

In subsection (c), the proviso in 46 App. U.S.C. 1161(h) is omitted as obsolete.

**§ 53311. Taxation of deposits on failure of conditions**

A deposited gain, if otherwise taxable income under the law applicable to the taxable year in which the gain was realized, shall be included in gross income for that taxable year, except for purposes of the declared value excess profits tax and the capital stock tax, if—

- (1) the deposited gain is not expended or obligated within the appropriate period under section 53310 of this title;
- (2) the deposited gain is withdrawn before the end of that period;
- (3) the construction related to that deposited gain has not progressed to the extent of 5 percent of completion within the appropriate period under section 53310 of this title; or
- (4) the Secretary of Transportation finds and certifies to the Secretary of the Treasury that, for causes within the control of the taxpayer, the entire construction related to that deposited gain is not completed with reasonable dispatch.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1590.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
53311 .....	46 App.:1161(i).	June 29, 1936, ch. 858, title V, §511(i), as added Oct. 10, 1940, ch. 849, 54 Stat. 1107; July 17, 1952, ch. 939, §13(b), 66 Stat. 764; Pub. L. 97-31, §12(92)(A), Aug. 6, 1981, 95 Stat. 161.

The last sentence of 46 App. U.S.C. 1161(i) is omitted as obsolete.

**§ 53312. Assessment and collection of deficiency tax**

Notwithstanding any other provision of law, a deficiency in tax for a taxable year resulting from the inclusion of an amount in gross income as provided by section 53311 of this title, and the amount to be treated as a deficiency under section 53311 instead of as an adjustment for the declared value excess profits tax, may be assessed or a civil action may be brought to collect the deficiency without assessment, at any time. Interest on a deficiency or amount to be treated as a deficiency does not begin until the date the deposited gain or part of the deposited gain in question is required to be included in gross income under section 51111.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1590.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
53312 .....	46 App.:1161(j).	June 29, 1936, ch. 858, title V, §511(j), as added Oct. 10, 1940, ch. 849, 54 Stat. 1108.

**CHAPTER 535—CAPITAL CONSTRUCTION FUNDS**

Sec. 53501. Definitions.

- Sec. 53502. Regulations.
- 53503. Establishing a capital construction fund.
- 53504. Deposits and withdrawals.
- 53505. Ceiling on deposits.
- 53506. Investment and fiduciary requirements.
- 53507. Nontaxation of deposits.
- 53508. Separate accounts within a fund.
- 53509. Qualified withdrawals.
- 53510. Tax treatment of qualified withdrawals and basis of property.
- 53511. Tax treatment of nonqualified withdrawals.
- 53512. FIFO and LIFO withdrawals.
- 53513. Corporate reorganizations and partnership changes.
- 53514. Relationship of old fund to new fund.
- 53515. Records and reports.
- 53516. Termination of agreement after change in regulations.
- 53517. Reports.

**§ 53501. Definitions**

In this chapter:

(1) AGREEMENT VESSEL.—The term “agreement vessel” means—

- (A) an eligible vessel or a qualified vessel that is subject to an agreement under this chapter; and
- (B) a barge or container that is part of the complement of a vessel described in subparagraph (A) if provided for in the agreement.

(2) ELIGIBLE VESSEL.—The term “eligible vessel” means—

- (A) a vessel—
  - (i) constructed in the United States (and, if reconstructed, reconstructed in the United States), constructed outside the United States but documented under the laws of the United States on April 15, 1970, or constructed outside the United States for use in the United States foreign trade pursuant to a contract made before April 15, 1970;
  - (ii) documented under the laws of the United States; and
  - (iii) operated in the foreign or domestic trade of the United States or in the fisheries of the United States; and
- (B) a commercial fishing vessel—
  - (i) constructed in the United States and, if reconstructed, reconstructed in the United States;
  - (ii) of at least 2 net tons but less than 5 net tons;
  - (iii) owned by a citizen of the United States;
  - (iv) having its home port in the United States; and
  - (v) operated in the commercial fisheries of the United States.

(3) JOINT REGULATIONS.—The term “joint regulations” means regulations prescribed jointly by the Secretary and the Secretary of the Treasury under section 53502(b) of this title.

(4) NONCONTIGUOUS TRADE.—The term “non-contiguous trade” means—

- (A) trade between—
  - (i) one of the contiguous 48 States; and
  - (ii) Alaska, Hawaii, Puerto Rico, or an insular territory or possession of the United States; and