 June 25, 1958, Pub. L. 85-469, title I, 72 Stat. 231.
 June 13, 1957, Pub. L. 85-52, title I, 71 Stat. 74.
 June 20, 1956, ch. 415, title I, 70 Stat. 318.
 June 30, 1955, ch. 253, title I, 69 Stat. 231.
 July 2, 1954, ch. 456, title III, 68 Stat. 426.
 Aug. 5, 1953, ch. 328, title III, 67 Stat. 381.
 July 5, 1952, ch. 578, title II, 66 Stat. 414.
 Aug. 31, 1951, ch. 376, title II, 65 Stat. 286.
 Sept. 6, 1950, ch. 896, Ch. VIII, title I, 64 Stat. 717.
 Oct. 10, 1949, ch. 662, title I, 63 Stat. 743.

§§ 1739, 1740. Repealed. Pub. L. 101-225, title III, § 307(12), Dec. 12, 1989, 103 Stat. 1925

Section 1739, acts Mar. 8, 1946, ch. 82, §6, 60 Stat. 43; Aug. 6, 1981, Pub. L. 97-31, §12(154), 95 Stat. 167, provided for sale of vessels to non-citizens, sales conditions and priority of mortgage on unpaid balance.

Section 1740, acts Mar. 8, 1946, ch. 82, §7, 60 Stat. 44; Sept. 26, 1950, ch. 1049, §2(a)(2), 64 Stat. 1038; Sept. 27, 1979, Pub. L. 96-70, §3(b)(5), 93 Stat. 455; Aug. 6, 1981, Pub. L. 97-31, §12(154), 95 Stat. 167, provided for order of preference in sales and charters, determining relevant factors, and operation of commercial vessels by Government.

§ 1741. Exchange of vessels**(a) to (c) Repealed. Pub. L. 101-225, title III, § 307(12), Dec. 12, 1989, 103 Stat. 1925****(d) Transfer of substitute vessels**

In the case of any vessel constructed in the United States after January 1, 1937, which has been taken by the United States for use in any manner, the Secretary, if in his opinion the transfer would aid in carrying out the policies of this Act [sections 1735 to 1746 of this Appendix], is authorized to transfer to the owner of such vessel another vessel which is deemed by the Secretary to be of comparable type with adjustments for depreciation and difference in design or speed, and to the extent applicable, adjustments with respect to the retained vessel as provided for in section 9 [section 1742 of this Appendix], and such other adjustments and terms and conditions, including transfer of mortgage obligations in favor of the United States binding upon the old vessel, as the Secretary may prescribe.

(Mar. 8, 1946, ch. 82, §8, 60 Stat. 45; Pub. L. 97-31, §12(154), Aug. 6, 1981, 95 Stat. 167; Pub. L. 101-225, title III, §307(12), Dec. 12, 1989, 103 Stat. 1925.)

AMENDMENTS

1989—Subsecs. (a) to (c). Pub. L. 101-225 struck out subsecs. (a) to (c) which related to allowance as credit on purchase price and vessels acceptable, amount of allowance, and transfers in settlement of claims, respectively.

1981—Pub. L. 97-31 substituted "Secretary" for "Commission" wherever appearing.

§ 1742. Repealed. Pub. L. 94-412, title V, § 501(g), Sept. 14, 1976, 90 Stat. 1258

Section, acts Mar. 8, 1946, ch. 82, §9, 60 Stat. 46; Aug. 6, 1956, ch. 1013, 70 Stat. 1068, made provision for price