

**Editorial Notes**

## AMENDMENTS

1988—Subsec. (a). Pub. L. 100-352 substituted “1254(2)” for “1254(3)”.

1982—Subsec. (b)(5). Pub. L. 97-369 struck out par. (5) which directed that the rates provide for revenues sufficient to amortize the principal of the debts and obligations of the Corporation over a period of not to exceed 50 years.

1970—Subsec. (a). Pub. L. 91-469, §43(b)(1), inserted requirement that any formula for a division of revenues which takes into consideration annual debt charges shall include the total cost, including both interest and debt principal, incurred by the United States in financing activities authorized by this chapter, whether or not reimbursable by the Corporation.

Subsec. (b)(4). Pub. L. 91-469, §43(b)(2), struck out “, payment of interest on the obligations of the Corporation,” after “depreciation”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-352 effective ninety days after June 27, 1988, except that such amendment not to apply to cases pending in Supreme Court on such effective date or affect right to review or manner of reviewing judgment or decree of court which was entered before such effective date, see section 7 of Pub. L. 100-352, set out as a note under section 1254 of Title 28, Judiciary and Judicial Procedure.

## TRANSFER OF FUNCTIONS

“Federal Energy Regulatory Commission” substituted for “Federal Power Commission” in subsec. (a) on authority of Pub. L. 95-91, title IV, §402(a)(1)(B), Aug. 4, 1977, 91 Stat. 583, which is classified to section 7172(a)(1)(B) of Title 42, The Public Health and Welfare.

## GREAT LAKES AND SAINT LAWRENCE SEAWAY

Pub. L. 101-101, title I, Sept. 29, 1989, 103 Stat. 642, provided: “That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete a reconnaissance study for the Saint Lawrence Seaway and Great Lakes-Financing Navigational Improvements Study, as authorized in section 47(d) of Public Law 100-676 [set out below], in accordance with the cost sharing provisions of Public Law 99-662 [Nov. 17, 1986, 100 Stat. 4082].”

Pub. L. 100-676, §47(d), Nov. 17, 1988, 102 Stat. 4042, provided that:

“(1) STUDY OF FINANCING NAVIGATIONAL IMPROVEMENTS.—The Secretary, in cooperation with other Federal agencies and private persons, is authorized and directed to contract with an independent party to conduct a study of cost recovery options and alternative methods of financing navigational improvements on the Great Lakes connecting channels and Saint Lawrence Seaway, including modernization of the Eisenhower and Snell Locks of the Saint Lawrence Seaway.

“(2) REPORT.—Not later than 18 months after the date of the enactment of this Act [Nov. 17, 1988], the Secretary shall transmit to Congress a report on the results of the study carried out under this subsection together with recommendations.

“(3) COST SHARING.—The non-Federal share of the cost of the study under this subsection shall be 50 percent; except that not more than 1/2 of such non-Federal share may be made by the provision of services, materials, supplies, or other in-kind services necessary to carry out the study.”

## REPORT ON REDUCTION OR ELIMINATION OF TOLLS ON GREAT LAKES AND SAINT LAWRENCE SEAWAY

Pub. L. 99-662, title XIV, §1406, Nov. 17, 1986, 100 Stat. 4272, provided that: “Not later than 2 years after the date of enactment of this Act [Nov. 17, 1986], the Sec-

retary of State, in consultation with the Secretary of Transportation, shall initiate discussions with the Government of Canada with the objective of reducing or eliminating all tolls on the international Great Lakes and the Saint Lawrence Seaway, and the Secretary of Transportation shall report to the Congress on the progress of such discussions and on the economic effects upon waterborne commerce in the United States of any proposed reduction or elimination in tolls.”

**§ 988a. Waiver of collection of charges or tolls**

(a) Notwithstanding section 988 of this title or any other provision of law, the Corporation shall not collect any charge or toll established pursuant to section 988 of this title with respect to a commercial vessel (as defined in section 4462(a)(4) of title 26).

(b) The Corporation will maintain a record of the annual amount of each charge or toll that would have been collected with respect to each such commercial vessel if it were not for paragraph (a) of this section.

(May 13, 1954, ch. 201, §13, as added Pub. L. 99-662, title XIV, §805(a)(4), Nov. 17, 1986, 100 Stat. 4272; amended Pub. L. 103-331, title III, §339, Sept. 30, 1994, 108 Stat. 2496.)

**Editorial Notes**

## AMENDMENTS

1994—Pub. L. 103-331 substituted “Waiver of collection” for “Rebate of” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) The Corporation shall transfer to the Harbor Maintenance Trust Fund, at such times and under such terms and conditions as the Secretary of the Treasury may prescribe, all revenues derived from the collection of charges or tolls established under section 988 of this title.

“(b)(1) The Corporation shall certify to the Secretary of the Treasury, in such form and at such times as the Secretary of the Treasury shall prescribe—

“(A) the identity of any person who pays a charge or toll to the Corporation pursuant to section 988 of this title with respect to a commercial vessel (as defined in section 4462(a)(4) of title 26),

“(B) the amount of the toll or charge paid by such person with respect to such vessel.

“(2) Within 30 days of the receipt of a certification described in paragraph (1), the Secretary of the Treasury shall rebate, out of the Harbor Maintenance Trust Fund, to the person described in paragraph (1) the amount of the charge or toll paid pursuant to section 988 of this title.”

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective April 1, 1987, see section 805(b) of Pub. L. 99-662, set out as an Effective Date of 1986 Amendment note under section 984 of this title.

**§ 989. Special reports**

(a) Repealed. Pub. L. 104-66, title I, §1121(j), Dec. 21, 1995, 109 Stat. 724.

(b) The Corporation, after July 17, 1957, shall submit special reports to the Congress whenever there is proposed a new feature, design, or phase of the seaway project, not heretofore included in estimates, or whenever there is proposed an abandonment of any feature, design, or phase, heretofore included in estimates, involving an estimated value exceeding one million dollars,

and such special reports shall include justification for the modifications.

(May 13, 1954, ch. 201, §10, 68 Stat. 96; Pub. L. 85-108, §1(5), July 17, 1957, 71 Stat. 308; Pub. L. 104-66, title I, §1121(j), Dec. 21, 1995, 109 Stat. 724.)

### Editorial Notes

#### AMENDMENTS

1995—Subsec. (a). Pub. L. 104-66 struck out subsec. (a) which read as follows: “The Corporation shall submit to the President for transmission to the Congress at the beginning of each regular session an annual report of its operations under this chapter.”

1957—Pub. L. 85-108 designated existing provisions as subsec. (a) and added subsec. (b).

### § 990. Offenses and penalties

#### (a) Application of penal statutes

All general penal statutes relating to the larceny, embezzlement, or conversion, of public moneys or property of the United States shall apply to the moneys and property of the Corporation.

#### (b) Frauds and false entries, reports, or statements

Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than five years, or both.

#### (c) Receipt of compensation, or conspiracy, with intent to defraud, etc.

Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the Corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than \$5,000 or imprisoned not more than five years, or both.

(May 13, 1954, ch. 201, §9, 68 Stat. 96.)

## CHAPTER 20—POLLUTION OF THE SEA BY OIL

### §§ 1001 to 1011. Repealed. Pub. L. 96-478, §12, Oct. 21, 1980, 94 Stat. 2303

Section 1001, Pub. L. 87-167, §2, Aug. 30, 1961, 75 Stat. 402; Pub. L. 89-551, §1(2), Sept. 1, 1966, 80 Stat. 372; Pub. L. 89-670, §6(g)(5), Oct. 15, 1966, 80 Stat. 941; Pub. L. 93-119, §2(1), Oct. 4, 1973, 87 Stat. 424; Pub. L. 97-449, §2(e)(1), Jan. 12, 1983, 96 Stat. 2440, defined terms used in this chapter.

Section 1002, Pub. L. 87-167, §3, Aug. 30, 1961, 75 Stat. 402; Pub. L. 89-551, §1(3), Sept. 1, 1966, 80 Stat. 373; Pub. L. 93-119, §2(2), Oct. 4, 1973, 87 Stat. 425, prohibited discharge of oil or oily mixtures, but included certain permissible discharges.

Section 1003, Pub. L. 87-167, §4, Aug. 30, 1961, 75 Stat. 402; Pub. L. 89-551, §1(4), Sept. 1, 1966, 80 Stat. 373; Pub. L. 93-119, §2(3), Oct. 4, 1973, 87 Stat. 425, excepted from the prohibition of section 1002 of this title discharges relating to securing safety of ship, prevention of damage to ship or cargo, saving life, and resulting from a damaged ship or unavoidable leakage.

Section 1004, Pub. L. 87-167, §5, Aug. 30, 1961, 75 Stat. 403; Pub. L. 89-551, §1(5), Sept. 1, 1966, 80 Stat. 374; Pub. L. 93-119, §2(4), Oct. 4, 1973, 87 Stat. 425, excepted from the prohibition of section 1002 of this title discharges relating to tanker ballast from cargo tank.

Section 1004a, Pub. L. 87-167, §6, as added Pub. L. 93-119, §2(5), Oct. 4, 1973, 87 Stat. 425, provided construction standards for United States tankers, the subsections relating to following subject matter: subsec. (a) tank arrangement and tank size limitation pursuant to provisions of annex C to convention and building contracts placed on or after effective date; subsec. (b) building contracts placed or keel laid before effective date; subsec. (c) domestic tankers without certificate of compliance or exemption prohibited from engaging in domestic or foreign trade; subsec. (d) foreign tankers with foreign registry but without certificate of compliance, consultation with foreign government, and denial of access; subsec. (e) foreign tankers without foreign registry and denial of access.

Section 1005, Pub. L. 87-167, §7, formerly §6, Aug. 30, 1961, 75 Stat. 403; renumbered and amended Pub. L. 93-119, §2(6), Oct. 4, 1973, 87 Stat. 426, related to penalties for violations, the subsections providing for following subject matter: subsec. (a) criminal penalties for willful violations and separate violations; subsec. (b) civil penalties for willful or negligent and other violations and separate violations; subsec. (c) liability of vessel and venue; and subsec. (d) administrative proceedings, assessment of civil penalties, remission, mitigation, or compromise of any penalty, notice and hearing, judicial proceedings, civil actions by Attorney General for collection of penalties, and trial de novo.

Section 1006, Pub. L. 87-167, §8, formerly §7, Aug. 30, 1961, 75 Stat. 403; renumbered Pub. L. 93-119, §2(7), Oct. 4, 1973, 87 Stat. 427, provided for suspension or revocation of license of officers of offending vessels.

Section 1007, Pub. L. 87-167, §9, formerly §8, Aug. 30, 1961, 75 Stat. 403; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; renumbered and amended Pub. L. 93-119, §2(8), Oct. 4, 1973, 87 Stat. 427, related to personnel for enforcement of provisions, arrest of offenders and procedure, and ship fittings and equipment.

Section 1008, Pub. L. 87-167, §10, formerly §9, Aug. 30, 1961, 75 Stat. 404; Pub. L. 89-551, §1(6), Sept. 1, 1966, 80 Stat. 374; renumbered and amended Pub. L. 93-119, §2(9), Oct. 4, 1973, 87 Stat. 427, provided for oil record books, the subsections relating to following subject matter: subsec. (a) printing and regulations of the Secretary; subsec. (b) supplying the books without charge and their inspection and surrender; subsec. (c) operations requiring recordation; subsec. (d) entries and signatures; and subsec. (e) rules and regulations.

Section 1009, Pub. L. 87-167, §11, formerly §10, Aug. 30, 1961, 75 Stat. 404; Pub. L. 89-551, §1(7), Sept. 1, 1966, 80 Stat. 375; renumbered and amended Pub. L. 93-119, §2(10), Oct. 4, 1973, 87 Stat. 428, authorized the Secretary to promulgate regulations for the administration of specific sections of this chapter.

Section 1010, Pub. L. 87-167, §12, formerly §11, Aug. 30, 1961, 75 Stat. 404; renumbered and amended Pub. L. 93-119, §2(11), Oct. 4, 1973, 87 Stat. 428, related to boarding of ships, production of records, and evidence of violations by foreign ships.

Section 1011, Pub. L. 87-167, §12, Aug. 30, 1961, 75 Stat. 404; Pub. L. 89-551, §1(8), Sept. 1, 1966, 80 Stat. 375, specified prohibited zones and provided for reduction or extension of such zones.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 2, 1983, see section 14(a) of Pub. L. 96-478, set out as an Effective Date note under section 1901 of this title.

#### SHORT TITLE

Pub. L. 87-167, §1, Aug. 30, 1961, 75 Stat. 402, as amended by Pub. L. 89-551, §1(1), Sept. 1, 1966, 80 Stat. 372,