

Public Law 97-31
97th Congress

An Act

To revise the laws pertaining to the Maritime Administration.

Aug. 6, 1981

[H.R. 4074]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Act of 1981".

SEC. 2. The Maritime Administration of the Department of Commerce is transferred to the Department of Transportation.

SEC. 3. There are transferred to the Department of Transportation and vested in the Secretary of Transportation all functions, powers, and duties relating to the Maritime Administration of the Secretary of Commerce and of officers and offices of the Department of Commerce.

SEC. 4. There shall be at the head of the Maritime Administration an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level III of the Executive Schedule. The Maritime Administrator shall report directly to the Secretary of Transportation and shall perform such duties as the Secretary of Transportation shall prescribe.

SEC. 5. In carrying out any function transferred by this Act, the Secretary of Transportation may exercise any authority available by law to the Secretary of Commerce with respect to such function and the actions of the Secretary of Transportation in exercising such authority shall have the same force and effect as if exercised by the Secretary of Commerce on the day preceding the effective date of this Act.

SEC. 6. The personnel employed in connection with, and the assets, liabilities, contracts, property, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by this Act, including all Senior Executive Service positions, subject to section 202 of the Budget and Accounting Procedures Act of 1950, shall be transferred to the Secretary of Transportation for appropriate allocation. Personnel employed in connection with functions transferred by this Act shall be transferred in accordance with any applicable laws and regulations relating to transfer of functions. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that such funds may be used for the expenses associated with the transfer pursuant to this Act.

SEC. 7. In order to facilitate the transfer effected by this Act, the Director of the Office of Management and Budget is authorized and directed to make such determinations as may be necessary with regard to functions, offices, or portions thereof transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, apportionments,

Maritime Act of 1981.

46 USC 1601 note.

Maritime Administration, transfer to Transportation Department.

46 USC 1601.

46 USC 1602.

Administrator.

46 USC 1603.

5 USC 5314.

46 USC 1604.

Personnel, assets, liabilities, and records.

46 USC 1605.

31 USC 581c.

46 USC 1606.

allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, or portions thereof, as may be necessary to resolve disputes between the Secretaries of Commerce and Transportation which may arise in connection with the transfer. This section does not vest in the Director of the Office of Management and Budget any of the functions, powers, or duties of the Maritime Administration, the Secretary of Commerce, or the Secretary of Transportation. The authority and direction given by this section to the Director of the Office of Management and Budget shall terminate sixty days after enactment.

46 USC 1607.

SEC. 8. With the consent of the Secretary of Commerce, the Secretary of Transportation may use the services of such officers, employees, and other personnel of the Department of Commerce as needed to implement this Act.

46 USC 1608.

SEC. 9. (a) All orders, determinations, rules, regulations, permits, grants, contracts, agreements, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Secretary of Transportation or the Department of Transportation, and

(2) which are in effect at the time this Act takes effect shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Transportation, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) This Act does not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance, pending on the effective date of this Act, but such proceedings and applications, to the extent that they relate to functions so transferred and except as provided in paragraph (2), shall be continued at the Department of Transportation. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary of Transportation, by a court of competent jurisdiction, or by operation of law. This subsection does not prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that the proceeding could have been discontinued or modified if this Act had not been enacted.

Maritime
Subsidy Board,
pending actions.

(2) Actions of the Maritime Subsidy Board pending on review before the Secretary of Commerce on the day preceding the effective date of this Act shall remain with the Secretary of Commerce, unless otherwise agreed between the Secretary of Commerce and the Secretary of Transportation, for final administrative disposition as though this Act had not been enacted.

(3) The Secretary of Transportation may promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding commenced by or against any officer of the Maritime Administration in his official capacity shall abate by reason of the enactment of this Act. No cause of action by or against the Maritime Administration or by or against any officer of the Maritime Administration in his official capacity shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, the Secretary of Commerce is a party to an action, and under this Act any function of the Secretary of Commerce which is the subject of the action is transferred to the Secretary of Transportation, then such action shall be continued with the Secretary of Transportation substituted as a party.

(f) Orders and actions of the Secretary of Transportation in the exercise of functions transferred under this Act shall be subject to judicial review as if such orders and actions had been by the Secretary of Commerce exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary of Transportation.

Judicial review
and statutory
requirements.

SEC. 10. With respect to any function or office transferred by this Act and exercised on or after the effective date of this Act, reference in any other Federal law to the Maritime Administration or any of its predecessor agencies or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary of Transportation, other official, or component of the Department of Transportation to which this Act transfers such functions.

46 USC 1609.

SEC. 11. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby.

46 USC 1610.

SEC. 12. CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended as follows:

(A) Section 5314 is amended by inserting "Administrator, Maritime Administration", at the end thereof.

(B) Section 5315 is amended by striking "(8)" following the words "Assistant Secretaries of Commerce", and substituting "(7)".

(C) Section 5316 is amended by striking "Maritime Administration, Department of Commerce".

(2) Section 203 of the Act of August 14, 1946 (7 U.S.C. 1622), is amended by inserting ", or the Secretary of Transportation," after "regulatory body" in subsection (j).

(3) Title 10, United States Code, is amended as follows:

(A) Section 2664(a) is amended by—

(i) striking "Secretary of Commerce, and the Chairman of the Federal Maritime Board" in the introductory paragraph and substituting "Secretary of Transportation"; and

(ii) striking "Secretary of Commerce or the Federal Maritime Board by 1950 Reorganization Plan Numbered 21, effective May 24, 1950 (64 Stat. 1273)" in paragraph (3) and substituting "Secretary of Transportation".

(B) Section 2665 is amended by—

(i) striking "or the Federal Maritime Board" in subsections (a) and (b); and

(ii) striking "Federal Maritime Board" at the end of subsection (b) and substituting "Department of Transportation".

(C) Section 4745(a) is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(D) Section 7361(b) is amended by—

(i) striking "Secretary of Commerce" and substituting "Secretary of Transportation"; and

(ii) striking "Department of Commerce" and substituting "Department of Transportation".

(4) Section 148 of title 14, United States Code, is amended by striking "United States Maritime Commission", and substituting "Maritime Administrator".

(5) Section 42(a) of Public Law 91-469 (15 U.S.C. 1507a) is repealed.

(6) The Act of February 14, 1903 (15 U.S.C. 1511), is amended by striking "(c) Maritime Administration;", and redesignating the paragraphs accordingly.

(7) Sections 3 and 8 of the Act of February 14, 1903 (15 U.S.C. 1512 and 1519), are amended by striking "shipping," and ", and the transportation facilities".

(8) Section 2 of Public Law 96-371 (15 U.S.C. 1519a) is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(9) Section 500 of the Act of February 28, 1920 (15 U.S.C. 1528), is amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(10) Section 3 of the Act of July 19, 1940 (16 U.S.C. 18b), is amended by striking "United States Maritime Commission" and substituting "Department of Transportation".

(11) Section 1 of the Act of March 4, 1915 (31 U.S.C. 686), is amended by striking "Federal Maritime Commission" in subsection (a) and substituting "Maritime Administration".

(12) Section 2 of the Act of April 29, 1941 (40 U.S.C. 270f), is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(13) Section 602 (c) and (d) of the Act of June 30, 1949 (40 U.S.C. 474), is amended in paragraph (16) by—

(A) striking "United States Maritime Commission" wherever it appears and substituting "Maritime Administration"; and

(B) striking "Commission" and substituting "Administration".

(14) Section 516 of Public Law 90-580 (40 U.S.C. 483a) is amended by inserting "the Department of Transportation," immediately after "the Department of Commerce,".

(15) Section 203 of the Act of June 30, 1949 (40 U.S.C. 484), is amended in subsection (i) by—

(A) striking "United States Maritime Commission" and substituting "Maritime Administration"; and

(B) striking "Commission" and substituting "Administration".

(16) Section 2 of the Act of June 22, 1942 (41 U.S.C. 50), is amended by striking "United States Maritime Commission" and substituting "Secretary of Transportation".

(17) Section 5 of the Act of July 1, 1944 (41 U.S.C. 105), is amended by striking "Chairman of the Maritime Commission" and substituting "Secretary of Transportation".

(18) Section 12 of the Act of July 1, 1944 (41 U.S.C. 112), is amended by striking "Maritime Commission" in subsection (h) and substituting "the Department of Transportation".

(19) Section 102 of the Act of August 9, 1955 (42 U.S.C. 1973cc-1), is amended by striking "Secretary of Commerce" in clause (10) and substituting "Secretary of Transportation".

(20) Section 1 of the Home Port Act (46 U.S.C. 18) is amended by striking "Director of the Bureau of Marine Inspection and Navigation of the Department of Commerce" and substituting "Secretary of Transportation or the Secretary of the Treasury".

(21) The Act of July 24, 1956, is amended by—

(A) striking "Secretary of Commerce" wherever it appears in sections 1, 2, and 3 (46 U.S.C. 249, 249a, and 249b) and substituting "Secretary of Transportation"; and

(B) striking "with the concurrence of the Secretary of the Treasury" in sections 1 and 3 (46 U.S.C. 249 and 249b).

(22) The Act of June 30, 1961 (46 U.S.C. 289b), is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(23) The Act of October 25, 1919 (46 U.S.C. 363), is amended by striking "United States Shipping Board" and substituting "Department of Commerce and the Maritime Administration".

(24) Section 6 of the Act of May 27, 1936 (46 U.S.C. 382b), is amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of the Department in which the Coast Guard is operating or the Secretary of the Treasury".

(25) The Suits in Admiralty Act is amended by—

(A) striking the last sentence of section 3 (46 U.S.C. 743);

(B) striking "United States Shipping Board" in section 7 (46 U.S.C. 747) and substituting "Maritime Administration";

(C) striking "or the United States Shipping Board" in section 9 (46 U.S.C. 749);

(D) striking "or of the United States Shipping Board" in sections 10 and 11 (46 U.S.C. 750 and 751); and

(E) striking "and the United States Shipping Board" in section 12 (46 U.S.C. 752).

(26) Section 9 of the Shipping Act, 1916 (46 U.S.C. 808) is amended by striking "United States Maritime Commission", "Commission", and "Secretary of Commerce" wherever they appear and substituting "Secretary of Transportation".

(27) Section 12 of the Shipping Act, 1916 (46 U.S.C. 811) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(B) striking "It" wherever it appears and substituting "The Secretary";

(C) striking "it" wherever it appears and substituting "the Secretary"; and

(D) striking "its" wherever it appears and substituting "his".

(28) Section 14a of the Shipping Act, 1916 (46 U.S.C. 813) is amended by—

(A) striking "Commission" wherever it appears and substituting "Federal Maritime Commission"; and

(B) striking "Secretary of Commerce" and substituting "Secretary of Transportation or the Secretary of the Treasury".

(29) Section 21 of the Shipping Act, 1916 (46 U.S.C. 820) is amended in subsection (a) by—

(A) striking "Commission" in the first sentence and substituting "Federal Maritime Commission and Secretary of Transportation";

(B) striking "it" in the first sentence and substituting "it or him"; and

(C) striking "Commission" wherever it appears in the second sentence and substituting "Commission or Secretary".

(30) Section 37 of the Shipping Act, 1916 (46 U.S.C. 835) is amended by striking "Commission" and "Secretary of Commerce" wherever they appear and substituting "Secretary of Transportation".

(31) Sections 40 and 42 of the Shipping Act, 1916 (46 U.S.C. 838 and 840) are amended by striking "Commission" wherever it appears and substituting "Secretary of Transportation".

(32) Section 41 of the Shipping Act, 1916 (46 U.S.C. 839) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "its" and substituting "his".

(33) Section 1 of the Merchant Marine Act, 1920 (46 U.S.C. 861) is amended by striking "United States Maritime Commission" and substituting "Secretary of Transportation".

(34) Section 5 of the Merchant Marine Act, 1920 (46 U.S.C. 864) is amended by striking "Commission" wherever it appears and substituting "Secretary of Transportation".

(35) Section 101 of the Act of June 30, 1948 (46 U.S.C. 864a) is amended by striking "Commission" and substituting "Secretary of Transportation".

(36) Section 1 of the Act of June 29, 1949 (46 U.S.C. 864b) is amended by—

(A) striking "Maritime Commission" and substituting "Maritime Administration of the Department of Transportation"; and

(B) striking "Commission" and substituting "Maritime Administration".

(37) Section 6 of the Merchant Marine Act, 1920 (46 U.S.C. 865) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(B) striking "it" wherever it appears and substituting "he";

(C) striking "upon an affirmative vote of not less than five of its members, spread upon the minutes of the board,"; and

(D) striking "its" wherever it appears and substituting "his".

(38) Section 1 of the Act of May 16, 1972 (46 U.S.C. 865a), is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(39) Section 7 of the Merchant Marine Act, 1920 (46 U.S.C. 866) is amended by—

(A) other than in the second proviso, striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "its" and substituting "his".

(40) Section 8 of the Merchant Marine Act, 1920 (46 U.S.C. 867) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(B) striking "it" and substituting "he"; and

(C) striking "its" and substituting "his".

(41) Section 9 of the Merchant Marine Act, 1920 (46 U.S.C. 868) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "it" in the last sentence and substituting "he".

(42) Section 10 of the Merchant Marine Act, 1920 (46 U.S.C. 869) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "it" wherever it appears and substituting "he".

(43) Section 12 of the Merchant Marine Act, 1920 (46 U.S.C. 871) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(B) striking "it" the first two times it appears and substituting "him"; and

(C) striking "its" and substituting "his".

(44) Section 13 of the Merchant Marine Act, 1920 (46 U.S.C. 872) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "it" and substituting "him".

(45) Section 17 of the Merchant Marine Act, 1920 (46 U.S.C. 875) is amended by—

(A) striking the first paragraph; and

(B) striking "Commission" wherever it appears and substituting "Secretary of Transportation".

(46) Section 19 of the Merchant Marine Act, 1920, as amended, is amended by— 46 USC 876.

(A) striking "The Commission" the first time it appears and substituting "The Secretary of Transportation"; and

(B) inserting after subsection (a) the following undesignated paragraph:

"And the Federal Maritime Commission is authorized and directed in aid of the accomplishment of the purposes of this Act:".

(47) Section 21 of the Merchant Marine Act, 1920 (46 U.S.C. 877) is amended by striking "Commission" and substituting "Secretary of Transportation".

(48) Section 25 of the Merchant Marine Act, 1920 (46 U.S.C. 881) is amended by striking "Secretary of Commerce and the chairman of the Commission shall each appoint one representative" and substituting "Secretary of Transportation shall appoint one representative and the Secretary of the Department in which the Coast Guard is operating shall appoint one representative (except in a case where such Secretary is the Secretary of Transportation in which case he shall appoint both representatives)".

(49) Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883) is amended by striking "Secretary of Commerce" in the fourth proviso and substituting "Secretary of Transportation".

(50) Section 28 of the Merchant Marine Act, 1920 (46 U.S.C. 884) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "it" in the second sentence and substituting "he".

(51) Section 202 of the Merchant Marine Act, 1928 (46 U.S.C. 891b) is amended by—

(A) striking "Commission" and substituting "Secretary of Transportation"; and

(B) striking "its" wherever it appears and substituting "his".

(52) Section 203 of the Merchant Marine Act, 1928 (46 U.S.C. 891c) is amended by striking "Commission" wherever it appears and substituting "Secretary of Transportation".

(53) Section 705 of the Merchant Marine Act, 1928 (46 U.S.C. 891w) is amended by striking "Maritime Commission" and substituting "Secretary of Transportation".

(54) Subsection B of the Ship Mortgage Act, 1920 (46 U.S.C. 911) is amended by striking "Commission" in paragraph (4) and substituting "Secretary of Transportation".

(55) Subsection O of the Ship Mortgage Act, 1936 (46 U.S.C. 961) is amended by—

(A) inserting a period after the word "Commission" in subsection (a);

(B) inserting "The Secretary" at the beginning of the second sentence of subsection (a);

(C) striking "Board" wherever it appears in subsections (a) and (d) and substituting "Secretary of Transportation"; and

(D) striking "Secretary of Commerce" wherever it appears in subsection (e) and substituting "Secretary of Transportation".

(56) Subsection V of the Ship Mortgage Act, 1920 (46 U.S.C. 982) is amended by striking "Secretary of Commerce is" and substituting "Secretary of Transportation or the Secretary of the Treasury are".

(57) Subsection W of the Ship Mortgage Act, 1920 (46 U.S.C. 983) is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation or the Secretary of the Treasury".

(58) Section 201 of the Ship Mortgage Act, 1936 (46 U.S.C. 1111) is amended by—

(A) repealing subsection (a);

(B) in subsection (d)—

(i) inserting "and the Secretary of Transportation" after "The Commission";

(ii) striking "its" and substituting "their"; and

(iii) striking "it" and substituting "them";

(C) in subsection (e)—

(i) inserting "and the Secretary of Transportation" after "Commission" when it first appears and at the beginning of the second sentence;

(ii) striking "its" in the second sentence and substituting "their"; and

(iii) striking the proviso; and

(D) inserting "or the Secretary of Transportation" after "Commission" and "it" wherever they appear in subsection (f).

(59) The Act of June 25, 1938 (46 U.S.C. 1111a), is amended by striking "United States Maritime Commission" and substituting "Federal Maritime Commission and the Secretary of Transportation".

(60) Section 202 of the Merchant Marine Act, 1936 (46 U.S.C. 1112) is amended by—

(A) striking the first sentence;

(B) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(C) striking "it" wherever it appears and substituting "he"; and

(D) striking "its" and substituting "his".

(61) Section 204 of the Merchant Marine Act, 1936 (46 U.S.C. 1114) is amended by—

(A) striking "United States Maritime Commission" wherever it appears and substituting "Federal Maritime Commission and the Secretary of Transportation";

(B) inserting "and the Secretary of Transportation" following "The Commission" in subsection (b);

(C) striking "is" in subsection (b) and substituting "are"; and

(D) striking "it" wherever it appears and substituting "them".

(62) Section 205 of the Merchant Marine Act, 1936 (46 U.S.C. 1115) is amended by striking "Commission" and substituting "Federal Maritime Commission and the Secretary of Transportation".

(63) Section 206 of the Merchant Marine Act, 1936 (46 U.S.C. 1116) is amended by—

(A) striking "Commission" where it appears for the first time in the first and second sentences and substituting "Department of Transportation"; and

(B) striking "Commission" wherever it appears and substituting "Secretary of Transportation".

(64) Section 207 of the Merchant Marine Act, 1936 (46 U.S.C. 1117), is amended by—

(A) striking "Commission" where it appears the first time in the first sentence and substituting "Federal Maritime Commission and the Secretary of Transportation";

(B) inserting "or his" after "its" in the first sentence;

(C) inserting "or Secretary" after "Commission" where it appears for the second time in the first sentence and where it appears in the last sentence; and

(D) inserting "and Secretary's" after "Commission's" in the second sentence.

(65) Section 208 of the Merchant Marine Act, 1936 (46 U.S.C. 1118), is amended by—

(A) striking "Commission" and substituting "Federal Maritime Commission and the Secretary of Transportation"; and

(B) inserting "or his" after "its" wherever it appears.

(66) The proviso clause of section 209(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1119(b)) is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(67) Sections 210 and 211 of the Merchant Marine Act, 1936 (46 U.S.C. 1120 and 1121) are amended by striking "Secretary of Commerce" where they appear and substituting "Secretary of Transportation".

(68) Section 5 of Public Law 96-387 (46 U.S.C. 1121-1) is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation".

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(69) Section 212 of the Merchant Marine Act, 1936 (46 U.S.C. 1122), is amended by—

(A) striking "Commission" in the first line and substituting "Secretary of Transportation";

(B) inserting after subsection (d) the following undesignated paragraph:

"The Federal Maritime Commission is authorized and directed—";

(C) inserting after subsection (e) the following undesignated paragraph:

"The Secretary of Transportation is authorized and directed—"; and

(D) striking "it" in subsection (g) and substituting "he".

(70) Section 212(A) of the Merchant Marine Act, 1936 (46 U.S.C. 1122a) is amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(71) Section 213 of the Merchant Marine Act, 1936 (46 U.S.C. 1123) is amended by striking "Commission" and substituting "Secretary of Transportation".

(72) Section 214 of the Merchant Marine Act, 1936 (46 U.S.C. 1124) is amended by—

(A) striking "Commission" where it appears the first time in subsection (a) and substituting "Federal Maritime Commission or the Secretary of Transportation";

(B) inserting "or the Secretary," after "designated by it" in subsection (a);

(C) inserting "or the Secretary," after "Commission" where it appears in the third sentence of subsection (a) and wherever it appears in subsection (b); and

(D) striking "it" in subsection (b) and substituting "it or he".

(73) Section 215 of the Merchant Marine Act, 1936 (46 U.S.C. 1125) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(B) striking "it" and substituting "his"; and

(C) striking "its" in the first sentence and substituting "his".

(74) Section 4 of the Act of February 6, 1941 (46 U.S.C. 1125a), is amended by—

(A) striking "Commission" where it appears the first time and substituting "Secretary of Transportation"; and

(B) striking "Commission" where it appears the second and third time and substituting "Secretary".

(75) Section 216 of the Merchant Marine Act, 1936 (46 U.S.C. 1126), is amended by—

(A) striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation";

(B) striking "it" wherever it appears in subsection (c) and substituting "he"; and

(C) striking "itself" in subsection (d) and substituting "himself".

(76) Section 603 of the Department of Defense Appropriation Authorization Act, 1977 (46 U.S.C. 1126-1), is amended by striking "Assistant Secretary of Commerce for Maritime Affairs" and substituting "Maritime Administrator".

(77) Section 34 of the Act of August 10, 1956 (46 U.S.C. 1126a-1), is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(78) The Act of August 9, 1946 (46 U.S.C. 1126b), is amended by striking "Chairman of the United States Maritime Commission" wherever it appears and substituting "Secretary of Transportation".

46 USC 1126b-1.

(79) The Act of September 14, 1961 (46 U.S.C. 1126a-1), is amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(80) The Act of May 11, 1944 (46 U.S.C. 1126c), is amended by striking "Chairman of the United States Maritime Commission" and substituting "Secretary of Transportation".

(81) The Act of July 22, 1947 (46 U.S.C. 1126d), is amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(82) Section 301 of the Merchant Marine Act, 1936 (46 U.S.C. 1131), is amended by striking "Commission" wherever it appears and substituting "Secretary of Transportation".

(83) Section 302 of the Merchant Marine Act, 1936 (46 U.S.C. 1132), is amended by—

(A) striking "Secretary of Commerce" in subsection (f) and substituting "Secretary of the Department in which the Coast Guard is operating or the Secretary of the Treasury"; and

(B) striking "Commission's" in subsection (g) and substituting "Transportation Department's".

(84) Sections 501, 502, 503, 504, and 505 of the Merchant Marine Act, 1936 (46 U.S.C. 1151, 1152, 1153, 1154, and 1155), are amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(85) Section 502 of the Merchant Marine Act, 1936 (46 U.S.C. 1152), is amended by striking "Secretary of Commerce's" in subsection (c) and substituting "Secretary of Transportation's".

(86) Section 402 of the Second Revenue Act of 1940 (46 U.S.C. 1155a), is amended by striking "United States Maritime Commission" and substituting "Secretary of Transportation".

(87) Section 506 of the Merchant Marine Act, 1936 (46 U.S.C. 1156), is amended by—

(A) striking "Commission" where it appears the first time and substituting "Secretary of Transportation"; and

(B) striking "Commission" where it appears the next four times and substituting "Secretary".

(88) Section 507 of the Merchant Marine Act, 1936 (46 U.S.C. 1157), is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "its" and substituting "his".

(89) Section 508 of the Merchant Marine Act, 1936 (46 U.S.C. 1158), is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "it" and substituting "the Maritime Administration of the Department of Transportation".

(90) Section 509 of the Merchant Marine Act, 1936 (46 U.S.C. 1159), is amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(91) Section 510 of the Merchant Marine Act, 1936 (46 U.S.C. 1160), is amended by—

(A) striking "Secretary of Commerce" wherever it appears other than the first time it appears in subsection (j) and substituting "Secretary of Transportation";

(B) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(C) striking "its" in subsection (f) and substituting "his";

(D) striking "Commission's" wherever it appears in subsection (g) and substituting "Secretary's"; and

(E) striking "Secretary of Commerce" the first time it appears in subsection (j) and substituting "Maritime Administration of the Department of Transportation".

(92) Section 511 of the Merchant Marine Act, 1936 (46 U.S.C. 1161), is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "it" in paragraphs (g)(1) (A) and (B) and substituting "him".

(93) Section 601 of the Merchant Marine Act, 1936 (46 U.S.C. 1171), is amended by striking "Secretary of Commerce" and "Commission" wherever they appear and substituting "Secretary of Transportation".

(94) Sections 602 and 603 of the Merchant Marine Act, 1936 (46 U.S.C. 1172 and 1173), are amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(95) Section 604 of the Merchant Marine Act, 1936 (46 U.S.C. 1174), is amended by—

(A) striking “Commission” and substituting “Secretary of Transportation”;

(B) striking “it” wherever it appears and substituting “he”; and

(C) striking the colon and the proviso.

(96) Sections 605 and 606 of the Merchant Marine Act, 1936 (46 U.S.C. 1175 and 1176), are amended by striking “Secretary of Commerce” wherever it appears and substituting “Secretary of Transportation”.

(97) Section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177), is amended by—

(A) striking “Secretary of Commerce” whenever it appears and substituting “Secretary”; and

(B) adding at the end of subsection (k), a new paragraph (9) to read as follows:

“Secretary.”

“(9) The term ‘Secretary’ means the Secretary of Commerce with respect to eligible or qualified vessels operated or to be operated in the fisheries of the United States, and the Secretary of Transportation with respect to all other vessels.”.

(98) Section 608 of the Merchant Marine Act, 1936 (46 U.S.C. 1178), is amended by—

(A) striking “Commission” wherever it appears and substituting “Secretary of Transportation”;

(B) striking “it” in the second sentence and substituting “he”; and

(C) striking “it” in the last sentence and substituting “him”.

(99) Sections 609 and 610 of the Merchant Marine Act, 1936 (46 U.S.C. 1179 and 1180), are amended by striking “Commission” wherever it appears and substituting “Secretary of Transportation”.

(100) Section 611 of the Merchant Marine Act, 1936 (46 U.S.C. 1181), is amended by—

(A) striking “Commission” wherever it appears and substituting “Secretary of Transportation”;

(B) striking “it” in paragraph (a) and substituting “he”; and

(C) striking “any member of the Commission, or any officer thereof designated by the Commission for that purpose” and substituting “the Secretary of Transportation or any officer designated by him for that purpose”.

(101) Section 612 of the Merchant Marine Act, 1936 (46 U.S.C. 1182), is amended by—

(A) striking “Commission” wherever it appears and substituting “Secretary of Transportation”; and

(B) striking “its” wherever it appears and substituting “his”.

(102) Section 613 of the Merchant Marine Act, 1936 (46 U.S.C. 1183), is amended by—

(A) striking “Secretary of Commerce” wherever it appears and substituting “Secretary of Transportation”;

(B) striking “it” in subsections (c) and (e) and substituting “he”; and

(C) striking “Board” and substituting “Secretary of Transportation”.

(103) Section 701 of the Merchant Marine Act, 1936 (46 U.S.C. 1191), is amended by striking “Commission” wherever it appears and substituting “Secretary of Transportation”.

(104) Section 702 of the Merchant Marine Act, 1936 (46 U.S.C. 1192), is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "it" and substituting "he".

(105) Section 703 of the Merchant Marine Act, 1936 (46 U.S.C. 1193), is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "Commission's" in subsection (c) and substituting "Secretary's".

(106) Section 704 of the Merchant Marine Act, 1936 (46 U.S.C. 1194), is amended by—

(A) striking "Commission" the first time it appears in the first sentence and substituting "Department of Transportation";

(B) striking "Commission" the second time it appears in the first sentence and substituting "Secretary of Transportation"; and

(C) striking all after the first sentence.

(107) Section 705 of the Merchant Marine Act, 1936 (46 U.S.C. 1195), is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(B) striking "its" in the first sentence and substituting "the Department of Transportation's"; and

(C) striking "its" in the second sentence and substituting "his".

(108) Section 706 of the Merchant Marine Act, 1936 (46 U.S.C. 1196), is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(B) striking "its" in the first sentence and substituting "the Department of Transportation's";

(C) striking "Commission's" in the second sentence and substituting "the Department of Transportation's"; and

(D) striking "its" in subsection (b) and substituting "his".

(109) Section 707 of the Merchant Marine Act, 1936 (46 U.S.C. 1197) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "Commission's" in subsection (b) and substituting "Secretary's".

(110) Section 708 of the Merchant Marine Act, 1936 (46 U.S.C. 1198) is amended by—

(A) striking "Commission" and substituting "Secretary of Transportation"; and

(B) striking "its" and substituting "his".

(111) Section 709 of the Merchant Marine Act, 1936 (46 U.S.C. 1199) is amended by striking "Commission" wherever it appears and substituting "Secretary of Transportation".

(112) Section 710 of the Merchant Marine Act, 1936 (46 U.S.C. 1200) is amended by—

(A) striking "Commission's" and substituting "Secretary of Transportation's"; and

(B) striking "Commission" wherever it appears and substituting "Secretary of Transportation".

(113) Section 711 of the Merchant Marine Act, 1936 (46 U.S.C. 1201) is amended by striking "Commission" wherever it appears and substituting "Secretary of Transportation".

(114) Section 712 of the Merchant Marine Act, 1936 (46 U.S.C. 1202) is amended by—

- (A) striking "Commission" wherever it appears and substituting "Secretary of Transportation";
 - (B) striking "itself" in subsection (a) and substituting "himself";
 - (C) striking "its" in subsection (a) and substituting "his"; and
 - (D) striking "it" in subsection (a) and substituting "he".
- (115) Section 713 of the Merchant Marine Act, 1936 (46 U.S.C. 1203) is amended by—
- (A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and
 - (B) striking "its" in subsection "the Department of Transportation's".
- (116) Section 714 of the Merchant Marine Act, 1936 (46 U.S.C. 1204) is amended by—
- (A) striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation"; and
 - (B) striking "Secretary of Commerce's" and substituting "Secretary of Transportation's".
- (117) Section 715 of the Merchant Marine Act, 1936 (46 U.S.C. 1205) is amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".
- (118) Section 716 of the Merchant Marine Act, 1936 (46 U.S.C. 1206) is amended by—
- (A) striking "Department of Commerce" and substituting "Department of Transportation"; and
 - (B) striking "Secretary of Commerce" and substituting "Secretary of Transportation".
- (119) Section 801 of the Merchant Marine Act, 1936 (46 U.S.C. 1211) is amended by—
- (A) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and
 - (B) striking "it" the first time it appears in clause (3) and substituting "he".
- (120) Section 802 of the Merchant Marine Act, 1936 (46 U.S.C. 1212) is amended by striking "Commission" wherever it appears and substituting "Secretary of Transportation".
- (121) Sections 809 and 810 of the Merchant Marine Act, 1936 (46 U.S.C. 1213 and 1222) are amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".
- (122) Section 805 of the Merchant Marine Act, 1936 (46 U.S.C. 1223) is amended by striking "Commission" wherever it appears and substituting "Secretary of Transportation".
- (123) Section 806(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1224) is amended by striking "Commission" and substituting "Commission or the Secretary of Transportation".
- (124) Section 807 of the Merchant Marine Act, 1936 (46 U.S.C. 1225) is amended by—
- (A) striking "or before the Commission" in the first sentence and substituting "or before the Commission or the Secretary of Transportation"; and
 - (B) thereafter, striking the word "Commission" wherever it appears and substituting "Secretary of Transportation".
- (125) Section 806 (c) and (d) of the Merchant Marine Act, 1936 (46 U.S.C. 1228) is amended by—
- (A) striking "Commission" substituting "Commission or the Secretary of Transportation";

(B) striking "United States Maritime Commission" and substituting "Federal Maritime Commission or the Secretary of Transportation"; and

(C) inserting "or him" after "functions transferred to it" and after "vested in it" in the last paragraph.

(126) Section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) is amended by striking "Secretary of Commerce" wherever it appears in subsection (b)(2) and substituting "Secretary of Transportation".

(127) The Act of March 26, 1934 (46 U.S.C. 1241-1), is amended by striking "Commission" and substituting "Secretary of Transportation".

(128) Section 801 of the Act of June 2, 1951 (46 U.S.C. 1241a), is amended by—

(A) striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation"; and

(B) striking "Department of Commerce" and substituting "Department of Transportation".

(129) Section 101 of the Act of June 20, 1956 (46 U.S.C. 1241b), is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(130) The Act of August 1, 1956 (46 U.S.C. 1241c), is amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(131) Section 902 of the Merchant Marine Act, 1936 (46 U.S.C. 1242), is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(B) striking "Commission's" wherever it appears and substituting "Secretary's";

(C) striking "United States Maritime Commission" wherever it appears and substituting "Secretary of Transportation";

(D) striking "its" the first time it appears and substituting "his"; and

(E) striking "its" the second time it appears and substituting "the Department of Transportation's".

(132) The Act of June 29, 1940 (46 U.S.C. 1242a), is amended by—

(A) striking "United States Maritime Commission" and substituting "Secretary of Transportation";

(B) striking "Commission" wherever it appears and substituting "Secretary of Transportation"; and

(C) striking "it" in subsection (b) and substituting "he".

(133) Section 905 of the Merchant Marine Act, 1936 (46 U.S.C. 1244), is amended by—

(A) striking "Secretary of Commerce" in subsection (a) and substituting "Secretary of Transportation"; and

(B) striking subsection (e).

(134) Section 908 of the Merchant Marine Act, 1936 (46 U.S.C. 1247), is amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(135) Section 1101 of the Merchant Marine Act, 1936 (46 U.S.C. 1271), is amended by—

(A) striking "Secretary of Commerce" wherever it appears and substituting "Secretary"; and

(B) adding a new subsection (n) to read as follows:

"(n) The term 'Secretary' means the Secretary of Commerce with respect to fishing vessels and fishing facilities as provided by this "Secretary."

title, and the Secretary of Transportation with respect to all other vessels.”.

(136) Sections 1102, 1103, 1104, 1105, 1106, 1108, 1109, and 1110 of the Merchant Marine Act, 1936 (46 U.S.C. 1272, 1273, 1274, 1275, 1276, 1279a, 1279b, and 1279c), are amended by striking “Secretary of Commerce” wherever it appears and substituting “Secretary”.

(137) Section 101 of Public Law 85-469 (46 U.S.C. 1280), is amended by striking “Secretary of Commerce” and substituting “Secretary”.

(138) Section 1201(e) of the Merchant Marine Act, 1936 (46 U.S.C. 1281), is amended by striking “Secretary of Commerce” and substituting “Secretary of Transportation”.

(139) Section 1208 of the Merchant Marine Act, 1936 (46 U.S.C. 1288) is amended by striking “Secretary of Commerce” and substituting “Secretary of Transportation”.

(140) Section 601 of the Act of November 1, 1951 (46 U.S.C. 1288a), is amended by striking “Secretary of Commerce” and substituting “Secretary of Transportation”.

(141) Section 1213 of the Merchant Marine Act, 1936 (46 U.S.C. 1293), is amended by striking “Secretary of Commerce” wherever it appears and substituting “Secretary of Transportation”.

(142) Section 1301 of the Merchant Marine Act, 1936 (46 U.S.C. 1295), is amended by—

(A) striking “Secretary of Commerce” in paragraph (1) and substituting “Secretary of Transportation”; and

(B) striking “Assistant Secretary of Commerce for Maritime Affairs” in paragraph (2) and substituting “Maritime Administrator”.

(143) Section 1302 of the Merchant Marine Act, 1936 (46 U.S.C. 1295a), is amended by striking “Secretary of Commerce” in paragraph (1) and substituting “Secretary of Transportation”.

(144) Section 1303 of the Merchant Marine Act, 1936 (46 U.S.C. 1295b), is amended by—

(A) striking “and the Secretary of Transportation” in paragraph (e)(3);

(B) striking “the Secretary of the Department in which the United States Coast Guard is operating with respect to the United States Coast Guard and” in paragraph (e)(4); and

(C) striking “Assistant Secretary of Commerce for Maritime Affairs” in paragraph (i)(1) and substituting “Maritime Administrator”.

(145) Section 1304 of the Merchant Marine Act, 1936 (46 U.S.C. 1295c), is amended by—

(A) striking “and the Secretary of Transportation” in paragraph (g)(5); and

(B) striking “the Secretary of the department in which the United States Coast Guard is operating with respect to the United States Coast Guard and” in paragraph (g)(6).

(146) Section 14 of the Carriage of Goods by Sea Act (46 U.S.C. 1313) is amended by striking “Secretary of Commerce” and substituting “Secretary of Transportation”.

(147) Section 2 of the Civilian Nautical School Act (46 U.S.C. 1332) is amended by—

(A) striking “United States Maritime Commission” and substituting “Secretary of Transportation”; and

(B) striking “Commission” and substituting “Secretary”; and

(C) striking “it” and substituting “he”.

(148) Section 3 of the Civilian Nautical School Act (46 U.S.C. 1333) is amended by—

(A) striking "Board of Supervising Inspectors, with the approval of the Secretary of Commerce," in subsection (a) and substituting "Secretary of the Department in which the Coast Guard is operating or Secretary of the Treasury"; and

(B) striking "Secretary of Commerce" in subsection (b) and substituting "Secretary of the Department in which the Coast Guard is operating or Secretary of the Treasury".

(149) Section 3 of the Maritime Academy Act of 1958 (46 U.S.C. 1382) is amended by striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(150) Section 305(b) of the Act of June 19, 1934 (47 U.S.C. 305(b)), is amended by striking "United States Shipping Board Bureau or the United States Shipping Board Merchant Fleet Corporation" and substituting "Maritime Administration of the Department of Transportation".

(151) Section 352(a)(2) of the Act of June 19, 1934 (47 U.S.C. 352(a)(2)), is amended by striking "United States Maritime Commission" and substituting "Maritime Administration of the Department of Transportation".

(152) Sections 1, 2, and 3 of the Act of August 9, 1954 (50 U.S.C. 196, 197, and 198), are amended by striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(153) Section 3 of the Merchant Ship Sales Act (50 U.S.C. App. 1736) is amended by—

(A) striking "Commission" and substituting "Secretary";

(B) striking "United States Maritime Commission" and substituting "Secretary of Transportation"; and

(C) striking "Commission" wherever it appears and substituting "Secretary".

(154) Sections 4, 6, 7, 8, 10, and 13 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1737, 1739, 1740, 1741, 1743, and 1746) are amended by striking "Commission" wherever it appears and substituting "Secretary".

(155) Section 5 of the Merchant Ship Sales Act (50 U.S.C. App. 1738), is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary";

(B) striking "its" wherever it appears in subsection (a) and substituting "his";

(C) striking "Maritime Commission" and substituting "Secretary of Transportation";

(D) striking "Federal Maritime Board" wherever it appears and substituting "Maritime Administration"; and

(E) striking "Secretary of Commerce" wherever it appears and substituting "Secretary of Transportation".

(156) Section 2 of the Act of June 29, 1949 (50 U.S.C. App. 1738a), is amended by striking "Commission" wherever it appears and substituting "Secretary of Transportation".

(157) Section 11 of the Merchant Ship Sales Act (50 U.S.C. App. 1744) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary of Transportation";

(B) striking "it" the first time it appears in subsection (a)(1) and where it appears in subsection (a)(2) and substituting "the Department of Transportation";

(C) striking "it" where it appears for the second time in subsection (a)(1) and substituting "he"; and

(D) striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(158) Section 12 of the Merchant Ship Sales Act (50 U.S.C. App. 1745) is amended by—

(A) striking "Commission" wherever it appears and substituting "Secretary"; and

(B) striking "Secretary of Commerce" and substituting "Secretary of Transportation".

(159) Section 26 of the Merchant Marine Act, 1920 (46 U.S.C. 882) is amended by striking the words "Secretary of Commerce", and substituting "Secretary of the Department in which the Coast Guard is operating."

Approved August 6, 1981.

LEGISLATIVE HISTORY—H.R. 4074:

HOUSE REPORT No. 97-199 (Comm. on Merchant Marine and Fisheries).

CONGRESSIONAL RECORD, Vol. 127 (1981):

July 27, considered and passed House.

July 29, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 17, No. 32 (1981):

Aug. 6, Presidential statement.