

ernment Organization and Employees. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

VESSEL OPERATIONS UNDER REVOLVING FUND

Vessel operations conducted under Vessel Operations Revolving Fund, applicability of subsecs. (a) and (c) of this section to, see section 50301(a) to (e) of Title 46, Shipping.

§ 4702. Insurance awards by War Shipping Administrators; findings and actions as conclusive

(a) Omitted.

(b) Whenever the Administrator, War Shipping Administration,¹ finds that, on or after October 1, 1941, and before thirty days after March 24, 1943, a master, officer, or member of the crew of, or any persons transported on, a vessel owned by or chartered to the Maritime Commission, the War Shipping Administration, or the War Department² or operated by, or for the account of, or at the direction or under the control of the Commission, the Administration, or the War Department, has suffered death, injury, detention, or other casualty, for which the War Shipping Administration would be authorized to provide insurance under Subtitle—Insurance of title II of the Merchant Marine Act, 1936, as amended by this Act, the Administrator may declare that such death, injury, detention, or other casualty, shall be deemed and considered to be covered by such insurance at the time of the disaster or accident, if the Administrator finds that such action is required to make equitable provision for loss or injury related to the war effort and not otherwise adequately provided for: *Provided*, That in making provision for insurance under this subsection the Administrator shall not provide for payments in excess of those generally provided for in comparable cases under insurance hereafter furnished under the said Subtitle—Insurance of title II, as amended: *Provided further*, That any money paid to any person by reason of insurance provided for under this subsection shall apply in pro tanto satisfaction of the claim of such person against the United States arising from the same loss or injury. There shall be no recovery of any money paid on account of insurance provided for the master, officers, or members of the crew of, or individuals transported on, any vessel under this subsection or under Subtitle—Insurance of title II of the Merchant Marine Act, 1936, as amended, from any person who in the judgment of the Administrator, War Shipping Administration, is without fault, and when in the judgment of the Administrator such recovery would defeat the purposes of benefits otherwise authorized or would be against equity and good conscience. The declarations, findings, and actions of or by the Administrator under this subsection shall be final and conclusive.

(c) The Administrator, War Shipping Administration, is also authorized to make payments, in accordance with rate schedules provided by the United States Employees' Compensation Act [5 U.S.C. 8101 et seq.], to a master, officer, or mem-

ber of the crew of, or any persons transported on, a vessel owned by or chartered to the Maritime Commission or the War Shipping Administration or operated by, or for the account of, or at the direction or under the control of the Commission or the Administration, for permanent total or partial disability as long as such disability resulting from causes related to the war effort whether heretofore or hereafter arising exists; such payments to commence if and when insurance benefits provided by the War Shipping Administration for such person shall have been exhausted.

(d) The War Shipping Administration shall have the right of intervention and a lien and right of recovery in the cases and to the extent of any payments paid and payable under this section or under Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended, in the manner provided in the last paragraph of subsection (c) of section 105 of the Act approved December 2, 1942 (Public Law 784, 77th Congress; 42 U.S.C., sec. 1701), as amended by Public Law 216, 78th Congress, approved December 23, 1943. Any amounts recovered under this provision shall be covered into the Marine and War-risk insurance fund, War Shipping Administration.

(Mar. 24, 1943, ch. 26, §2, 57 Stat. 47; Sept. 30, 1944, ch. 451, 58 Stat. 758; Aug. 8, 1946, ch. 905, 60 Stat. 937.)

REFERENCES IN TEXT

Title II of the Merchant Marine Act, 1936, as amended, referred to in subsecs. (b) and (d), is title II of act June 29, 1936, ch. 858, 49 Stat. 1985, as amended, which was classified to sections 1128 to 1128h of former Title 46, Shipping, and which was repealed by act July 25, 1947, ch. 327, §1, 61 Stat. 449.

The United States Employees' Compensation Act, as amended, referred to in subsec. (c), is act Sept. 7, 1916, ch. 458, 39 Stat. 742, as amended, which was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 632, and the provisions thereof were reenacted by the first section thereof as subchapter I (§8101 et seq.) of chapter 81 of Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified to section 1292 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

Section is comprised of section 2 of act Mar. 24, 1943. Subsec. (a) of section 2 of the Act amended section 1128a of former Title 46, Shipping.

AMENDMENTS

1946—Subsec. (b). Act Aug. 8, 1946, amended subsec. (b) generally, making section applicable to employees of the War Department.

1944—Subsec. (b). Act Sept. 30, 1944, inserted sentence beginning "There shall be no".

Subsecs. (c), (d). Act Sept. 30, 1944, added subsecs. (c) and (d).

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 207(a), (f) of act July 26, 1947, established Department of the Air Force, headed by a Secretary, and transferred functions (relating to Army Air Forces) of Secretary of the Army and Department of the Army to Secretary of the Air Force and Department of the Air Force. Sections 205(a) and 207(a), (f) of act July 26, 1947, were repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1

¹ See Transfer of Functions note below.

² See Change of Name note below.

of act Aug. 10, 1956, enacted "Title 10, Armed Forces", which in sections 3010 to 3013 and 8010 to 8013 continued Departments of the Army and Air Force under administrative supervision of Secretary of the Army and Secretary of the Air Force, respectively.

EFFECTIVE DATE OF 1946 AMENDMENT

Act Aug. 8, 1946, ch. 905, 60 Stat. 937, provided that the amendment made by that Act is effective as of Mar. 24, 1943.

TRANSFER OF FUNCTIONS

War Shipping Administration terminated as of Sept. 1, 1946, and functions, powers, duties, etc., transferred to United States Maritime Commission for period Sept. 1, 1946, to Dec. 31, 1946, for purpose of liquidating Administration, by act July 8, 1946, ch. 543, title II, §202, 60 Stat. 501.

Maritime Commission, meaning United States Maritime Commission, abolished by Reorg. Plan No. 21 of 1950, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1273, set out in the Appendix to Title 5, Government Organization and Employees, which transferred part of its functions and part of functions of its Chairman to Federal Maritime Board and Chairman thereof, that Board having been created by that Plan as an agency within Department of Commerce with an independent status in some respects, and transferred remainder of that Commission's functions and functions of its Chairman to Secretary of Commerce, with power vested in Secretary to authorize their performance by Maritime Administrator, the head of Maritime Administration, which likewise was established by the Plan in Department of Commerce with provision that Chairman of Federal Maritime Board should, ex officio, be that Administrator.

Federal Maritime Board, including offices of members of Board, abolished by section 304 of Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 843, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Board transferred either to Federal Maritime Commission or to Secretary of Commerce by sections 103 and 202 of Reorg. Plan No. 7 of 1961.

Maritime Administration transferred from Department of Commerce to Department of Transportation by Maritime Act of 1981, Pub. L. 97-31, Aug. 6, 1981, 95 Stat. 151, which was repealed in part by Pub. L. 109-304, §19, Oct. 6, 2006, 120 Stat. 1710. See section 109 of Title 49, Transportation.

§ 4703. Payment of compensation; insurance

(a), (b) Omitted.

(c) In the event that a vessel the title or use and possession of which is requisitioned or taken pursuant to chapter 563 of title 46 or the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress), is in the custody of any court, State or Federal, it shall be the duty of all agents and officers of the court having possession, custody, or control of said vessel, forthwith upon the filing with the clerk of said court of a certified copy of the order of requisitioning or taking, and without further order of the court, to comply with said requisitioning or taking and to permit the representatives of the United States Maritime Commission or the War Shipping Administration,¹ as the case may be, to take possession, custody, and control of said vessel.

(d) to (k) Omitted.

(Mar. 24, 1943, ch. 26, §3, 57 Stat. 48; July 25, 1947, ch. 327, §1, 61 Stat. 449.)

REFERENCES IN TEXT

The Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress), referred to in subsec. (c), is act June 6, 1941, ch. 174, 55 Stat. 242, which was classified to former sections 1271 to 1275 of the former Appendix to this title and has been omitted from the Code as expired.

CODIFICATION

Section was formerly classified to section 1293 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

Section is comprised of section 3 of act Mar. 24, 1943. Subsec. (a) of section 3 of the Act amended act June 6, 1941, ch. 174, §1, 55 Stat. 242, which was classified to former section 1271 of the former Appendix to this title and has been omitted from the Code as expired. Subsec. (b) of section 3 of the Act, dealing with power of War Shipping Administrator to determine whether ownership of a vessel was required by the United States, expired with the termination on Sept. 1, 1946, of the War Shipping Administration, as set forth in the Transfer of Functions note below. Subsec. (d) of section 3 of the Act amended section 902 of the Merchant Marine Act, 1936, act June 29, 1936, ch. 858, title IX, §902, 49 Stat. 2015, which was classified to section 1242 of the former Appendix to Title 46, Shipping, prior to repeal by Pub. L. 109-304, §19, Oct. 6, 2006, 120 Stat. 1710, and which was reenacted as chapter 563 of Title 46, Shipping. Subsecs. (e) to (h) of section 3 of the Act amended sections 1128b to 1128e, respectively, of former Title 46, Shipping. Subsec. (i) of section 3 of the Act enacted section 1128h of former Title 46 and was repealed by act July 25, 1947, ch. 327, §1, 61 Stat. 449. Subsecs. (j) and (k) of section 3 of the Act amended sections 3 and 4 of act June 6, 1941, ch. 174, 55 Stat. 243, 244, which were classified to former sections 1273 and 1274, respectively, of the former Appendix to this title and have been omitted from the Code as expired.

In subsec. (c), "chapter 563 of title 46" substituted for "section 902 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 563 of Title 46, Shipping.

TRANSFER OF FUNCTIONS

War Shipping Administration terminated as of Sept. 1, 1946, and functions, powers, duties, etc., transferred to United States Maritime Commission for period Sept. 1, 1946, to Dec. 31, 1946, for purpose of liquidating Administration, by act July 8, 1946, ch. 543, title II, §202, 60 Stat. 501.

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¹ See Transfer of Functions note below.