

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 (i) of section 3 of the Act enacted section 1128h of former Title 46 and was repealed by act July 25, 1947, ch. 327, §1, 61 Stat. 449.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.

United States Maritime Commission abolished by Reorg. Plan No. 21, 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 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.

#### VESSEL OPERATIONS UNDER REVOLVING FUND

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

#### § 4704. United States as entitled to all benefits of exemption and limitation of liability accorded to owners of vessels

The United States shall, with respect to vessels owned by or chartered to the War Shipping Administrator<sup>1</sup> under bareboat charter or time

charter or operated directly by such Administrator or for his account, be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners of vessels. With respect to any such vessel, the term "the United States" shall include agents or other persons acting for or on behalf of the Administrator in connection with the operation thereof.

(Mar. 24, 1943, ch. 26, §4, 57 Stat. 51.)

#### CODIFICATION

Section was formerly classified to section 1294 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### TRANSFER OF FUNCTIONS

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#### VESSEL OPERATIONS UNDER REVOLVING FUND

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

#### § 4705. Termination of section 4701(a); authority of United States Maritime Commission vested in Administrator of War Shipping Administration

The provisions of section 4701(a) of this title shall remain in force until the termination of title 1 of the First War Powers Act, 1941. The termination of the provisions of such section shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any cause before such termination, but all rights and liabilities under law as modified by such provisions shall continue, and may be enforced in the same manner as if such provisions had not terminated. The authority

<sup>1</sup> See Transfer of Functions note below.

conferred upon the United States Maritime Commission by any provision of this chapter shall be vested in and exercised by the Administrator of the War Shipping Administration<sup>1</sup> in conformity with the Executive order of February 7, 1942 (Numbered 9054; 7 F.R. 837), as heretofore or hereafter amended.

(Mar. 24, 1943, ch. 26, § 5, 57 Stat. 51.)

#### REFERENCES IN TEXT

Title 1 of the First War Powers Act, 1941, referred to in text, is title I of act Dec. 18, 1941, ch. 593, 55 Stat. 838, which was classified to former sections 601 to 605 of the former Appendix to this title prior to repeal by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

#### CODIFICATION

Section was formerly classified to section 1295 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### 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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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.

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### § 4801. Definitions

In this chapter:

#### (1) Controlled

The term “controlled” refers to an item subject to the jurisdiction of the United States under subchapter I.

#### (2) Dual-use

The term “dual-use”, with respect to an item, means the item has civilian applications and military, terrorism, weapons of mass destruction, or law-enforcement-related applications.

#### (3) Export

The term “export”, with respect to an item subject to controls under subchapter I, includes—

(A) the shipment or transmission of the item out of the United States, including the sending or taking of the item out of the United States, in any manner; and

(B) the release or transfer of technology or source code relating to the item to a foreign person in the United States.

#### (4) Export Administration Regulations

The term “Export Administration Regulations” means—

(A) the Export Administration Regulations as promulgated, maintained, and amended under the authority of the International Emergency Economic Powers Act [50 U.S.C. 1701 et seq.] and codified, as of August 13, 2018, in subchapter C of chapter VII of title 15, Code of Federal Regulations; or

(B) regulations that are promulgated, maintained, and amended under the authority of subchapter I on or after August 13, 2018.

#### (5) Foreign person

The term “foreign person” means—

(A) any natural person who is not a lawful permanent resident of the United States, citizen of the United States, or any other protected individual (as such term is defined in section 1324b(a)(3) of title 8);

(B) any corporation, business association, partnership, trust, society or any other enti-