

count of any agency or department of the United States during any period in which vessels may be requisitioned under section 902 of the Merchant Marine Act, 1936, as amended, and that any such vessel may be used under a bare-boat charter entered into pursuant to authority vested in the Secretary of Transportation on July 1, 1950, or granted to the Secretary of Transportation after such date.

“(b) Any war-built vessel may be made available by the Secretary of Transportation to any State maintaining a marine school or nautical branch in accordance with the Act of July 29, 1941 (Public Law 191, Seventy-seventh Congress; 55 Stat. 607).”

1981—Subsec. (a). Pub. L. 97-31 substituted “Secretary of Transportation” first three times it appears for “Commission” and last two times it appears for “Secretary of Commerce”; “Department of Transportation” for “it”; and “he” for “it”.

Subsec. (b). Pub. L. 97-31 substituted “Secretary of Transportation” for “Commission”.

1950—Subsec. (a). Act June 30, 1950, amended subsec. (a) to provide that a vessel placed in reserve may not be used for any purpose whatsoever except (1) for the account of any Federal agency or department during the period in which vessels may be requisitioned under section 1242 of Title 46 and (2) and any such vessel may be used under a bare-boat charter entered into pursuant to the authority vested in the Secretary of Commerce.

1949—Subsec. (a). Joint Res. June 29, 1949, extended provisions of section from June 30, 1949, to June 30, 1950. Joint Res. Feb. 28, 1949, extended provisions of section from Mar. 1, 1949, to June 30, 1949.

1948—Subsec. (a). Act Feb. 27, 1948, extended provisions of section from Mar. 1, 1948, to Mar. 1, 1949.

1947—Subsec. (a). Act June 28, 1947, extended provisions of section from Dec. 31, 1947, to Mar. 1, 1948.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-587, title VI, § 6205(a), Nov. 4, 1992, 106 Stat. 5094, provided in part that: “The effective date of this subsection [amending this section] is December 12, 1989.”

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### VESSEL REPAIR AND MAINTENANCE PILOT PROGRAM

Pub. L. 104-239, § 16, Oct. 8, 1996, 110 Stat. 3138, provided that:

“(a) IN GENERAL.—The Secretary of Transportation shall conduct a pilot program to evaluate the feasibility of using renewable contracts for the maintenance and repair of outported vessels in the Ready Reserve Force to enhance the readiness of those vessels. Under the pilot program, the Secretary, subject to the availability of appropriations and within 6 months after the date of the enactment of this Act [Oct. 8, 1996], shall award 9 contracts for this purpose.

“(b) USE OF VARIOUS CONTRACTING ARRANGEMENTS.—In conducting a pilot program under this section, the Secretary of Transportation shall use contracting arrangements similar to those used by the Department of Defense for procuring maintenance and repair of its vessels.

“(c) CONTRACT REQUIREMENTS.—Each contract with a shipyard under this section shall—

“(1) subject to subsection (d), provide for the procurement from the shipyard of all repair and maintenance (including activation, deactivation, and dry-docking) for 1 vessel in the Ready Reserve Force that

is outported in the geographical vicinity of the shipyard;

“(2) be effective for 1 fiscal year; and

“(3) be renewable, subject to the availability of appropriations, for each subsequent fiscal year through fiscal year 1998.

“(d) LIMITATION OF WORK UNDER CONTRACTS.—A contract under this section may not provide for the procurement of operation or manning for a vessel that may be procured under another contract for the vessel to which section 11(d)(2) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1774(d)(2)) applies.

“(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall seek to distribute contract awards under this section to shipyards located throughout the United States.

“(f) REPORTS.—The Secretary shall submit to the Congress—

“(1) an interim report on the effectiveness of each contract under this section in providing for economic and efficient repair and maintenance of the vessel included in the contract, no later than 20 months after the date of the enactment of this Act [Oct. 8, 1996]; and

“(2) a final report on that effectiveness no later than 6 months after the termination of all contracts awarded pursuant to this section.”

#### § 1745. Reconversion of vessels for normal commercial operation; applicability of other laws to construction contracts; coastwise trade; disposition of moneys; Great Lakes trade

(a) The Secretary is authorized to reconvert or restore for normal operation in commercial services and to convert for operation on the Great Lakes, including the Saint Lawrence River and Gulf, and their connecting waterways, including removal of national defense or war-service features, any vessel authorized to be sold or chartered under this Act [sections 1735 to 1746 of this Appendix]. The Secretary is authorized to make such replacements, alterations, or modifications with respect to any vessel authorized to be sold or chartered under this Act [said sections], and to install therein such special features, as may be necessary or advisable to make such vessel suitable for commercial operation on trade routes or services or comparable as to commercial utility to other such vessels of the same general type.

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

(Mar. 8, 1946, ch. 82, § 12, 60 Stat. 49; Sept. 28, 1950, ch. 1093, §§ 1, 2, 64 Stat. 1078; Pub. L. 97-31, § 12(158), Aug. 6, 1981, 95 Stat. 168; Pub. L. 101-225, title III, § 307(12), Dec. 12, 1989, 103 Stat. 1925.)

#### AMENDMENTS

1989—Subsecs. (b) to (e). Pub. L. 101-225, which directed repeal of subsecs. (b) to (f), was executed by striking out subsecs. (b) to (e) as the probable intent of Congress because there was no subsec. (f). Subsecs. (b) to (e) provided in subsec. (b) that section 202 of the War Mobilization and Reconversion Act was inapplicable to contracts of the Commission for or relating to construction of ships, in subsec. (c) that no vessel sold or chartered to a citizen of the United States be prohibited from engaging in the coastwise trade of the United States merely because it was under foreign registry on or after May 27, 1941, in subsec. (d) that all moneys received be deposited in the Treasury to the credit of miscellaneous receipts, and in subsec. (e) that the Secretary make allowances to purchasers of not more than ten vessels sold for exclusive use on the Great Lakes.

1981—Subsecs. (a), (c), (d). Pub. L. 97-31, § 12(158)(A), substituted “Secretary” for “Commission” wherever appearing.

Subsec. (e). Pub. L. 97-31, §12(158)(B), substituted "Secretary of Transportation" for "Secretary of Commerce".

1950—Subsec. (a). Act Sept. 28, 1950, §1, provided for conversion for operation on the Great Lakes, including the Saint Lawrence River and Gulf, and their connecting waterways.

Subsec. (e). Act Sept. 28, 1950, §2, added subsec. (e).

**§ 1745a. Repealed. Pub. L. 101-225, title III, § 307(14), Dec. 12, 1989, 103 Stat. 1925**

Section, Pub. L. 86-315, Sept. 21, 1959, 73 Stat. 588, accorded Great Lakes vessels operation status of documented vessels.

**§ 1746. Repealed. Pub. L. 99-386, title I, § 107, Aug. 22, 1986, 100 Stat. 822; Pub. L. 101-225, title III, § 307(12), Dec. 12, 1989, 103 Stat. 1925**

Section, acts Mar. 8, 1946, ch. 82, §13, 60 Stat. 50; Aug. 6, 1981, Pub. L. 97-31, §12(154), 95 Stat. 167, required submission of quarterly reports by Secretary to Congress with respect to all activities or transactions under sections 1735 to 1746 of this Appendix not covered by any previous such report.

Pub. L. 89-348, §2(1), Nov. 8, 1965, 79 Stat. 1312, modified this section to require annual instead of quarterly reports.

### REHABILITATION OF PHILIPPINES

ACT APR. 30, 1946, CH. 243, 60 STAT. 128

**§§ 1751 to 1763. Omitted**

#### PAYMENT OF BALANCE OF AWARDS TO PHILIPPINES

Pub. L. 87-616, Aug. 30, 1962, 76 Stat. 411, as amended by Pub. L. 88-94, §3, Aug. 12, 1963, 77 Stat. 122, provided: "[SEC. 1. *Conditions; limitations on amount*]. That the Foreign Claims Settlement Commission (hereafter in this Act referred to as the 'Commission') shall provide, out of funds appropriated pursuant to this Act, for the payment of the unpaid balance of awards heretofore made by the Philippine War Damage Commission under title I of the Philippine Rehabilitation Act of 1946 [sections 1751 to 1763 of this Appendix]. No payment shall be made under this Act to any person, or to his successors in interest, on account of any award unless payment was made on such award under the Philippine Rehabilitation Act of 1946 [sections 1751 to 1806 of this Appendix], and the maximum amount paid under this Act, when added to amounts paid under the Philippine Rehabilitation Act of 1946 [sections 1751 to 1806 of this Appendix] and section 7 of the War Claims Act of 1948 [section 2006 of this Appendix] on account of any claim shall not exceed the aggregate amount of claims approved in favor of such claimant after reduction under the last proviso of section 102(a) of the Philippine Rehabilitation Act of 1946 [section 1752(a) of this Appendix], or \$25,000, whichever is the lesser. All payments under this Act in amounts over 25,000 pesos or equivalent value in dollars shall be subject to the provisions of section 104(c) of the Philippine Rehabilitation Act of 1946 [section 1754(c) of this Appendix].

"SEC. 2. [*Applications; commencement and duration of period; determination of Commission*]. Within sixty days after the enactment of this Act [Aug. 30, 1962], or of legislation appropriating for administration expenses incurred in carrying out this Act, whichever is later, the Commission shall prescribe and publish in the Federal Register and give appropriate publicity in the Republic of the Philippines concerning the period, not in excess of twelve additional months, within which application must be filed under this Act. The Commission shall complete its determination and take final action with respect to applications filed under this Act not later than one year after the last date on which applications may be filed.

"SEC. 3. [*Publicity to payments provisions; notice to claimants*]. The Commission shall give maximum pub-

licity in the Republic of the Philippines to the provisions of this Act, and through utilization of the records of the former Philippine War Damage Commission shall attempt to notify individual claimants of their right to file applications for payment under this Act, by mailing notice thereof to the last known address of such claimants as shown by such records.

"SEC. 4. [*Notice of approval or denial of applications; hearings; finality of determinations*]. The Commission shall notify all applicants of the approval or denial of their applications and, if approved, shall notify such applicants of the amount for which such applications are approved. Any applicant whose application is denied, or is approved for less than the amount of such application, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission or its representative with respect to such application. Upon such hearing, the Commission may affirm, modify, or reverse its former action with respect to such application, including a denial or reduction in the amount of award theretofore approved. All findings of the Commission concerning the persons to whom compensation pursuant to this Act is payable, and the amounts thereof, shall be conclusive and not be reviewable by any court.

"SEC. 5. [*Payments; exchange rate; medium; extra-territorial claimants; purchasers of claims; Educational Programs Fund; reversion of funds to United States Treasury*]. (a) Each award made under this Act shall be certified to the Secretary of the Treasury in terms of United States currency on the basis of the rate of exchange (that is, P/2 equals \$1) which was applied in the Philippine Rehabilitation Act of 1946 [sections 1751 to 1806 of this Appendix], for payment out of sums appropriated pursuant to section 8 of this Act. Such payments shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe. Payments authorized under this Act shall be made in United States dollars or in Philippine pesos at the option of the Secretary of the Treasury; however, notwithstanding the last sentence of the first section of this Act, payment shall not be made outside of the Republic of the Philippines to any claimant residing outside the Republic of the Philippines unless he establishes to the satisfaction of the Commission that since the date of the loss or damage on account of which the original award was made he has heretofore invested in such manner as furthered the rehabilitation or economic development of the Philippines an amount not less than the claims approved in his favor after reduction under the last proviso of section 102(a) of the Philippine Rehabilitation Act of 1946 [section 1752(a) of this Appendix]. Any balance of the appropriation made pursuant to section 8 remaining after the payments authorized by the first section of this Act have been made and after any administrative expenses incurred by the Commission in connection with such payments have been paid shall be paid into a special fund in the United States Treasury to be used for the purpose of furthering educational exchange and other educational programs to the mutual advantage of the Republic of the Philippines and the United States in such manner as the Presidents of those two Republics shall from time to time determine. There shall be withheld from the payment authorized by the preceding sentence a sum equal to the difference between \$73,000,000 (less administrative expenses) and the total amount which would have been paid to the claimants under the provisions of Public Law 87-616, which sum shall revert to the general funds in the United States Treasury. The acceptance by any claimant of a payment under this Act shall be considered to be in full satisfaction and final settlement of all claims of such claimant arising out of awards for war damage compensation made by the Philippine War Damage Commission. Payment shall not be made under this Act on any claim filed under the Philippine Rehabilitation Act of 1946 [sections 1751 to 1806 of this Appendix] or under this Act which was acquired from a predecessor in interest by purchase, except where such purchase was in the ordinary course of busi-